

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2005-06**

HSS(2)-06-06(p.5a)
HEALTH AND SOCIAL CARE

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2005

	NAME/WORKING TITLE	PURPOSE	PROJECTED MONTH LEGISLATION TO BE MADE	1. STANDING ORDER 2. PROCEDURE – STANDARD OR EXECUTIVE 3. WALES / UK OR EUROPE
HSS 9(03)	Carmarthenshire, Ceredigion and Mid Wales and North Glamorgan NHS Trusts Amendment Orders (Identified for scrutiny 16/07/03)	To increase the number of Non-Executive Directors for these NHS Trusts by one additional member to bring the Establishment Orders into line with the number of Non-Executive Directors on the Trust Boards	This remains on hold	1. SO 24 2. Standard 3. Wales
HSS 24 (03)	The Children (Performances) (Amendments) (Wales) Regulations 2004	To remove current limits on the number of performances a child may undertake each year in film, TV or theatre; and to make some other aspects of regulation of such performances less restrictive.	Draft regulations in abeyance pending review of other aspects of the 1968 Regulations in the light of the Commissioner for Wales 'Clywch Report'- recommendation 21.17	1. SO 24 2. Standard 3. Wales
HSS 25 (03)	Private and Voluntary Healthcare (Amendment) (Wales) Regulations 2004	Brings into force powers to lay down National Minimum Standards for Independent Medical Agencies	Coming into force April 2006	1. SO 24 2.
HSS	Independent Medical	Lays down the National Minimum	follows on from	1. SO 29

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26 (03)	Agencies National Minimum Standards	Standards for Independent Medical Agencies	the above	
HSS 36 (03)	The National Health Service (Pharmaceutical Services) (Wales) Regulations 2005	Changes regarding control of entry rules around controlled areas. The First Minister agreed (29 th June 2004) to consult stakeholders on proposals to make regulatory changes to streamline the “Control of Entry” process (i.e. consideration of applications from pharmacies and the related appeals system) and to inform stakeholders that criteria will be developed to help determine that applications meet the requires “Essential Services” to be specified under the new pharmacy contractual framework which is currently being negotiated. The rurality element of these regs is still required. Regs now subject to a revised consultation exercise	Waiting for legislation timetable May 2006	1.SO24/SO22 2. Standard/Executive 3.UKWales
HSS 38 (03)	The National Health Service (Pharmaceutical Services) Regulations 2005/The National Health Service (Charges for Drugs & Appliances) (Wales) Regulations 2005 (??)	Amendments to the appliance contractors contract and reduce opportunities for fraud and abuse.	On hold awaiting outcome of further DH consultation	1. SO24/SO 22 2 Standard/Executive 3.Wales
HSS 44	Health Professions Order Consequential Amendments	Amendments required to NHS (Professions Supplementary to Medicine) Reg 1974 and	Not Known awaiting advice	1.SO24 2.Standard

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(03)		NHS (Speech Therapists) Reg 1974.		3.UK
HSS 48 (03)	The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 Remove from 2005-06 programme defer to 2006-07	Phase 1 of Healthy Start Scheme rolled out in Devon & Cornwall Regulation to specify the range of foods covered by the Healthy Start Scheme in Wales.	28 Nov 2005 Roll out in Wales expected late Autumn 2006 following evaluation by DOH of Phase 1	1. Unknown 2. Standard 3. Wales
HSS 14 (04)	Independent Review of Determinations (Phase 2) (Wales) Regulations 2005	Regulations establishing independent reviews of adoption panel determinations in respect of the disclosure of protected information	November 2006 CIF 31 December 2006	1. SO24 2. Standard 3. Wales
HSS 28 (04)	The National Health Service Complaints Procedure (Wales) Regulations 2005 identified on 3 March 2004 for consideration. Identified for Scrutiny on 3.3.04	To give a statutory basis to the new NHS complaints procedure introduced on 1 st April 2003 presently contained in the Directions to the NHS	No timescale at present but the Minister will keep the committee informed of developments	1. SO 24 1. S2.Standard 2. W3. Wales
HSS 36 (04)	The Water Act 2003 (Commencement No3) (Wales) Order 2005	To bring into force section 58 of the Water Act for the purpose of introducing water fluoridation consultation regulations in	Not Known Not planned for	1. SO 24 2. Anticipated Standard 2. W3.Wales

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	Identified for scrutiny on 23.6.04	Wales.	this year This position remains unchanged	
HSS 37 (04)	The Water Fluoridation (Wales Consultation) Regulations 2005 Identified for Scrutiny	To introduce regulations governing consultation arrangements for any water fluoridation scheme(s) that might be introduced in Wales	Not known Not planned for this year This position remains unchanged	1. SO 24 2. Anticipated Standard (with debate) 3. Wales
HSS 39 (04)	The National Health Service (Pharmaceutical Services) Regulations Identified for scrutiny Identified for Scrutiny	Original pack dispensing	No Timetable at present – On hold pending outcome of related consultation	1. SO 24 2. Standard 3. Wales
HSS 45 (04)	Proposed Primary care (charges to overseas visitors) Regulations 2005	To change and clarify the rules of eligibility of overseas visitor to receive free primary medical services	Not known – no timetable as yet Consultation completed. Ministerial decision To put on hold until further notice	1. SO 24 2. Anticipated Standard 3. Wales

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			Position remains the same	
HSS 57 (04)	The National Health Service (Pharmaceutical Services) Regulations 2005 Identified on 16.2.06 for Scrutiny	New Oxygen Contract	Contract commenced February 2006, legislation required for April/May	1. SO24 2. Standard 3. Wales
HSS 58 (04)	The National Health Service (Performers Lists) (Pharmacists) (Wales) 2005	To create a Performers list for Pharmacists	June 2006	1. SO 24 2. Standard 3. Wales
HSS 70 (04)	Shipman Inquiry Regulations 2005 Identified for scrutiny	Changes to existing regulations as a result of recommendations made in Shipman IV and Shipman V An Expert Working Group is being set up to look at all the Shipman, Neale and Ayling recommendations together. Regulations will only be made once the recommendations have been discussed.	Autumn/Winter 07	1. SO 24 2. Standard 3. Wales
HSS 71 (04)	Independent Prescribers Regulations 2005 Identified for Scrutiny	Introduce Independent Prescribing in Wales	Changes to primary Legislation due to come onto force on 1 April 2006.NHS Regs will need to be	1. SO24 2. Standard 3. Wales

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			changed to facilitate this in Wales timetable as yet unclear	
HSS 73 (04)	The Local Safeguarding Children Boards (Wales) Regulations 2006 Identified on 19-1-06 for Scrutiny	To establish Local Safeguarding Children Boards in Wales under section 31 of the Children Act 2004	March 2006	1. SO 24 2. Standard 3. Wales
HSS 76 (04)	The Care Standards Act 2000 and Children Act 1989 (Abolition of Fees) (Wales) Regulations 2005	Regulations to abolish all requirements under these Acts to pay fees in connection with regulation by the National Assembly (CSIW)	Target date for Plenary 21 March 2006	1. SO 24 2. Standard 3. Wales
HSS 02 (05)	Mental Capacity Act (2005) Regulations Identified on 25.05.05 for scrutiny	To specify the appropriate body to authorise research involving incapacitated person and matters regarding the continuation of research when a consenting person loses capacity. To set out matters regarding the appointment and functions of Independent Mental Capacity Act Advocates (IMCAA) and if deemed necessary to expand the role of IMCAAs	Target date for Plenary 13 March 2007 To take effect from April 2007	1. SO24 2. Standard 3. Wales

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		<p>To define the meaning of 'NHS Body' for specific sections in the Act</p> <p>To set the commencement date of these regulations for Wales (which must coincide with the commencement of the Act)</p>		
HSS 05 (05)	<p>Amendment to regulation 6 of The Health, Social Care and Well-being Strategies (Wales) Regulations 2003</p> <p>Identified for Scrutiny 25-05-05</p>	<p>Possible amendment to secondary care commissioning arrangements following review of NHS commissioning during 2005-06</p>	<p>To take effect from April 2006</p> <p>This timetable is likely to slip- a Commissioning Task & Finish Group (and 4 sub-groups) have been established to consider changes to commissioning framework. These groups will be reporting by the end of March 2006.</p> <p>Any requisite changes to legislation will be</p>	<p>1. Standard/Executive 2. Wales</p>

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			considered at that stage.	
HSS 07 (05)	The Community Health Council (Establishment of Carmarthenshire Community Health Council, Transfer of Functions and Abolition of Llanelli/Dinefwr Community Health Councils) Order 2006	To Abolish Carmarthen/Dinefwr and Llanelli/Dinefwr CHCs and create a new single CHC for Carmarthenshire in their place	To take effect from 1 st April 2006	1. SO24 2. Accelerated 3. Wales
HSS 08 (05)	The Health Professions Wales Abolition Order 2005 Identified for scrutiny 25-05-05	The Order abolishes on 1 April 2006 the body known as Health Professions Wales established under section 4 of the Health (Wales) Act 2003	subject committee 16 February 2006 due to come into force 31 March 2006	1. SO 24 2. Standard/Executive 3. Wales
HSS 17 (05)	Directions to Cardiff Local Health Board and Monmouthshire Local Health Board in respect of the commissioning of services for prisoners Identified on 13.7.05 for Scrutiny. Scrutinised on 1 Feb 2006	The amendment would be required to transfer responsibility for prison health to Local Health Boards in whose are the prison is located. However, consideration is also being given to the appropriateness of using Directions instead, which should be known in the next couple of weeks.	Plenary 21 March 2006 Coming into force April	1. SO29
HSS 18 (05)	Children (Private Arrangements for Fostering) (Wales) Regulations 2006	To strengthen and enhance the existing private fostering notification scheme so that local authorities can satisfy	Plenary 29 March. Coming	1. SO24 2. Standard 3. Wales

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	Identified for scrutiny 13.4.05 Scrutinised on 1 Feb 2006	themselves about the welfare of privately fostered children. These regulations are to be made under the Children Act 1989 as amended by the Children Act 2004 and will replace the Children (Private Arrangements for Fostering) Regulations 1991 in relation to Wales.	into force 1 April 2006	
HSS 19 (05)	The National Health Service (Travelling Expenses and Remission of Charges) Regulations 2006 Identified for scrutiny 16-2-06	To update the income allowances (required as part of the non-devolved tax credit system) for people eligible for help with health costs in line with England	April 2006	1. SO24 2. Standard 3. Wales
HSS 20 (05)	The National Health Service (Dental Charges) (Wales) Regulations 2006 Identified for Scrutiny 13.7.05 (scrutinised 23.11.05)	Provide for the making and recovery of charges for the provision of dental treatment and the supply of dental appliances under the National Health Service Act 1977	March/April 2006	1. SO 24 2. Standard 3. Wales
HSS 24 (05)	LHB (Constitution, Membership & Procedures)(Amendment)(Wales)2006 (NB This title is provisional) Identified for Scrutiny 5-10-05	Amendment of LHB (Constitution, Membership & Procedures)(Wales) Regs 2003 to address appointment and tenure issues It is intended to go out to consultation in mid-September, pursuing a standard procedure. The drafting lawyer is Nicola Frodsham (DLS)	April 2006	1. SO24 2. Standard 3. Wales

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HSS 25 (05)	The NHS (Performers Lists) (Wales) (Amendment) Regulations 2006 Identified for scrutiny 23.11.05 (scrutinised 1.2.06)	The Regulations provide for lists of persons performing primary dental care to be kept by Local Health Boards	March/April 2006	1. SO 24 2. Standards 3. Wales
HSS 27 (05)	Local Health Boards (Establishment) (Wales) (Amendment) Order 2006	Changes the name of RCT, Caerphilly and Powys Local Health Boards to Teaching Local Health Boards	February 2006	1. SO24 2. Standard 3. Wales
HSS 28 (05)	Directions to Rhondda Cynon Taff and Caerphilly Local Health Boards	Directions to the two LHBs to work together as a Teaching LHB	February 2006	SO 29.3 (IV) the draft should be considered by the subject committee and plenary committee
HSS 30 (05)	NHS (Charges for Drugs and Appliances) Regulations	To apply same rules to under 25s as over 25s: i.e. only those with Welsh prescription forms will be entitled to the lower charge, and possibly make changes to rectify cross border anomalies	April 2006	1. SO24 2. Accelerated 3. Wales
HSS 31 (05)	GDS Statement of Financial Entitlement Directions Identified for scrutiny 23.11.05 (scrutinised 19.1.06)	(made under section 28N of the NHS Act in respect of payments and GDS Contracts) set out what payments a contractor holding a GDS contract is entitled to. They also set out what persons providing general dental services under the old regime will be	March 2006	1. SO29 2. 3. Wales

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		entitled to by way of a minimum contract value guarantee		
HSS 32 (05)	PDS Statement of Financial Entitlement: Directions Identified for scrutiny 23.11.05 (scrutinised 19.1.06)	(made under section 28E(3A) of the NHS Act in respect of payments under PDS Agreements set out what payments are to be made to those providing services under a PDS Agreement	March 2006	1. SO29 2. 3.
HSS 33 (05)	The National Health Service (General Ophthalmic Services) and (Optical Charges and Payments) (Amendment) Wales Regulations 2006	Uplift the value of the optical vouchers paid to groups claiming income support and uplift the value of the NHS sight test and domiciliary visit fee	April 2006	1. SO24 2. Wales
HSS 38 (05)	Amendment Directions to Local Health Boards and NHS Trusts in Wales to implement NICE technology Appraisal guidance within three months of issue Identified for scrutiny 23/11/05. (Scrutinised 1-2-06)	Re-instate NICE's technology appraisal guidance Number 60 – 'Diabetes (types 1 and 2) – patient education models'. LHBs and Trusts will be required to implement the guidance from 1 April 2006	April 2006	1. SO29 2. Accelerated 3. Wales
HSS 40 (05)	The Children Act 2004 (Commencement No 6)(Wales) Order 2005	To bring into force the provisions set out in Part 3 and Part 5 of the Act, save those provisions within CO No 7 below.	Target Plenary date 21 March 2006 and coming into force 31	1. SO24 2. Accelerated 3. Wales

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			March 2006	
HSS 41 (05)	The Children Act 2004 (Commencement No 7)(Wales) Order 2005	To bring into force sections 25 and 31 of the Act in tandem with the provisions set out in CO No 6 above.	Target Plenary date 21 March 2006 and coming into force 31 March 2006	1. SO 25(2) 2. Accelerated 3. Wales
HSS 45 (05)	The National Health Service (General Medical Services Contracts) (Amendment) (Wales) Regulations 2006	Will provide amendments to the GMS Contracts Regulations to take account of policy developments	Spring/Summer 2006	1. SO24 2. 3. Wales
HSS 47 (05)	Directions to Local Health Boards as to the Statement of Financial Entitlements 2006	The Directions will outline the payments that LHBs have to make to Contractors in 2006/07 under their GMS Contract	1 st April 2006	1. SO29 2. 3.
HSS 49 (05)	The Local Health Board Medical Services (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of the amendments made to the GMS Contract Amendment Regs 2006 – HSS 45 (05) above refers	Spring/Summer 2006	1. SO29 2. 3.
HSS 51 (05)	The Alternative Provider Medical Services (Wales) (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of the amendments made to the GMS Contract Amendment Regs 2006 – HSS 45 (05) above refers	Spring/Summer 2006	1. SO29 2. 3.
HSS 52 (05)	The Primary Medical Services (Directed Enhanced Services) (Wales) Directions	Possible amendments to take account of current negotiations with the General Practitioners Committee on Enhanced	1 st April 2006	1. SO29 2. 3.

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	2006	Services as part of the 2006/07 review of the GMS contract		
HSS 53 (05)	The Commissioner for Older People in Wales Regulations 2006 (provisional title)	Regulations to make provision in relation to the functions of the Commissioner for Older People in Wales established under the Commissioner for Older People (Wales) Act	Anticipated Jan 2007 (subject to parliamentary process)	1. SO 24 2. Standard 3. Wales
HSS 1 (06)	The Commissioner for Older people in Wales (Appointment) Regulations 2006 (provisional title) Identified for Scrutiny 19-1-06	Regulations to make provision in relation to the appointment and term of office of the Commissioner for Older People in Wales established under the Commissioner for Older People (Wales) Act	Anticipated January 2007 (subject to parliamentary process)	1. SO24 2. Standard 3. Wales
HSS 2 (06)	The Community Care (Services for Carers and Children's Services) (Direct Payments) (Wales) Amendment Regulations 2006 Identified for Scrutiny 19-1-06	Regulations to extend the categories of people potentially eligible for direct payments to include all people aged 18 to 64 in receipt of community care services	Order planned to be made October 2006 coming into effect 1 November 2006	1. SO24 2. Standard 3. Wales
HSS 3 (06)	Adoption Agencies (Wales) Amendment Regulations 2006	To provide an exemption for agencies which promote and facilitate inter-agency placements	June 2006	1. SO24 2. Standard 3. Wales

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HSS 4 (06)	The Care Standards Act 2000 and the Children Act 1989 (Miscellaneous Amendments) (Wales) Regulations 2006 Identified for Scrutiny 19-1-06	To make across the board amendments to the regulations for services registered with CSIW, in the light of recent developments in the form of regulatory practice and the handing of complaints	Originally early July 2006 – now late 2006 to allow for HSSC scrutiny and summer recess	1. SO24 2. Standard 3. Wales
HSS 5 (06)	The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes Y GIG) (Establishment & Constitution) (Amendment) Order 2006	To amend the BSA Establishment Order 2005 to allow the full functions of the six listed ALBs to be assumed on their abolition on 31.03.06 (H/078 refers)	1 st April 2006	1. SO25.3 2. Assumed Standard 3. England and Wales
HSS 6 (06)	The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes Y GIG) (Establishment & Constitution) (Amendment) Regulations 2006	To amend the BSA Regulations 2005 to allow the full functions of the six listed ALBs to be assumed on their abolition on 31.3.06 (H/079 refers)	1 st April 2006	1. SO25.43 2. Assumed Standard 3. England and Wales
HSS 7 (06)	The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2006 Scrutinised 08-03-06	To effect an annual increase of the Personal Expenses Allowance for residents in care home who are financially supported by local authorities	April 2006	1. SO 24 2. Standard 3. Wales
HSS	The National Assistance	To effect annual increase to the upper and	April 2006	1. SO 24

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8 (06)	(Assessment of Resources) (Amendment) (Wales) Regulations 2006 Scrutinised 8-3-06	lower capital limits which local authorities take into account when assessing a person's ability to contribute towards the cost of their residential care		2. Standard 3. Wales
HSS 9 (06)	The Care Standards Act 2000-National Minimum Standards (NMS) for care homes for Younger Adults and for Older People Identified for Scrutiny 19-1- 06	To possibly introduce a limited number of relaxations to the NMS for care homes for younger adults as they apply to small care homes only, ie those with fewer than 3 residents. This follows a similar exercise undertaken last year for the NMS for care homes for older people, again as they applied to small care homes only.	October 2006	1. SO29 2. Standard 3. Wales
HSS 10 (06)	The NHS Pensions Agency (Asaintaeth Pensiynau'r GIG) Abolition Order 2006	The abolition of the NHS Pensions Agency as part of the transfer of functions to the NHS Business Services Agency (H/080 refers)	1 st April 2006	1. SO25.3 2. Assumed Standard 3. England and Wales
HSS 11 (06)	The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes Y GIG) (Directions) (Wales) 2006	Consequential amendments to take account of amendments to the NHSBSA (Amendment) Regulations 2006 HSS 59 (05) above refers	1 st April 2006	1. SO29.3 2. Standard 3. England & Wales
HSS 12 (06)	The NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) (Amendments) (Regulations 2006	To amend the NHSBT Regulations 2005 to make minor provisions relating to the suspension of the Chief Executive and disqualification for appointment.	1 st April 2006	1. SO29.3 2. Standard 3. England and Wales

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HSS 12 (06)	Regulatory Reform (Local Authorities) (England and Wales) Order 2006	Changes to the regulation of local authorities through consent regimes involving Section 4 Cancer Act 1939. To remove from the Cancer Act 1939 the requirement for English and Welsh local authorities to obtain Attorney General's consent before instituting prosecutions for publishing certain advertisements concerning cancer treatment and to change the duty on local authorities to institute prosecutions under the Act to a discretionary power.	June/July 2006	1. 2. 4. England and Wales
HSS 14 (06)	The General Dental Services, Personal Dental Services Transitional and Consequential Provisions (Wales) Order 2006	Further transitional provisions relating to the new contract under the 2003 Health and Social Care Act	March 2006	1. SO24 2. 3.
HSS 15 (06) (Amendment to the Care Standards Act	To incorporate the function of registration of the Pregnancy Advisory Bureaux to provide advice and information on pregnancy and termination under the Care Standards Act	March/April 2006	1. 2. Standard 3. Wales
		NEW ADDITIONS		
HSS 16 (06)	Sex Discrimination (Public Authorities) (Statutory Duties) Order 2006	The Orders will impose an obligation upon public authorities to publish a gender equality scheme by 6 th April 2007. Ministers and Government have given	June 2006	1. S.O 26 2. Not known 3. UK

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		numerous commitments that the gender duty provisions in the Equality Act 2006 will be operative from 6 April 2007 and that public authorities will be given 6 months to prepare for the gender duty obligations. If this commitment is not met Government's commitment to gender equality could be questioned and/or criticised.		
HSS 17 (06)	The Commissioner for Older People Wales Act Commencement Order.	To formally commence the provisions in the Commissioner for Older People Wales Act 2006.	Anticipated October 2006 (subject to parliamentary process)	1. SO 24 2. Accelerated 3. Wales
HSS 18 (06)	The Functions of Local Health Boards and the NHS Business Service Authority (Awdurdod Gwasanaethau Busnes y GIG) (Primary Dental Services) (Wales) Regulations 2006.	In relation to the new dental contract to provide for functions of Local Health Boards to be exercised by the new NHS Business Services Authority from 1 April	March 2006	1. SO24 2. 3. Wales
HSS 19 (06)	The National Health Service (General Dental Services Contracts and Personal Dental Services Agreements) Amendment (Wales) Regulations 2006	Minor changes to correct errors in the GDS Contracts and PDS Agreements Regulations which came into force in Wales on 1 March	March 2006	1.SO24 2. 3. Wales

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