

# Health and Social Services Committee

HSS(2)-17-06(p2a)

Meeting date: Thursday 30 November 2006

Venue: Committee Room 2, Senedd, National Assembly for Wales

Title: Schedule of Secondary Legislation 2006-07

	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 16/07/03 for scrutiny)	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 2007	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.	Plenary due 6 March 2007	1. SO 24  2. Standard  3. Wales

<p>HSS 36 (03)</p>	<p>The National Health Service (Pharmaceutical Services) (Wales) Regulations 2005</p>	<p>Changes regarding control of entry rules around controlled areas. The First Minister agreed (29<sup>th</sup> 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</p> <p>Outcome of consultations are currently being summarised and proposals drafted for Minister's consideration</p>	<p>timetable not yet fixed</p>	<p>1.SO24/SO22 2. Standard/Executive 3.UKWales</p>
<p>HSS 38 (03)</p>	<p>The National Health Service (Pharmaceutical Services) Regulations 2005/The National Health Service (Charges for Drugs &amp; Appliances) (Wales) Regulations</p>	<p>Amendments to the appliance contractors contract and reduce opportunities for fraud and abuse.</p>	<p>On hold awaiting outcome of further DH consultation</p>	<p>1. SO24/SO 22 2 Standard/Executive 3.Wales</p>

	2005 (??)			
HSS 44 (03)	Health Professions Order Consequential Amendments	Amendments required to NHS (Professions Supplementary to Medicine) Reg 1974 and NHS (Speech Therapists) Reg 1974.	Not Known awaiting advice	1.SO24 2.Standard 3.UK
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 on 3.3.04 for Scrutiny	To give a statutory basis to the new NHS complaints procedure introduced on 1 <sup>st</sup> 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 2. Standard 3. Wales

<p>HSS 36 (04)</p>	<p>The Water Act 2003 (Commencement No3 ) (Wales) Order 2005</p> <p>Identified on 23.6.04 for scrutiny</p>	<p>To bring into force section 58 of the Water Act for the purpose of introducing water fluoridation consultation regulations in Wales.</p>	<p>Not Known</p> <p>Not planned for this year</p> <p>This position remains unchanged</p>	<p>1. SO 24</p> <p>2. Anticipated Standard</p> <p>3. Wales</p>
<p>HSS 37 (04)</p>	<p>The Water Fluoridation (Wales Consultation) Regulations 2005</p> <p>Identified on 23.6.04 for Scrutiny</p>	<p>To introduce regulations governing consultation arrangements for any water fluoridation scheme(s) that might be introduced in Wales</p>	<p>Not known</p> <p>Not planned for this year</p> <p>This position remains unchanged</p>	<p>1. SO 24</p> <p>2. Anticipated Standard (with debate)</p> <p>3. Wales</p>
<p>HSS 39 (04)</p>	<p>The National Health Service (Pharmaceutical Services) Regulations</p> <p>Identified for Scrutiny</p>	<p>Original pack dispensing</p>	<p>No Timetable at present – On hold pending outcome of related consultation</p>	<p>1. SO 24</p> <p>2. Standard</p> <p>3. Wales</p>
<p>HSS 45 (04)</p>	<p>Proposed Primary care (charges to overseas visitors) Regulations 2005</p>	<p>To change and clarify the rules of eligibility of overseas visitor to receive free primary medical services</p>	<p>Amendments to the Regulations have been suspended due to a Department of Health decision post consultation'</p>	<p>1. SO 24</p> <p>2. Anticipated Standard</p> <p>3. Wales</p>

<p>HSS 57 (04)</p>	<p>The National Health Service (Pharmaceutical Services) Regulations 2005</p> <p>Identified on 16-2-06 for Scrutiny</p>	<p>Remove WP10s as a method of prescribing oxygen</p>	<p>Legislation postponed until April 2007</p>	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
<p>HSS 58 (04)</p>	<p>The National Health Service (Performers Lists ) (Pharmacists) (Wales) 2005</p>	<p>To create a Performers list for Pharmacists</p>	<p>Currently on hold</p>	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
<p>HSS 70 (04)</p>	<p>Shipman Inquiry Regulations 2005</p> <p>Identified on 12 January 2005 for scrutiny</p>	<p>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.</p>	<p>not known</p>	<ol style="list-style-type: none"> <li>1. SO 24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

<p>HSS 71 (04)</p>	<p>Independent Prescribers Regulations 2005</p> <p>scrutinised on 15 November 2006</p>	<p>Introduce Independent Prescribing in Wales</p>	<p>Changes to primary Legislation came into force on 1 May 2006. Regs will be debated in Plenary in February 07</p>	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
<p>HSS 02 (05)</p>	<p>Mental Capacity Act (2005) Regulations</p> <p>Identified on 25.05.05 for scrutiny</p> <p>To be scrutinised on 13 December</p>	<p>To specify the appropriate body to authorise research involving incapacitated person and matters regarding the continuation of research when a consenting person loses capacity.</p> <p>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</p> <p>To define the meaning of 'NHS</p>	<p>Target date for Plenary 13 March 2007 To take effect from April 2007</p>	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

		<p>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 on 25-05-05 for Scrutiny</p>	<p>To change the operative period of the Health, Social Care and Well-Being Strategies from 5 years to 3 years from April 2008;</p> <p>To revoke the duty on the responsible bodies to provide a written procedure for co-operation before starting the process;</p> <p>To revoke the need for consultation on the Needs Assessment;</p> <p>To include equality issues in the list of matters which the strategy must address;</p> <p>To revoke the need for</p>	<p>Was to take effect from April 2006 – but target coming into force date is now 1 April 2007</p> <p>This timetable has slipped- a Commissioning Task &amp; Finish Group (and 4 sub-groups) have been established to consider changes to commissioning framework. These groups reported to the Director of Strategy at the end of March 2006.</p> <p>A new Commissioning Framework has been developed that strengthens the role of the</p>	<p>1. SO24</p> <p>2. Standard/Executive</p> <p>3. Wales</p>

		<p>responsible bodies to provide the Assembly with written details why it has not entered into a commissioning group for secondary care service;</p> <p>To update references to other strategies and plans, such as the Children Act 2004 and Children and Young People's Plans;</p> <p>To remove the duty for Children and Young People's Plans (formerly Children's Services Plans) together with Community Care Plans AND Health, Social Care and Well-being Strategy</p>	<p>Health, Social Care and Well-being Strategies.</p>	
<p>HSS 24 (05)</p>	<p>LHB (Constitution, Membership &amp; Procedures) (Amendment) (Wales)2006 (NB This title is provisional)</p> <p>Identified on 5-10-05 for Scrutiny</p>	<p>Amendment of LHB (Constitution, Membership &amp; Procedures) (Wales) Regs 2003 to address appointment and tenure issues</p> <p>It is intended to go out to consultation in</p>	<p>Slippage has occurred more likely date spring 07 liaising with DLS &amp; corporate governance colleagues</p>	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>



		mid-September, pursuing a standard procedure. The drafting lawyer is Nicola Frodsham (DLS)		
	TP be removed	This amendment regulation contained minor amendments - most being consequential due to the introduction of the HSS 71(04). Therefore the lawyer drafting those regs agreed to pick up the General Medical Services consequential amendments in these regs. In addition another of the amendments contained in the regs had to be made urgently and was made by executive procedure which came into force on the 16th November. This only left one or two minor amendments in the proposed regs. It has therefore been decided to pick them up in the next round of		

		GMS amendment regs.		
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	1 <sup>st</sup> February 2007	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	1 <sup>st</sup> February 2007	1. SO29 2. 3.
HSS 53 (05)	The Commissioner for Older People in Wales Regulations 2006 (provisional title)  Identified for scrutiny on 23.11.2005  To be scrutinised on 30.11.06	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	February 2007	1. SO 24  2. Standard  3. Wales

<p>HSS 1 (06)</p>	<p>The Commissioner for Older people in Wales (Appointment) Regulations 2006 (provisional title)</p> <p>Identified on 19.1.06 for Scrutiny</p> <p>To be scrutinised on 30.11.06</p>	<p>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</p>	<p>February 2007</p>	<p>1. SO24</p> <p>2. Standard</p> <p>3. Wales</p>
<p>HSS 3 (06)</p>	<p>Adoption Agencies (Wales) Amendment Regulations 2006</p>	<p>To provide an exemption for agencies which promote and facilitate inter-agency placements</p>	<p>Unknown</p>	<p>1. SO24</p> <p>2. Standard</p> <p>3. Wales</p>
<p>HSS 4 (06)</p>	<p>The Care Standards Act 2000 and the Children Act 1989 Regulatory Reform and (Complaints) ( Wales) Regulations 2006</p> <p>Identified for Scrutiny 19-1-06</p> <p>Scrutinised on 28.9.06</p>	<p>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</p>	<p>HSSC scrutiny September 2006 Plenary December 2006</p>	<p>1. SO24</p> <p>2. Standard</p> <p>3. Wales</p>

HSS 9 (06)	<p>The Care Standards Act 2000-National Minimum Standards (NMS) for care homes for Younger Adults and for Older People</p> <p>Identified on 19-1-06 for Scrutiny</p>	<p>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 in 2004 for the NMS for care homes for older people, again as they applied to small care homes only.</p>	<p>Estimated to go to Committee in March 2007</p>	<p>1.SO29</p> <p>2.Standard</p> <p>3.Wales</p>
HSS 21 (06)	<p>The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes Y GIG) (Directions) (Wales) 2006</p>	<p>Consequential amendments to take account of amendments to the NHSBSA (Amendment) Regulations 2006 HSS 59 (05) – more detailed Directions to replace Directions issued on 31.3.06 (previous ref HSS 11/06 referred)</p>	<p>No date yet</p>	<p>1. SO 29.3</p> <p>2. Standard</p> <p>3. Wales</p>

<p>HSS 23 (06)</p>	<p>NHS ( Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations</p> <p>scrutinised on 15 November 2006.</p>	<p>To abolish the prescription charge</p>	<p>Plenary on 23<sup>rd</sup> January 2007</p>	<p>1. SO24</p> <p>2. Standard</p> <p>3. Wales</p>
<p>HSS 24 (06)</p>	<p>The National Health Service (Travelling Expenses and Remission of Charges) Regulations 2006</p> <p>Identified on 15.6.06 for Scrutiny</p>	<p>To consolidate the existing Regulations</p>	<p>April 2007</p>	<p>1. SO24</p> <p>2. Standard</p> <p>3. Wales</p>
<p>HSS 25 (06)</p>	<p>Placement of Children and Miscellaneous Amendments (Wales) Regulations 2007</p> <p>Identified on 5.07.06 for Scrutiny</p> <p>To be scrutinised on 13 December to comply with SO 31 requirements</p> <p>See HSS 41 (06) below</p>	<p>To strengthen arrangements for placements, health and education of looked after children-details are included with the feasibility report tabled by Business Unit on 31 May 2006 and debated in plenary on 7 June 2006</p>	<p>July 2007</p>	<p>SO24 &amp; SO29</p> <p>Regs and statutory guidance will be issued under Children Act 2004 and Local Authority Social Services Act 1970</p>

To be removed:  
The Minister has decided that the management of the statutory committees is to remain in the Assembly

HSS 27  
(06)

International Health Regulations (HR) 2005

The IHR are the means by which the World Health Organisation aims to prevent and control the international spread of disease and protect health. The Department of Health is looking to implement the IHR with changes to primary legislation. Wales will be required to prepare the Secondary legislation required to fulfil the requirements of IHR 2005

The changes to the primary legislation are included in the Health and Social Care Bill which will be ready for introduction in the 2006/07 session (November 2006 Relevant Regulations in the UK must be in place by June 2008 to fulfil the requirements of IHR 2005.

- 1.
- 2.
- 3.UK

HSS 28 (06)	The Local Health Boards Dental Services Directions 2006  Identified on 5.07.06 for Scrutiny	Sets out the requirements for LHBs if they directly provide primary dental services under section 16CA(2) of the 1977 Act	January 2007	1. SO29  2. Standard  3. Wales
HSS 29 (06)	The National Health Service (General Ophthalmic Services) Continuing Education and Training 2006	To allow payments to ophthalmic professionals for continuing education and training	January 2007	1.  2. Standard  3.
HSS 31 (06)	The Smoke-Free Premises etc (Wales) Regulations 2007  Identified on 28.09.06 for Scrutiny  For scrutiny on 30.11.06	Regulations to make enclosed public places and workplaces smoke-free, in line with the provisions of Chapter 1 of the Health Act 2006.	Plenary January/ February 2007 coming into force 2 April 2007	1. SO24  2. Standard  3. Wales
HSS 32 (06)	Local Authority Adoption Services (Wales) Regulations 2006  Identified on 28.09.06 for Scrutiny	Provide a regulatory framework for local Authority adoption services.	Plenary 28.03.07	1. SO24  2. Standard  3. Wales

HSS 33 (06)	Children and Adoption Act 2006 (Commencement No 1) (W) Order 2007	Power to charge in relation to section 83 cases and regulations made under section 1 of the Adoption (Inter-country Aspects) Act 1999 apply	Coming into force 1 April 2007	1. SO24 2. Standard 3. Wales
HSS 34 (06)	The National Health Service (General Ophthalmic Services) Continuing Education and Training Directions to LHBs 2006	Sets out the requirements for LHBs to process payments for continuing education and training for optometrists and the ophthalmic medical profession	January 2007	1. SO29 2. Standard 3.
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HSS 38 (06)	The National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2006	The Regulations remove the reference to 'crowns in other materials' in the list of appliances for which a Band 3 charge may be made and recovered in schedule 3 to the Regulations	December 2006	1. SO29 2. Standard 3. Wales



<p>HSS 39 (06)</p>	<p>National Health Service Wales The Pharmaceutical Services (Advanced and Enhanced Services ) (Wales) (Amendment) Directions</p> <p>Scrutinised on 15<sup>th</sup> November 2006</p>	<p>To amend the 2005 Directions with regard to the criteria for undertaking Medicines Use Reviews</p>	<p>11 December 2006</p>	<p>1. SO29</p> <p>2. Standard</p> <p>3.</p>
		<p>NEW ADDITIONS</p>		
<p>HSS 40 (06)</p>	<p>The references to Health Authorities (Wales) Order 2007</p>	<p>To amend references to Health Authority/ies in various pieces of legislation as a result of the abolition of Health Authorities</p>	<p>1<sup>st</sup> April 2007</p>	<p>1. SO24</p> <p>2. Standard</p> <p>3.</p>
<p>HSS 41 (06)</p> <p>(seeHSS 25-06)</p>	<p>Placement of Children (Wales) Regulations 2007</p> <p>Children's Homes ( Wales Amendment) Regulations 2007</p> <p>Local Health Boards (Functions) (Wales Amendments) Regulations 2007</p>	<p>The changes proposed to this and the three sets of regulations that follow are interrelated. As such they should be considered as a package, which alongside statutory guidance to be issued under the CA2004, aim arrangements for the placement, health, education</p>	<p>1 July 2007</p>	<p>1.SO24 &amp;SO29</p> <p>2. Standard</p> <p>3. Wales</p>

	<p>Review of Children Cases (Wales) Regulations 2007</p> <p>The instruments were identified for scrutiny on 5 July 2006</p> <p>For scrutiny on 13 December to comply with SO 31 requirements</p>	<p>and wellbeing of looked after children.</p> <p>The proposed changes also amend the responsible commissioner arrangements for certain categories of children placed away from their home area.</p> <p>The proposals aim to deliver on commitments made by the Minister for H&amp;SS in his feasibility report tabled by Business Unit on 31 May and debated in Plenary on 7 June.</p>		
HSS 42 (06)	The Codes of Conduct and Accountability for NHS Boards and the Code of Conduct for NHS Managers Directions 2006	To NHS Bodies to strengthen the governance arrangements within NHS Wales	As soon as possible	<ol style="list-style-type: none"> <li>1. SO29</li> <li>2. Standard</li> <li>3. Wales</li> </ol>

HSS 43 (06)	The Health Act 2006 (Commencement No 1 and Transitional Provisions) (Wales) Order 2007	To bring into force all the provisions of the Health Act 2006 relating to (1) smoke-free premises, places and vehicles, in so far as they are not already in force; (2) counter fraud functions in relation to the health service in Wales, in so far as they are not already in force; and (3) accounts and audit provisions in relation to Welsh NHS bodies in so far as they are not already in force.	23 January 2007	<ol style="list-style-type: none"> <li>1. so24</li> <li>2. Standard</li> <li>3. Wales</li> </ol>
HSS 44 (06)	The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment No. 3 Directions 2006	Will outline the administration of the new vaccines introduced into the Childhood Programme and for the Pneumococcal catch-up programme and the arrangements for payments to Contractors	December 2006	<ol style="list-style-type: none"> <li>1. SO29</li> <li>2.</li> <li>3. Wales</li> </ol>
HSS 45 (06)	Local Health Board ( Childhood Immunisation Programme) Directions 2006	Places an obligation on LHBs to ensure all children have access to the new vaccinations	December 2006	<ol style="list-style-type: none"> <li>1. SO29</li> <li>2.</li> <li>3. Wales</li> </ol>

HSS 46 (06)	The Primary Medical Services (Directed Enhanced Services) (Amendment) (Wales) Directions 2007	Dependent on negotiations on the GMS contract for 2007/09, there may be amendments to these Directions	1 <sup>st</sup> April 2007	<ol style="list-style-type: none"> <li>1. SO29</li> <li>2.</li> <li>3. Wales</li> </ol>
HSS 47 (06)	National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2007	To bring into force changes proposed by the Department of Health in Relation to certain categories of overseas visitors	As soon as possible	<ol style="list-style-type: none"> <li>1. SO24</li> <li>2. Standard</li> <li>3. UK/Wales</li> </ol>