

**ANNEX B  
HEALTH AND SOCIAL SERVICES PORTFOLIO  
SUBORDINATE LEGISLATION PROGRAMME 2002/03**

**PLEASE NOTE: ALL CHANGES FROM PREVIOUS REPORT ARE SHADED**

**Projected Month Legislation To Be Made** – Is the month that the Legislation is likely to come before Plenary for approval. Members are notified of draft instruments under Standing Order 22.1, and notification usually occurs at least 6 weeks in advance of proposed instruments coming forward to Plenary. Upon notification, Members will be invited to make representations as to whether a proposed instrument merits formal consideration by a Subject Committee. The Deputy Presiding Officer is required to make a determination as to whether a proposed instrument is to be considered formally by a Subject Committee under the ‘extended’ procedure (see below), having regard to any advice the Business Committee may provide and any representations received from Members.

**Minister’s Recommended Procedure** - Is the Standing Order procedure that the Welsh Assembly Government is likely to recommend should be adopted having regard to the nature of the proposed instrument and judgement as to how much scrutiny AMs may want to exercise. The procedures are ‘Standard’ (Legislation Committee scrutiny and voted in Plenary with debate); ‘Accelerated’ (Legislation Committee scrutiny and voted in Plenary without debate); ‘Extended’ (formal Subject Committee scrutiny, Legislation Committee Scrutiny and voted in Plenary with or without debate).

**This forward programme remains subject to Ministerial confirmation, change, addition or withdrawal of items.**

**November 2002 onwards**

<b>No</b>	<b>Name/working title</b>	<b>Purpose of Legislation</b>	<b>Projected Month Legislation to be made</b>	<b>Minister’s Recommended Procedure</b>	<b>Derived from (eg EU, UK or Welsh only Legislation)</b>
<b>12-02</b>	Regulations under the National Health service Act 1977 as amended (sections 29(5A), 36(1B), 39(4) and 42) –Declarations of financial interests etc.	Regulations requiring GPs and practitioners to declare financial interests.	Timing now uncertain (Possibly Late 2003)	Standard	UK
<b>14-02</b>	Regulations under section 42 of the National Health Service Act 1977 – control of	Probity regulations for Pharmacy and supplementary lists for	Timing now uncertain (Possibly Late 2003)	Accelerated	

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	entry	pharmacy, dentistry and opticians. Amendment to existing GMS and GMS supplementary list regs to make CRB checks compulsory			
<b>16-02</b>	<b>Amendment to Directions issued under the National Health Services Act 1977</b>	To allow the NHS in Wales additional time to implement specific NICE Technical	November 2002	SO 27	Wales
<b>17-02</b>	Order under section 58(1A) of the Medicines Act 1968 – prescribing rights	To enable supplementary prescribing. Changes will be required to the Pharmaceutical Order as needed following changes to primary legislation	Timing uncertain	Accelerated	Wales
<b>18-02</b>	Changes to the Regulations governing NICE to allow for the transfer of SERNIP from the Royal Colleges to NICE. Further changes to function of NICE under direction (SO 27)	Allow for the transfer of SERNIP (The Safety and Efficacy Register on New Interventional Procedures) from the Royal Colleges to NICE (National Institute for Clinical Excellence). Further changes to function of NICE under direction (SO 27)	Part completed June 2002, remaining issues to be completed Jan 2003	Accelerated	UK
<b>21-02</b>	Regulations under Sections 122A(5)	To carry out post payment verification checks on	November 2002	Accelerated	

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	And 122A(6) of NHS Act 1977	prescriptions and implementation of follow up action, including Penalty Notices and Surcharges.			
<b>22-02</b>	Th Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003	Order Abolishing Health Authorities in Wales pursuant to the NHS and Healthcare Professions Act 2002	March 2003	Standard	Welsh only Legislation
<b>27-02</b>	The Local Health Boards (Transfer of assets and liabilities) Wales Regulations	<ul style="list-style-type: none"> <li>• Transfer of property, rights and liabilities to LHBs.</li> <li>• Make any ancillary or consequential provisions.</li> </ul>	February 2003	Executive	Welsh Legislation only
<b>28-02</b>	The Health and Well-being Strategies (Wales) Regulations	<ul style="list-style-type: none"> <li>• Implement policy on content, obligations, etc.</li> <li>• Commissioning partnerships</li> </ul>	Debated 28.1.03	Standard	Welsh Legislation only
<b>29-02</b>	CHI (Amendment) (Wales) regulations Changes to functions of Commission under direction (SO 27)	<ul style="list-style-type: none"> <li>• New function of impending NHS organisations</li> <li>• Provision for CHI (Commission for Health Improvement) to propose use of special measures</li> <li>• New function of carrying out clinical audits (result</li> </ul>	Being considered 12 March at HSSC. New Regs will come into force April following commencement orders.	Standard	UK

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		of Kennedy Response) <ul style="list-style-type: none"> <li>• Requirement for CHI to submit and annual state of the nation report to Parliament and the Assembly</li> <li>• New Office of Healthcare Performance</li> <li>• Confer rights of entry + define persons authorised to inspect premises and documents.</li> <li>• Address disclosure of confidential information.</li> <li>• Changes to the Assembly input into Chief Executive appointment</li> </ul>			
<b>30-02</b>	The Abortion (Amendment) (Wales) Regulations 2002	To implement changes to the abortion notification form HS4 to ensure compliance with the Human Rights Act and to make any future amendments easier to introduce.	November 2002	Standard	
<b>32-02</b>	Amending, by order(s), the Crime and Disorder Act 1998 in relation to Crime and Disorder reduction	To put substance misuse strategies on a statutory basis by placing a duty on responsible authorities to	November 2002	Standard	

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	partnerships/strategies	develop and implement such a strategy as well as that for crime and disorder			
<b>34-02</b>	Commencement Order in respect of the Protection of Vulnerable Adults under the Care Standards Act 2000	To enable the Secretary of State for Health to create and maintain across England and Wales a list of workers in the health and social care sector who are considered a risk to vulnerable adult patients and users of those services and to operate an appeal process. To require employers in the health and social care sector to refer names to the list for checking.	Under Review	Standard	UK
<b>37-02</b>	Regulations under 79V of the Care Standards Act 2000	Place a duty on local authorities to provide information and training relating to childminding and day care.	No date yet agreed	Recommendation pending.	UK
<b>38-02</b>	Adoption and Children Act 2002 Commencement Order No.*	To commence sections of Act relating to adoption allowances and independent review mechanism for prospective adopters.	June 2003	Standard	UK
<b>39-02</b>	Adoption and Children Act 2002 Adoption Support	To make provision about assessments for and the	June 2003	Standard	UK

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	Services Regulations	provision of adoption support services.			
<b>40-02</b>	Adoption and Children Act Commencement	Secretary of State for Health to consult National Assembly on a commencement order to bring into force provisions in the Adoption and Children Act covering restrictions on bringing children into the country.	March 2003	Recommendation pending.	UK
<b>41-02</b>	Adoption and Children Act Commencement	Secretary of State for Health to consult National Assembly on a commencement order to bring into force provisions in the Adoption and Children Act covering the Designated List;	March 2003	Recommendation pending.	UK
<b>42-02</b>	Adoption and Children Act Commencement	Secretary of State for Health to consult National Assembly on a commencement order to bring into force provisions in the Adoption and Children Act covering Internet advertising.	March 2003	Recommendation pending.	UK
<b>43-02</b>	Adoption and Children Act 2002 Review of Determination Regulations	To establish a procedure whereby a prospective adopter may apply for a review of a determination made by an adoption agency	June 2003	Standard	UK

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<b>44-02</b>	Care Standards Act 2000 Fostering Services (Wales) Regulations 2003	To regulate the functions of fostering services under the Care Standards Act	4 February 2003	Standard	UK
<b>45-02</b>	Care Standards Act 2000 Adoption Services Regulations – Voluntary Adoption Agencies	To regulate the functions of Voluntary Adoption Agencies under the Care Standards Act – Joint regulations with Dept of Health	28February 2003	Accelerated	UK
<b>47-02</b>	Local Authority Adoption Services (Wales) Regulations 2003	Regulations to govern the management and conduct of local authority adoption services	12 March2003	Accelerated	UK
<b>48-02</b>	Nurses' Agencies (Wales) Regulations 2002	Regulations to govern the management and conduct of nurses' agencies.	May 2003	Standard	
<b>49-02</b>	Domiciliary Care Agencies (Wales) Regulations 2002	Regulations to govern the management and conduct of domiciliary care agencies.	July 2003	Standard	UK
<b>50-02</b>	Residential Family Centres (Wales) Regs 2002	Regulations to address the management and conduct of residential family centres.	March 2003	Standard	UK
<b>51-02</b>	The Registration of Social Care and Independent Healthcare (Applications for Registration) (Amendment) Regulations 2002	Amendment Regulations to add domiciliary care, residential family centres and other care settings to the main Regulations.	Amendments will be incorporated into sectoral regs.	Standard	
<b>52-02</b>	The Registration of Social Care and Independent Healthcare (Fees)	Regulations to add the fee structure for domiciliary care etc covered by the Care	Amendments will be incorporated into sectoral regs.	Accelerated	UK

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	(Amendment) Regulations 2002	Standards Act 2000 to the main Regulations.			
<b>53-02</b>	The Care Standards Act 2000 (Commencement NoX (Wales) and Transitional and Savings Provisions) Order	To commence those parts of the Act relating to domiciliary care; residential family centres; fostering and adoption agencies; nurses agencies; and boarding schools. And to provide for transitional arrangements.	January/February 2003	Accelerated	
<b>54-02</b>	Fostering Services – National Minimum Standards	Linked to Fostering services regulations – see above	January 2003	SO.27	UK
<b>56-02</b>	Domiciliary Care - National Minimum Standards	See Domiciliary Care Regulations – above	July 2003	SO.27	UK
<b>57-02</b>	Residential Family Centres - National Minimum Standards	See Residential Family Centre Regulations – above	March 2003	SO.27	UK
<b>60-02</b>	Children Act Miscellaneous Amendment Regulations	Updating definitions in several sets of regulations following on from the commencement of the Care Standards Act 2000	November 2002 – approved in Plenary	Accelerated	UK
<b>61-02</b>	Arrangements for Placement of Children (General) and the Review of Children's Cases (Amendment) regs	Amendments to the content and timing of health assessment for children in care and the persons whom Las must notify if a child has a change of placement	December 2002 - approved in Plenary 4 Dec 02	Standard	UK
<b>62-02</b>	National Minimum Standards for Residential Special	To set minimum standards of care provision for Residential	February 03	SO.27	UK



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	schools	Special schools			
<b>63-02</b>	National Minimum Standards for FE Colleges	To set minimum standards of care provision for FE Colleges	February 2003	SO.27	UK
<b>64-02</b>	The Review of Children's Cases (amendment regs)		As per 61-02 a combined order was approved		
<b>65-02</b>	The Inspection of Boarding Schools, colleges (Powers and Fees) Regulations 2003	To set inspection powers for CSIW to inspect residential provision within school settings and to amend the fee regulations to allow a fee to be charged for such an inspection	Likely to be February 2003	Standard	UK
<b>66-02</b>	Standards for Boarding Schools	To set minimum standards of care provision in boarding schools	February 2003	SO.27	UK
<b>67-02</b>	Amending requirements in the 1999 NHS Act to remove a dual accounting burden on National health Service Charities	The proposed changes to legislation would be made through an Order under the Regulatory Reform Act 2001	March/ April 2003	SO.24	
<b>68-02</b>	NHS Travelling Expenses Regulations	Changes may be required to reflect changes to the Low Income Scheme and passporting arrangements in England	February 2003	Recommendation Pending	UK
<b>69-02</b>	Care Homes (Wales) Amendment Regulations 2003	Amendment to the Care Homes (Wales) Regulations specifying the detail of the	April 2003	Standard	Welsh only Although similar regs have been

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		information to be supplied by providers in relation to fees etc.			made in England
<b>71-02</b>	Flexibilities Special Grant Report Order	To provide authority for and set the arrangements to apply for the 2003-04 Flexibilites Special Grant	March2003	Standard	UK
<b>72-02</b>	Care Standards Act Adult Placements Regs	To amend current regulations to move regulatory and standards requirements from Adult placement careers to schemes	June 2003	Standard	Welsh
<b>73-02</b>	National Assistance (Sums for personal requirements (Wales) Regulations 2003	To revise the personal expenses allowance for everyone in residential caror nursing homes receiving help to meet costs from local authorities	April2003	Standard	Welsh only, although similar regs will be made in England
<b>74-02</b>	National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2003	To provide for an increase in the capital limits which form part of the assessment of an individual's ability to contribute their care costs	April2003	Standard	Welsh only, although similar regs will be made in England
<b>75-02</b>	Care standards Act 2000 Commencement Order	To effect the registration of social care workers.	July 2003	Accelerated	
<b>76-02</b>	Regulations under Care Standards Act 200 – registration of Social Care Workers	To further extend registration across the social care workforce	July 2003	Standard	

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77-02	Pharmaceutical Regulations 1992	Minor amendments to the rules governing dispensing rights for General Practitioners	On hold pending the Office of Fair Trading Report		
78-02	Local Authorities (Executive and Alternative Arrangements) (Modifications and Enactments and Further Provisions) (Wales) Order 2002	To replace in Wales regulation 44	Timing not certain	Accelerated	UK
79-02	S.48 of the Health and Social Care Act	Commencement of the section to allow staff transfers	Timing not certain	Accelerated	UK
80-02	National Health Services (General Ophthalmic Services) Regulations 2003. Supply of second sets of spectacles	Amendment to GOS Regulations to allow for second sets of spectacles	February 2003	Standard	UK
81-02	Adoption Services; Voluntary Adoption Agencies - National Minimum Standards	See Adoption Services; Voluntary Adoption Agencies – above	4 February 2003	SO.27	UK
82-02	Local Authority adoption services in Wales – national minimum standards	Linked to LA adoption service regulations for Wales – see above	4 February 2003	Accelerated	UK
83-02	Nursing Agency Service - National Minimum Standards	See Nursing Agency Regulations – above	No timetable	SO.27	
84-02	Directions with respect to investment by NHS Trusts	To advise trusts that the average cleared balance of money they invest within	Timing not certain	Recommendation Pending	UK

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		commercial bank accounts shall not exceed £50,000			
<b>85-02</b>	Care Standards Act 2000 - Local authority adoption & fostering services commencement order	To bring into force regulation making provisions in respect of local authority adoption & fostering services	January 2003	Accelerated	UK
<b>86-02</b>	The Health and Social Care Act 2001 (Commencement No.5) (Wales) Order 2003	Linked to 73-02, 74-02, 02-03 and 03-03. Commences Sections 53, 54 and 55 of the Act giving the Assembly the power to make regulations – to determine what part of a person's resources are disregarded; permitting additional payments to be made or on behalf of a resident; allowing a local authority to enter into a deferred payment agreement with a person who needs accommodation			
<b>89-02</b>	The Care Standards Act 2000 (Commencement Order No 11)(Wales) Order 2003	To commence registration of Social Workers	Plenary 11/2/03 (Comes into force 1/4/03)	Accelerated	Care Standards Act
<b>90-02</b>	PSS Performance Management Strategy Special Grant Report Order	To provide authority for, and set the arrangements for, the 2003/04 Performance Management Strategy Special Grant	February 2003	Standard	

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<b>91-02</b>	Powys Healthcare NHS Trust dissolution order		For discussion in Plenary 19 March 2003 – to come into effect 31 March	Standard	Welsh only
<b>92-02</b>	LHB functions (amendment) Regulations	Introduce the final agreed list of HCW functions as excepted functions	March 2003	Executive	Welsh only
01-03	Health & Social Care Act Commencement Order No x	To commence sections 53, 54 & 55 the H&SC Act 2001 re deferred payments agreements and top ups for Pt III NA Accommodation	March 2003	Accelerated	UK
<b>02-03</b>	National Assistance (Residential Accommodation) (Disregarding of Resources) (Wales) Regulations 2003	Amendment of Regulations made under the National Assistance Act allowing local authorities to disregard the value of a person's house in determining need for residential accommodation	April 2003	Standard	Welsh only, although similar regs will be made in England
<b>03-03</b>	National Assistance (Residential Accommodation) (Additional Payments, Assessment of Resources and Relevant Contributions) (Regs 2003	Regulations determining (i) which persons are to benefit from the ability to make top up payments, (ii) from which resources and (iii) how contributions from beneficiaries of deferred payments agreements are to be recovered	March 2003	Standard	UK/Wales
<b>04-03</b>	The Local Health Boards	Transfer of Staff to LHBs		Standard	Welsh Legislation

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	(Transfer of Staff) (Wales) Order 2003-02-12				Only
<b>05-03</b>	Adoption and Children Act 2002 Commencement No1(Wales) Order 2003	Bring into force Section 16 of Act to amend Care Standards Act 2000 to provide for the distribution of functions on regulation of voluntary adoption agencies between National Assembly and the National Care Standards Commission	January 2003-02-12	Executive (Subject to Cabinet Approval 27 January)	UK
<b>06-03</b>	Health & Social Care Act 2001 (Commencement No.4) (Wales) Order 2003	Commences Section 13 of the Act – giving the Assembly intervention powers in respect of Trusts and health authorities if it is of the opinion that a trust or health authority is not performing its functions adequately or where there are significant failings in the way the body is run.	March 2003	Accelerated	UK
<b>07-03</b>	The National Health Service (General Medical Services) (Amendment) (No.2) (Wales) Regulations 2003	Requires FHS Practitioners from 1 April 2003, to acknowledge complaints within 2 working days and to provide written summary of the investigation and conclusions within 20	March 2003	Accelerated	UK

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		working days. Proposals to bring forward amending legislation were approved in Plenary on 14 March 2002.			
<b>08-03</b>	The National Health Service (General Dental Services) (Amendment) (Wales) Regulations 2003	Requires FHS Practitioners from 1 April 2003, to acknowledge complaints within 2 working days and to provide written summary of the investigation and conclusions within 20 working days. Proposals to bring forward amending legislation were approved in Plenary on 14 March 2002.	March 2003	Accelerated	UK
<b>09-03</b>	The National Health Service (General Ophthalmic Services) (Amendment) (Wales) Regulations 2003	Requires FHS Practitioners from 1 April 2003, to acknowledge complaints within 2 working days and to provide written summary of the investigation and conclusions within 20 working days. Proposals to bring forward amending legislation were approved in Plenary on 14 March 2002.	March 2003	Accelerated	UK
<b>10-03</b>	The National Health Service (Pharmaceutical Services) (Amendment) (Wales)	Requires FHS Practitioners from 1 April 2003, to acknowledge complaints	March 2003	Accelerated	UK

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	Regulations 2003	within 2 working days and to provide written summary of the investigation and conclusions within 20 working days. Proposals to bring forward amending legislation were approved in Plenary on 14 March 2002.			
<b>NEW ADDITIONS</b>					
<b>11-03</b>	Care Home (Wales) (Amendment 2) Regulations	To change the date by which existing care home staff must receive enhanced checks by the Criminal Records Bureau from 01/04/03 to 31/10/04	March 2003	Executive (Subject to Cabinet approval)	This is an amendment to legislation in Wales, although a parallel amendment will be made to regulations in England
<b>12-03</b>	The Children Leaving Care Amendment Regulations	To bring regulations into line with England re exclusion of short term placements in qualifications for leaving care services	Date not yet known but likely to be in the Autumn 2003	Recommendation to the Minister yet to be made	Wales only but to bring in line with the UK
<b>13-03</b>	The Powys Local Health Board (Additional Functions) Regulations 2003	These regulations confer upon Powys Local Health Board certain additional functions being functions previously undertaken by the Powys Health Care National Health Service Trust	March 2003	Executive	Welsh only



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