

HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2003/04

HSS(2)-01-04(p.4a)
HEALTH AND SOCIAL CARE

HSS(2)-01-04(p.4a)

2004

	NAME/WORKING TITLE	PURPOSE	PROJECTED MONTH LEGISLATION TO BE MADE	1.STANDING ORDER 2. PROCEDURE – STANDARD OR EXECUTIVE 3. WALES / UK OR EUROPE
HSS 1(03)	NHS (England and Wales) (National Blood Authority) (Establishment and Constitution) (Amendment) Order 2003	Establishing the National Blood Authority	Not Known	1. SO 23 2. Standard 3. England and Wales
HSS 3(03)	NHS (Pharmaceutical Services) amend (Wales) Regulations 2003 To be removed	Pharmacist Reward Scheme - intended effect is to reduce prescription fraud by encouraging pharmacists to identify and report fraudulent prescription forms by simplifying the current reward scheme and an increase in their reward payment, introducing one combined retention and reporting reward payment	Made on 09/12/03 Previously December 2003	1. SO 22 2. Standard 3. UK
HSS 4(03)	Care Standards Act 2000 (Commencement No. 12) (Wales) Order 2003 No longer needed – to be removed	The Care Standards Act 2000 makes provision for the Welsh Assembly government to set regulations for safeguarding and promoting the welfare of vulnerable people in a wide range of settings. The Act provides the primary legislative powers to enable the National Assembly to reform the current regulatory	Autumn	1. SO 22 2. 3.

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		system and act as regulator for a comprehensive range of social care and independent healthcare settings in Wales. The Act gives the Assembly powers to make regulations governing the conduct of services regulated under the Act and to issue national minimum standards applicable to those services, to which the regulatory authorities and providers must have regard.		
HSS 7(03)	NHS (Primary Care) Act 1997 (Commencement) (Wales) Order 2003 To be removed	At the last minute, it has been decided that the Assembly has no powers to make this Order. We are now in discussions with DoH about them commencing it on our behalf. Previously Commences section 41(10) and paragraph 28 of Schedule 2 of the Act to enable Dental Practice Board to be directed to provide for the functions of health bodies in respect of the recovery of dental charges and issue and recovery of penalty charges under the NHS Act 1977	December 2003	1. SO 22 2. Standard 3. Wales
HSS 8(03)	Community Health Council (Wales) Regulations 2004 (Identified for further	Strengthen CHCs in Wales and give them important new functions and set up a new All-Wales Statutory Body for CHC	January 2004 Previously December 2003	1. SO 22 2. Standard 3. Wales

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	consideration 16/07/03 and 08/10/03)			
HSS 9(03)	Carmarthenshire, Ceredigion and Mid Wales and North Glamorgan NHS Trusts Amendment Orders (Identified for further consideration 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	January 2004 at the earliest	1. SO 22 2. Standard 3. Wales
HSS 10 (03)	NHS (Local Pharmaceutical Schemes) (Wales) Regs 2003 (Identified for further consideration 08/10/03)	To enable a Local Health Board to negotiate different local arrangements for the provision of community pharmacy services, outside the restrictions of the existing legal framework in part II of the NHS Act The date may be subject to change following the agreement of the New Pharmacy Contract	December 04 Previously April 04	1. SO 22 2. Standard 3. Wales (Regulations already made in England)
HSS 11 (03)	Adult Placement Schemes (Wales) Regulations 2003 (Identified for further consideration 08/10/03)	To introduce a regulatory regime for adult placements schemes. Adult placements offer people aged 18+ an alternative and highly flexible form of accommodation and support - an opportunity to live or stay in an ordinary domestic setting as part of an adult placement carers family. An adult placement scheme is a scheme	May 2004 Previously Early 2004	1. SO 22 2. Standard 3. Wales

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		which is responsible for recruiting, assessing, training and supporting, and arranging payments to adult placement carers; for taking referrals, matching and placing service users with adult placement carers, and for supporting and monitoring the placement. In Wales such schemes are operated by local authorities. Adult placement carers are regulated under the Care Homes (Wales) Regulations 2002. These regulations will introduce a regulatory framework for adult placement schemes using powers in the Care Standards Act 2002. Adult Placement Schemes are presently covered by National Assembly Section 7 Policy and Practice Guidance issued in August 2002.		
HSS 12 (03)	National Minimum Standards for Adult placements schemes 2003 (Identified for further consideration 08/10/03)	To introduce national minimum standards for adult placement schemes	May 2004 Previously Early 2004	1. SO 27 2. Standard 3. Wales
HSS 13 (03)	Domiciliary Care Agencies (Wales) Regulation 2003 (Identified for further	Regulatory framework for Domiciliary Care Agencies under the CSA 2000	February 2004	1. SO 22 2. Standard 3. Wales

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	consideration 16/07/03 and 08/10/03 Considered by HSSC 05/11/03			
HSS 14 (03)	The Adoption and Children Act 2002 (Independent Review Officers) (Amendment) (Wales) Regulations 2003	The regulations will require all local authorities to appoint Independent Reviewing Officers in place to chair	March 2004	1. SO22 2. Standard 3. UK
HSS 16 (03)	The Adoption and Children Act 2002 (Advocacy for Complaints) (Wales) Regulations 2004	The regulations amend the Children Act 1989 and require local authorities to introduce advocacy services for looked after children, care leavers and children in need making a complaint under sections under the Children Act.	March 2004	1. SO 22 2. Standard 3. UK
HSS 17 (03)	The Childminding and Day Care (Suspension of Registration) (Wales) Regulations 2004 (Identified for further consideration 08/10/03)	To enable the Inspectorate to suspend the registration of childcare setting pending an investigation, as an alternative to immediate cancellation	May 2004 Previously April 2004	1. SO 22 2. Standard 3. Wales
HSS 20 (03)	Childcare in Schools (Wales) Regulations 2004 (Identified for further consideration 08/10/03)	To make provision for the registration and inspection of childcare provided by the governing bodies of schools	May 2004 Previously April 2004	1. SO 22 2. Standard 3. Wales
HSS	The Children (Performances)	To remove current limits on the number of	June 2004	1. SO 22

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24 (03)	(Amendments) (Wales) Regulations 2004	performs a child may undertake each year in film, TV or theatre; and to make some other aspects of regulation of such performances less restrictive.		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	Not known	1. SO 22 2. 3.
HSS 26 (03)	Independent Medical Agencies National Minimum Standards	Lays down the National Minimum Standards for Independent Medical Agencies	Not known	1. SO 27 2. 3.
HSS 27 (03)	Small Care Homes for Older People National Minimum Standards (Identified for further consideration 08/10/03)	Lays down the National Minimum Standards for Small Care Homes for older people	March 2004	1. SO 27 2. Standard 3. Wales
HSS 28 (03)	Small Care Homes for Younger Adults National Minimum Standards (Identified for further consideration 08/10/03)	Lays down the National Minimum Standards for Small Care Homes for younger adults	May 2004 Previously March 2004	1. SO 27 2. Standard 3. Wales
HSS 31 (03)	To be linked with HSS 19(04) The Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2003	Providing for the Establishment of Health Professions Wales as an Assembly Sponsored Public Body and the transfer of staff, property, assets and liabilities. Transfer of staff and assets will require a separate order	February 2004 Previously November / December 2004	1. SO27 2. Standard 3. Wales

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	(Identified for further consideration 08/10/03)			
HSS 32 (03)	Health and Social Care Act 2001 (Commencement No 4) (Wales) Order 2003	The Integrated Provision mechanism of the Health Act 1999 provides for a single management structure. This commencement order enables the transfer of staff from one organisation to a partner organisation under a formal partnership arrangement.	March 2004 Previously Unknown	1. SO27 2. 3. Wales
HSS 33 (03)	The National Assistance (Assessment of Resources) (Wales) Regulations 2004 (Identified for further consideration 16/07/03)	To provide for an increase in the capital limits which form part of the assessment of an individual's ability to contribute to their care costs	March 2004 Previously February 2004	1. SO22 2. Standard 3. Wales
HSS 34 (03)	The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2004 (Identified for further consideration 16/07/03 and 08/10/03)	To revise the personal expenses allowance for everyone in residential care or nursing homes receiving help to meet costs from local authorities	February 2004	1. SO22 2. Standard 3. Wales
HSS 35 (03)	New Pharmacy Contract (Identified for further consideration 08/10/03)	Major change to the pharmacy contract, subject to agreement with the professionals. Agreement on the New Pharmacy contract will be made in April with an	September 04 Previously April 04	1. SO22 2. Standard 3. UK

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		estimated staged introduction from October 2004		
HSS 36 (03)	Rurality changes to Pharmaceutical Services Regs	Changes regarding control of entry rules around controlled areas	April 04	1. SO22 2. Standard 3. UK
HSS 37 (03)	Tamiflu	Schedule 11 of the General Medical Services Regulations. This date may be subject to change following the results of public consultation	April 04	1. SO22 2. Standard 3. UK
HSS 38 (03)	Appliance Contractors (changes to the contract) Pharmaceutical Services Regulations	Amendments to the appliance contractors contract and reduce opportunities for fraud and abuse. This is to be linked to the introduction of the New Pharmacy Contract	September 04 Previously April 04	1. SO22 2. Standard 3. UK
HSS 39 (03)	Repeat Dispensing	To introduce a repeat dispensing option for GPs to use with minimum disruption to existing systems and without increasing the potential for fraud or misuse	April 04	1. SO22 2. Standard 3. UK
HSS 42 (03)	CSA 2000 – various commencement orders	To effect the roll out of registration of social care workers	June 2004 Previously March 2003	1. SO22 2. Standard 3. Wales
HSS 43 (03)	CSA 2000 – regulations and commencement order	To effect the registration of student social workers	Feb 2004	1. SO22 2. Standard 3. Wales
HSS	Health Professions Order	Amendments required to NHS (Professions	Not Known	1. SO22

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44 (03)	Consequential Amendments	Supplementary to Medicine) Reg 1974 and NHS (Speech Therapists) Reg 1974.	awaiting advice	2. Standard 3. UK
HSS 45 (03)	The Adoption Support Services (Transitional Provisions) Local Authorities (Wales) Regulations 2003-2004 (Identified for further consideration 08/10/03)	To establish a framework of adoption support services under the Adoption and Children Act 2002	April 2004 Previously March 2003	1. SO22 2. Standard 3. Wales
HSS 46 (03)	(Adoption) Independent Review of Determinations (Adoptions) (Wales) Regulations 2004 (Identified for further consideration 08/10/03)	To establish a mechanism for the independent review of determinations by adoption panels on assessment of adopters.	April 2004	1. SO22 2. Standard 3. Wales
HSS 47 (03)	The Wales Centre for Health Constitution, Membership and Procedures Regulations 2004. (Identified for further consideration 08/10/03) Note: consideration is being given to the need for a separate SI to allocate additional functions to the WCH, but at present is	To provide for the establishment of the Wales Centre for Health as an Assembly Sponsored Public Body with effect from 1 April 2005, by making provisions relating to the WCH board (membership, appointments etc).	June 2004	1. SO22 2. Standard 3. Wales The consultation paper on the contents of the regulations was copied to HSS Committee members when the consultation exercise commenced on 18 December. A summary of

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	thought to be unnecessary			the consultation responses and the draft SI will then be submitted to the Committee around Easter.
HSS 48 (03)	Healthy Start (Identified for further consideration 08/10/03)	Primary Legislation will enable Wales to prescribe food stuff for which the vouchers can be exchanged. Primary Legislation made December 2003.	Autumn 2004	1. 2. Standard 3. Wales
HSS 49 (03)	Domiciliary Care Agencies (Wales) National Minimum Standards To be removed	Lays down the national minimum standards for domiciliary care agencies	February 2004	1. SO27 2. Standard 3. Wales
HSS 51 (03)	The National Health Service Bodies and Local Authority Partnership Arrangements (Amendment) (Wales) Regulations 2003	1. Amendment will allow Welsh local authorities to place non-executive members and officers on the joint management committees overseeing partnership (as per s 31 Health Act 1999) projects. 2. Replace references to health Authorities with Local Health Boards	March 2004 Previously December 2003	1. SO22 2. Accelerated 3. Wales
HSS 52 (03)	Community care (Delayed Discharges) Act 2003 Qualifying Services (Wales) Regulations 2004	The regulation will require that certain community care services where currently local authorities have a discretion to charge are provided free by local authorities for a limited period to assist in	Unknown	1. Unknown 2. Standard 3. UK

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		the process of a safe discharge from hospital.		
HSS 53 (03)	Reimbursement of generic medicines – Amendment to the Pharmaceutical Services Regulations	Amendments required to changes the arrangements for the reimbursement and supply of generic medicines on the NHS	April 2004	1. SO22 2. Standard 3. UK
HSS 54 (03)	National Health Service (Charges for Drugs and Appliances) (Amendment) (Wales) Regulations 2003	Amendments required to reduce prescription charges to £5 and introduce free wigs and fabric supports for people aged under 25 years	July 2004 (CIF October 2004)	1. SO22 2. Standard 3. Wales
HSS 55 (03)	NHS General Ophthalmic Services (Amendment) Regulations 2004	Uplifting voucher values for the GOS to come into force April 2004. The % increase not known until February 2004	April 2004	1. SO22 2. Executive 3. Wales
HSS 56 (03)	NHS General Dental Service(Amendment) Regulations 2004	Uplifting Prior Approval Limit for course of dental treatment. The % increase not known until February 2004	April 2004	1. SO22 2. Executive 3. Wales
HSS 57 (03)	The Disqualification from caring for children (Wales) regulations	Amendment to the automatic disqualification criteria and to provide for the power of waiver for CSIW if applicants for registration as childminders or day care providers who would otherwise be automatically disqualified	May 2004 Previously April 2004	1. SO22 2. Standard 3. Wales
HSS 58 (03)	Health and Social Care Act 2001 Commencement No 6 (Wales) Order 2003	Section 6(3), which inserts a specific direction power in favour of the Assembly over terms and conditions of staff of NHS Trusts;	January 2004	1. SO22 2. Standard 3. Wales

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		Section 12, placing a duty on the Assembly to arrange for the provision of independent complaints advocacy services and Section 49, which excludes nursing care by a registered nurse from the services that can be provided by a local authority		
NEW ADDITIONS				
HSS 01 (04)	Transfer of Assets and liabilities of Health Authority Charitable Funds held on Trust – s92 Order 1977 NHS Act	Transfer residual balances from health authorities to LHB's and National Public Health Service, Velindre NHS Trust	Jan/ Feb 2004	1. Wales s92 2. 3.
HSS 02 (04)	Health and Social Care (Community Health and Standards) Act 2003 (Commencement No 1) (Wales) Order 2004	To commence the regulation powers of the Health and Social Care (Community Health and Standards) Act 2003 necessary to implement the new GMS Contract	March 2004	1. SO22 2. Standard 3. UK
HSS 03 (04)	The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004	These regulations will form the basis of the new practice based contract and will set out the framework for primary medical services that a GP must provide under a General Medical Services contract	April 2004	1. SO22 2. Standard 3. UK
HSS 04 (04)	Health and Social Care (Community Health and Standards) Act 2003	To commence the regulation powers of the Health and Social Care (Community Health and Standards) Act 2003 necessary to	March 2004	1. SO22 4. Standard 5. UK

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	(Commencement No 1) (Wales) Order 2004	implement the new GMS Contract		
HSS 05 (04)	Adoption and Children Act (Commencement No.5) Wales Order 2004	Commences parts of the Act to enable the Assembly to make regulations	January 2004	1. S022 2. Standard 3. Wales
HSS 06 (04)	Adoption Agencies (Wales) Regulations 2004	Regulations to cover the operation of adoption panels and the assessment of prospective adopters	November 2004	1. S022 2. Standard 4. Wales
HSS 07 (04)	Access to Information (Wales) Regulations 2004	Regulations covering access and disclosure of information about adoption	November 2004	1. S022 2. Standard 3. Wales
HSS 08 (04)	Special Guardianship (Wales) Regulations 2004	Regulations establishing special guardianships and support services	November 2004	1. S022 2. 3.
HSS 09 (04)	Adoption Support Agencies Regulations 2004	Regulations concerning the operation and registration of adoption support agencies	November 2004	1. S023.3 2. Standard 3. England/Wales
HSS 10 (04)	Adoption Support Services (Phase 2) (Wales) Regulations 2004	Regulations to extend the scope and coverage of adoption support services	November 2004	1. S022 2. Standard 3. Wales
HSS 11 (04)	Adoption and Children Act Register –Order on Council	Order in Council made by the Secretary of State for Education and Skills, to establish the Adoption and Children Act Register . If the Order applies to Wales a draft must be laid before and approved by resolution of the Assembly	To be confirmed	1. S024 2. Standard 3. UK

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HSS 12 (04)	Local Authority Adoption Plans (Wales) Regulations 2004	Regulations to prescribe the content for local authority adoption plans and the method of publication and review	November 2004	1. SO22 2. Standard 3. Wales
HSS 13 (04)	Adoption Agencies Fees (Wales) Regulations 2004	Regulations prescribing the fees that may be charged by adoption agencies	November 2004	1. SO22 2. Standard 3. Wales
HSS 14 (04)	Independent Review of Determinations (Phase 2) (Wales) Regulations	Regulations establishing independent reviews of adoption panel determinations in respect of the disclosure of protected information	November 2004	1. SO22 2. Standard 3. Wales
HSS 15 (04)	The Adoption Agencies (Wales) Regulations 2004	The core package of secondary legislation involved with implementation of the Adoption and Children Act 2002 in Wales	January/February 2005	1. SO22 2. Standard 3. Wales
HSS 16 (04)	The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004	Development of the Direct Payments Scheme (cash payments for service users to purchase their own care) – from the summer of 2004 to make the offer of Direct Payments mandatory for all existing client groups; from the summer of 2004 to extend the scheme's coverage to include disabled persons with parental responsibility for a child and from the end of 2004 to extend the coverage of the direct payments scheme to all people aged over 65	July 2004	1. SO22 2. Standard 3. Wales
HSS 17	The Health and Social Care Act 2001 (Commencement	Commences the available powers in the Health and Social Care Act 2001 to enable	July 2004	1. SO 2. Standard

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(04)	No ...) (Wales) Order 2004	the further developments of the direct payments scheme		3. Wales
HSS 18 (04)	Care Standards Act 2000 (Commencement No) Order 2004	To commence the provisions of Part VII of the CSA 2000 to establish a joint England/Wales list of people who are considered unsuitable to work with vulnerable adults; to require employers of staff working vulnerable adults to refer to this list the names of people they have reason to believe have caused harm to vulnerable adults; to require employers to ensure that potential recruits and in some cases existing employees, are checked against this list and to refuse employment to anyone whose name is on the list; and to give individuals a right of appeal against decisions made to include their names on the list. There are no devolved responsibilities for the National Assembly for Wales, the list will be maintained on a joint England/Wales basis by the Secretary of State for Health.	May/June 2004	1. SO 2. Standard 3. England/Wales
HSS 19 (04)	To be linked with HSS 31(03) The Health Professions Wales (Transfer of staff,	For the purposes of enabling or assisting HPW to carry out functions on behalf of the Assembly, property, rights and liabilities and persons employed in connection with	February 2004	1. SO 2. Standard 3. Wales

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	property, rights and liabilities) Order 2004	any of those functions		
HSS 20 (04)	The National Health Service (Performers Lists) Regulations 2004	To consolidate existing medical lists into a single medical performer list.	April 2004	1. SO22 2. Standard 3. Wales