

# Health & Social Services Committee

HSS(2)-01-06 (p3a)

Date: Thursday 19 January 2006

Venue: Committee Rooms 3&4, National Assembly for Wales

Title: Schedule of Proposed Secondary Legislation

	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	Still on hold.	SO 24  Standard  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.	(deferred to allow prior consideration of Clywch Report recommendations)	SO 24  Standard  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	SO 24
HSS 26 (03)	Independent Medical Agencies National Minimum Standards	Lays down the National Minimum Standards for Independent Medical Agencies	follows on from the above	SO 29

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 <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 " 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
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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 further information from Department of health	1. SO24/SO 22  Standard/Executive 3.Wales
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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 48 (03)	The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005  Identified for scrutiny	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 mid to late 2006 following evaluation by DOH of Phase 1	Unknown  Standard  Wales
HSS 11  (04)	Adoption and Children Act Register Order in 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	No action until 2006 at the earliest	1.S026  2.Standard  3.England and 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	On hold	SO24  Standard  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 <sup>st</sup> April 2003 presently contained in the Directions to the NHS	Minister has now agreed to place these Regs on hold. Decision 3 <sup>rd</sup> March 2005 Will revisit in 2006	SO 24  Standard  Wales
HSS 36 (04)	The Water Act 2003 (Commencement No3 ) (Wales) Order 2005  Identified for scrutiny on 23.6.04	To bring into force section 58 of the Water Act for the purpose of introducing water fluoridation consultation regulations in Wales.	Not Known  Not planned for this year  This position remains unchanged	SO 24  Anticipated Standard  Wales
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	SO 24  Anticipated Standard (with debate)  Wales
HSS 39 (04)	The National Health Service (Pharmaceutical Services) Regulations  Identified for Scrutiny	Original pack dispensing	No Timetable at present – On hold pending outcome of related consultation	SO 24  Standard  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  Position remains the same	SO 24  Anticipated Standard  Wales
HSS 52 (04)	( The National Health Service (Primary Medical Services) (Miscellaneous Amendments) (Wales) Regulations 2005	Amendments to the GMS Contract Regulations	1 <sup>st</sup> March2006	SO 24  Standard  Wales
HSS 57 (04)	The National Health Service (Pharmaceutical Services) Regulations 2005	New Oxygen Contract	Commencement February 2006	SO24  Standard  Wales
HSS 58 (04)	The National Health Service (Performers Lists ) (Pharmacists) (Wales) 2005	To create a Performers list for Pharmacists	June 2006	SO 24  Standard  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	SO 24  Standard  Wales
HSS 71 (04)	Independent Prescribers Regulations 2005  Identified for Scrutiny	Introduce Independent Prescribing in Wales	Possibly Jan 2006 Could slip to Feb or March 2006 Changes to primary Legislation due to come onto force on 1 April 2006.NHS Regs will need to be changed to facilitate this in Wales-March 06?	SO24  Standard  Wales
HSS 72 (04)	GMS Transitional and Consequential Provisions (Wales) (Amendment) Order 2005	Amendment necessary as it cross-refers to the proposed amendments to the Primary Medical Services Regulations 2005.	1st March 2006	SO 24  Standard  Wales
HSS 73 (04)	The Local Safeguarding Children Boards (Wales) Regulations 2005	To establish Local Safeguarding Children Boards in Wales under section 31 of the Children Act 2004	March 2006	SO 24  Standard  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	SO 24  Standard  Wales  Colin Vyvyan
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  To define the meaning of 'NHS Body' for specific sections in the Act  To set the commencement date of these regulations for Wales (which must coincide with the commencement of the Act)	Target date for Plenary 13 March 2007 To take effect from April 2007	SO24  Standard  Wales  Peter Lawler

<p>HSS 05 (05)</p>	<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 &amp; 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 considered at that stage.</p>	<p>1. Standard/Executive</p> <p>Wales</p> <p>Sian Marie James</p>
<p>HSS 06 (05)</p>	<p>Children (Prescribed Orders –NI, Guernsey and Isle of Man) (Amendment) Regulations</p>	<p>To deal with the need to ensure that care orders made in NI and Isle of Man have effect as if they were made in a court in England and Wales where the child comes to live in England or Wales. They amend the Children (Prescribed Orders-Northern Ireland, Guernsey and Isle of Man) Regulations 1991.</p>	<p>February 2006 (awaiting copy pf final draft regs from DfES)</p>	<p>SO25</p> <p>Standard</p> <p>England and Wales</p>



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 creat a new single CHC for Carmarthenshire in their place	To take effect from 1 <sup>st</sup> April 2006	SO24  Accelerated  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	Not known. To enable closure at 31 March 2006	SO 24  Standard/Executive  Wales
HSS 16 (05)	The NHS (General Ophthalmic Services Supplementary List) Regulations	To introduce the requirement for LHBs to produce a supplementary list for Ophthalmic Practitioners	February 2006	SO 22  Standard  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	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.	HSSC 01 Feb 2006 Plenary 21 March 2006 Coming into force April	1. SO29  Peter Lawler

HSS 18 (05)	Children (Private Arrangements for Fostering ) (Wales) Regulations 2006  Identified for scrutiny 13.4.05	These regulations are to be made using the powers under the Children Act 1989 as amended by the Children Act 2004. It is intended that they will strengthen and enhance the existing private fostering notification scheme so that local authorities can satisfy themselves about the welfare of privately fostered children	March 2006	SO24  Standard  3. Wales
HSS 19 (05)	The National Health Service (Travelling Expenses and Remission of Charges ) Regulations 2006	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	SO24  Standard  Wales
HSS 20 (05)	The National Health Service (Dental Charges) (Wales) Regulations 2006  Identified for Scrutiny	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  Wales
HSS 21 (05)	The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006  Identified for Scrutiny	Regulations will set out the framework for general dental services contracts under section 28K of the National Health Service Act 1977. Also:  Prescribe the conditions that must be met by a contractor before the	March/April 2006	1. SO 24  2. Standard  Wales

Local Health Board may enter into a general dental services contract with it.

- Prescribe the procedure for pre-contract dispute resolution

- Set out the procedures by which the contractor may obtain health service body status.

- Prescribe the terms that must be included in a general dental services contract. Includes description of the services that must be provided to patients

		under a general dental services contract.		
HSS 22 (05)	<p>The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006</p> <p>Identified for Scrutiny</p>	<p>Regulations will set out the framework for personal dental services contracts under the National Health Service Act 1977. Also:</p> <p>Prescribe the conditions which must be met by a contractor before the relevant body may enter into a personal dental services agreement with it.</p> <p>Prescribe the procedure for pre-agreement dispute resolution</p> <p>Provide for a contractor to be a health service body</p> <p>Prescribe the terms</p>	March/April 2006	<p>1. SO 24</p> <p>2. Standard</p> <p>Wales</p>

		<p>which must be included in a personal dental services agreement.</p> <p>Provide for the contractor to terminate its agreement and enter into a general dental services contract.</p>		
HSS 24 (05)	<p>LHB (Constitution, Membership &amp; Procedures) (Amendment) (Wales)2006 (NB This title is provisional)</p> <p>Identified for Scrutiny 5-10-05</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 mid-September, pursuing a standard procedure.</p>	April 2006	<p>1. SO24</p> <p>2. Standard</p> <p>3. Wales</p>
HSS 25 (05)	<p>The NHS (Performers Lists) (Wales) (Amendment) Regulations 2006</p>	<p>The Regulations provide for lists of persons performing primary dental care to be kept by Local Health Boards</p>	April 2006	<p>SO 24</p> <p>Standards</p> <p>Wales</p>
HSS 26 (05)	<p>The Health and Social Care ( Community Health and Standards) Act 2003 (Commencement No x) (Wales) Order 2006</p>	<p>This order commences sections needed to make the GDS/PDS/Dental Charging and Dental List Regulations referred to above.</p>	March 2006	<p>SO24</p> <p>Standard</p> <p>Wales</p>

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	SO24  Standard  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 entitles to the lower charge	April 2006	SO24  Accelerated  Wales
HSS 31 (05)	GDS Statement of Financial Entitlement Directions	(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 entitled to by way of a minimum contract value guarantee		1.  2.  3
HSS 32 (05)	PDS Statement of Financial Entitlement: Directions	(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		1.  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	SO24  Wales
HSS 34 (05)	Dental Public Health Regulations and Directions to come into force beginning of February 2006	Prescribe functions an LHB will have in relation to dental public health	April 2006	1.  2.  3.
HSS 35 (05)	Directions to LHBs in respect of GDS Contracts and PDS agreements to come into force 1 April 2006	Directions will prescribe LHB functions and responsibilities as commissioners of dental services.	April 2006	1.  2.  3.
HSS 36 (05)	GDS and PDS transitional and Consequential Provisions Order to come into force early February 2006	Order commences LHB's functions to contract under the new arrangements as amended by the 2003 Health and Social Care Act.	April 2006	1.  2.  3.
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.	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 by 1 April 2006	April 2006	1.SO29  2. Accelerated  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 March 2006	SO24  Accelerated  Wales
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	SO 25(2)  Accelerated  Wales
HSS44 (05)	The Confidentiality and Disclosure of Information: General Medical Services and Alternative Provider Medical Services (Wales) Directions 2005	These Directions cover compliance with the code of practice on Confidentiality and Disclosure of Information. The Code of Practice sets out guidance on the confidentiality of information held by contractors who provide General Medical Services (GMS) and Alternative Provider Medical Services (APMS) It also sets out guidance on the provision of contractor-held information to Local Health Boards (LHBs) and access by, and disclosure of, that information to LHBs or a person authorised in writing by LHBs		



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 changes negotiated with the BMA following the review of the GMS Contract	1 <sup>st</sup> April 2006	1. SO24 2. 3. Wales
HSS 46 (05)	Statement of Financial Entitlements (Amendment) (No.3) (Wales) Directions 2005	To correct a transcription error in the Dispensing provisions of the 2004/05 SFE	Late this year / early next year	1. SO29 2. 3.
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 <sup>st</sup> April 2006	1. SO29 2. 3.
HSS 48 (05)	Local Health Board Medical Services (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of the amendments to be made to the contract regulations contained within the NHS (Primary Medical Services) (Miscellaneous Amendments) (Wales) Regulations 2006 – HSS 52 (04) above refers	1st March2006	1. SO29 2. 3.
HSS 49 (05)	Local Health Board Medical Services (Amendment) (No.2) 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> April 2006	1. SO29 2. 3.

HSS 50 (05)	Alternative Provider Medical Services (Wales) (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of the amendments to be made to the contract regulations contained within the NHS (Primary Medical Services) (Miscellaneous Amendments) (Wales) Regulations 2006 – HSS 52 (04) above refers	1st March 2006	1. SO29 2. 3.
HSS 51 (05)	Alternative Provider Medical Services (Wales) (Amendment) (No.2) 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> April 2006	1. SO29 2. 3.
HSS 52 (05)	The Primary Medical Services (Directed Enhanced Services) (Wales) Directions 2006	Possible amendments to take account of current negotiations with the General Practitioners Committee on Enhanced Services as part of the 2006/07 review of the GMS contract	1 <sup>st</sup> April 2006	1. SO29 2. 3.  Claire Cullen
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)	SO 24  Standard  Wales

NEW ADDITIONS

HSS 1 (06)	The Commissioner for Older people in Wales (Appointment) Regulations 2006 (provisional title)	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 Sept 2006 (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	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 2005	To provide an exemption for agencies which promote and facilitate inter-agency placements	June 2006	1. SO24 2. Standard 3. Wales
HSS 4 (06)	The Care Standards Act 2000 and the Children Act 1989 (Miscellaneous Amendments) ( Wales) Regulations 2006	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	Early July 2006	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 <sup>st</sup> 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 <sup>st</sup> 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	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 Standard Wales
HSS 8 (06)	The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2006	To effect annual increase to the upper and lower capital limits which local authorities take into account when assessing a person's ability to contribute towards the cost of their residential care	April 2006	1. SO 24 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	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.	Public consultation to commence January 2006 with a view to agreed changes occurring April 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 <sup>st</sup> 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 <sup>st</sup> 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 <sup>st</sup> April 2006	1. SO29.3  2.Standard  3England and Wales