

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The National Health Service (Functions of Health Authorities and Administration Arrangements) (Wales) Amendment Regulations 2000

Background

Section 4 of the National Health Service Act 1977 imposes on the Assembly the duty of providing hospital accommodation and services for persons detained under the Mental Health Act who require treatment under conditions of high security on account of dangerous, violent or criminal propensities.

The present regulations provide for the Assembly function under section 4 to be exercised, in Wales, by the Health Authorities. This is effected by extending to Wales an additional provision which has been inserted into Schedule 1 to the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 by amending regulations which have been made for England.

Additionally, in parallel with amendments which have been made for England, provision specific to Wales is inserted to provide that in exercising this function the Health Authorities may enter into an NHS contract for the provision of high security psychiatric services but only with –

Ashworth, Broadmoor and Rampton Hospital Authorities or

a NHS Trust which has been approved for that purpose by either the Assembly in Wales, or the Secretary of State in England.

Standing Order 11.5

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention, under Standing Order 11.5.

There are, however, some general observations which it is considered should be drawn to the attention of the Assembly.

General Observations

Explanatory Note

The reference to the 1996 regulations in the first paragraph wrongly includes "(Wales)" in the

title.

Also, the explanatory note would have been clearer if the first paragraph had been split into two. Additionally, the reference to "relevant services" may not be readily understood as relating to the earlier reference to "facilities".

Regulation 2(2)

The numbering within the inserted paragraph (3B) does not accord with normal practice – i.e. bracketed Arabic numerals would not normally be used within paragraphs as this is the method of numbering used for the paragraphs themselves.

Regulation 2(3)

This provision could have been put as a textual insertion into the 1996 regulations (possibly as an additional paragraph in regulation 4). There would then have been provision on the face of the 1996 regulations to indicate that the amendments to Schedule 1 to apply in Wales as well as in England.

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