

**HSSC SUBORDINATE LEGISLATION PROGRAMME****Forthcoming Legislation**

**Projected Date Legislation To Be Made** – Is the date that the Legislation is made “by being signed” (see Standing Order 22.26(i)). Firstly, the legislation needs to be approved in Plenary (either after a debate and vote (Extended or Standard Procedure), or voted on as part of a composite motion (Accelerated Procedure)) or clearance given by the Cabinet for the Executive Procedure to be used.

**Projected Coming Into Force Date** – The Coming Into Force date is the day the Legislation actually comes into force, ie when the provisions contained in the legislation take effect.

No	Title	Intention of Legislation	Projected date Legislation to be made	Projected Coming into Force Date
<b>HEALTH AND SOCIAL CARE SUBORDINATE LEGISLATION – 1 TO 62</b>				
<b>HSC 01-02</b>	Add Uprima and Cialis to Schedule 11 Blacklist – regulations	To allow Uprima and Cialis to be prescribed under the NHS in certain circumstances (in line with Viagra)	Mid November 2002	1 December 2002
<b>HSC 02-02</b>	To add Vacuum pumps and Constrictor Rings to the list of prescribable appliances	To enable Vacuum pumps to be prescribed under the NHS	Mid November 2002	1 December 2002
<b>HSC 05-02</b>	The General Medical Services (Instalment Prescriptions of controlled drugs) (Bupren)orphine (Wales) Regulations	Following consultation, to allow drugs in Schedules 2 to 5 of the Misuse of Drugs Regulations 1985 to be prescribed and dispensed in instalments.  Consultation to be conducted following clarification of Home Office plans to licence GPs to prescribe controlled drugs	Not yet known – Provisionally 1 January 2003	Provisionally 1 January 2003
<b>HSC 06-02</b>	The Generic drugs (Wales) regulations 2001	To regulate the price of generic drugs	Regulations already made under section 57 NHS Act 1977 (Not devolved)	This is not devolved and is already in force.
<b>HSC</b>	The National Health		Not yet known	Not yet known

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<b>08-02</b>	Service (General Medical Services) (Amendment) (No. 2) (Wales) Regulations 2001	To permit use of electronic signatures in prescribing. This is a prerequisite to the introduction of electronic transmission of prescriptions. To be reviewed following the outcome of the scoping study that has been commissioned to evaluate the options for introducing “electronic prescribing” across primary and secondary care, in order to produce a recommendation for the best way forward for the NHS in Wales.		
<b>HSC 09-02</b>	Regulations under section 6(5) of the Health and Social Care Act 2001 – Terms and conditions of employment by health service bodies (needed?)	We are awaiting advice from OCG as to whether or not this is needed. Must ensure that the minister has the power to direct NHS organisation on terms and conditions of service for staff.	Not yet known	Not yet known
<b>HSC 10-02</b>	Regulations under section 8(2) of the Health and Social Care Act 2001 – Joint overview and scrutiny committees		Not yet known	Not yet known
<b>HSC 11-02</b>	Order varying Schedule 1 to the Health and Social Care Act 2001 – Exempting overview and scrutiny committees		Not yet known	Not yet known
<b>HSC</b>	Regulations under		Not yet known	Not yet known

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<b>12-02</b>	the National Health service Act 1977 as amended (sections 29(5A), 36(1B), 39(4) and 42) – Declarations of financial interests etc.			
<b>HSC 13-02</b>	The National Health Service (General Medical Services) (Amendment) (No.2) (Wales) Regulations 2002, The National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002, The National Health Service (General Dental Services) (Amendment) (No.2) (Wales) Regulations 2002, The National Health Service (General Optical Services) (Wales)	<b><u>Probity Regulation of Primary Care</u></b> New powers for Health Authorities to refuse admission to a practitioner, or place conditions on their admission, to the medical list on the grounds of fraud, efficiency and/or unsuitability; New powers for Health Authorities to remove a practitioner from, or place conditions on their remaining on, the medical list on the grounds of fraud, efficiency and/or unsuitability; New powers to suspend (with pay) a practitioner from the medical list where they are a risk to members of the public or it is in the public interest; The practitioner's right to a hearing before the Health Authority before being suspended, removed or contingently removed; The right of appeal to an independent appeal body, the FHSAA; A requirement on practitioners to declare criminal convictions and other investigations into their professional behaviour; A requirement on Health Authorities to take up references	11 July 2002	31 July 2002

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<b>No</b>	<b>DRAFT Working Title</b>	<b>Intention of Legislation</b>	<b>Projected date Legislation to be made</b>	<b>Projected Coming into Force Date</b>
<b>HSC 14-02</b>	Regulations under section 42 of the National Health Service Act 1977 – control of entry	Probity regulations for Pharmacy	Not yet known	Not yet known
<b>HSC 15-02</b>	Regulations under section 28 – 39 and 41 of the Health and Social Care Act 2001 – LPS schemes	To introduce Local Pharmaceutical Pilot schemes in Wales	Consultation to be undertaken following reorganisation of NHS Provisionally end November 2002	Not yet known
<b>HSC 16-02</b>	Regulations under section 43 of the Health and social Care act 2001 – remote provision of pharmaceutical, etc, services	To allow dispensing across health authority boundaries	Not yet known Provisionally end November 2002 Awaiting clarity on the new NHS structures and functions	Not yet known
<b>HSC 17-02</b>	Order under section 58(1A) of the Medicines Act 1968 – prescribing rights	To enable supplementary consultation process underway.	December 2002	Financial Year 2003/2002
<b>HSC 18-02</b>	Changes to the Regulations		Legislation made on 1 <sup>st</sup> April 2002, further minor	SERNIP to be transferred to NICE by 1 <sup>st</sup> April 2002

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	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)		amendments to be made in late summer following NICE's consultation on remit for SERNIP. Following consultation period which ends 1 July 2002.	1 August 2002
<b>HSC 19-02</b>	Pharmaceutical Regulations 1992	Minor amendments to the rules governing dispensing rights for General Practitioners	Attempting to keep in line with changes made in England. Possibly June 2002 These directions already in force with effect from 3 December 2001.	Not yet known
<b>HSC 22-02</b>	The Abolition of Health Authorities (Wales) Order	<ul style="list-style-type: none"> <li>• Transfer all functions of each of the 5 Health Authorities to NAW</li> <li>• Abolish all 5 Has</li> <li>• Transfer of staff, assets and liabilities</li> </ul>	Not yet known	31 <sup>st</sup> March 2003  NB. Transfer provisions may need to c.i.f. a short time before abolition.
<b>HSC 23-03</b>	The NHS Reform and Health Care Professions Act (Commencement) (Wales) Order	<ul style="list-style-type: none"> <li>• Commence power to create LHBs</li> <li>• Commence Health and well-being Strategies provisions</li> <li>• Commence other parts relevant to the NHS (Wales) Plan and Kennedy implementation, e.g. CHI provisions.</li> </ul>	Not yet known	A.S.A.P after Royal Assent
<b>HSC 24-02</b>	The Local Health Boards (Establishment) (Wales) Order	<ul style="list-style-type: none"> <li>• Establish LHBs as corporate bodies</li> <li>• Set number of LHBs</li> <li>• Set their areas/boundaries</li> <li>• Set up Powys Pathfinder</li> <li>• Operational Date</li> </ul>	Not yet known	Mid February 2003

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<b>HSC 25-02</b>	The Local Health Boards (Membership and Constitution) (Wales) Regulations	<ul style="list-style-type: none"> <li>• Officer and non-officer members</li> <li>• Number of members</li> <li>• Periods of appointment</li> <li>• Appointment procedures</li> <li>• Proceedings</li> <li>• Committees / sub-committees</li> <li>• Special provision for Powys</li> </ul>		
<b>HSC 26-02</b>	The Local Health Boards (Functions) (Wales) Regulations	<ul style="list-style-type: none"> <li>• Map out functions</li> <li>• Provisions for Powys</li> <li>• Deal with any “area specific” functions</li> </ul>	Not yet known	Mid February 2003
<b>HSC 27-02</b>	The Local Health Boards (Transfer of assets, staff and liabilities) Wales Regulations	<p>Covers a range of provisions with regard to the transfer of staff, property and other assets, rights and liabilities from the five Health Authorities in Wales and Powys NHS Trust to the 22 newly created Local health Boards. The Order, together with the provisions in Schedule 4 of the NHS Reform and Health Care Professions Bill define the:</p> <ul style="list-style-type: none"> <li>• Transfer of employees</li> <li>• Transfer of property and other assets, rights and liabilities;</li> <li>• Arrangements for arbitration of disputes and third party rights.</li> <li>•</li> </ul>	Not yet known	Shortly before 31/03/2003
<b>HSC 28-02</b>	The Health and Well-being Strategies (Wales)	<ul style="list-style-type: none"> <li>• Implement policy on content, obligations, etc.</li> <li>• Commissioning partnerships</li> </ul>	Not yet known	31/03/2003

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	Regulations			
<b>HSC 29-02</b>	CHI (Amendment) (Wales) regulations Changes to functions of Institute under direction (SO 27)	<ul style="list-style-type: none"> <li>• New function of impending NHS organisations</li> <li>• Provision for CHI to propose use of special measures</li> <li>• New function of carrying out clinical audits (result of Kennedy Response)</li> <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>		Proceeding to an England and Wales timetable yet to be finalised
<b>HSC 30-02</b>	The Abortion (Amendment) (Wales) Regulations 2002	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	July 2002	July 2002
<b>HSC 32-02</b>	Amending, by order(s), the Crime and Disorder Act 1998 in relation to Crime and Disorder reduction partnerships/	To put substance misuse strategies on a statutory basis by placing a duty on responsible authorities to develop and implement such a strategy as well as that for crime and disorder	October – December 2002	By April 2003

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	strategies			
<b>HSC 33-02</b>	Regulation under Section 117 of and Schedule 6 to the Care Standards Act 2000 to repeal Sections 18(1) and (3) of the Chronically Sick and Disabled Persons Act 1970.	To repeal the requirement for local authorities to supply to the National Assembly information as to residential accommodation which is provided under part III of the National Assistance Act 1948 for persons under 65 and over 65 in the same premises. To revoke the requirement for an annual Statement to be laid in the National Assembly on the information that is described above.	June – July 2002	August 2002
<b>HSC 34-02</b>	Regulations on the Protection of Vulnerable Adults under the Care Standards Act 2000	To enable the Secretary of State for Health to create and maintain 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.	June – July 2002	August – September 2002
<b>HSC 35-02</b>	Regulations on Residential Accommodation (top ups and deferred payments)	To enable Local Authorities to take a legal charge on a persons residential property to meet shortfall in care home fees. To allow certain groups of people to top up care home fees from their own resources	July 2002	August 2002
<b>HSC 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.	October – November 2002?	Not known at this stage
<b>HSC 38-02</b>	Adoption and Children Act 2002 Commencement	To commence sections of Act relating to adoption allowances and independent review mechanism for prospective adopters	October-November 2002 (?)	1 April 2003



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	Order No.*			
<b>HSC 39-02</b>	Adoption and Children Act 2002 Adoption Support Services Regulations	To make provision about assessments for and the provision of adoption support services.	October – November 2002 (?)	1 April 2003
<b>HSC 40-02</b>	To be determined	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.	Not yet known	Summer 2002
<b>HSC 41-02</b>	To be determined	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;	Not yet known	As soon as possible in 2003
<b>HSC 42-02</b>	To be determined	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.	Not yet known	As soon as possible in 2002.
<b>HSC 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.	October – November 2002	1 April 2003
<b>HSC 44-02</b>	Care Standards Act 2002 Fostering Services Regulations	To regulate the functions of fostering services under the Care Standards Act	December 2002	Not yet known
<b>HSC 45-02</b>	Care Standards Act 2002 Adoption Services Regulations –	To regulate the functions of Voluntary Adoption Agencies under the Care Standards Act – Joint regulations with Dept of Health	October – November 2002	1 April 2003

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	Voluntary Adoption Agencies			
<b>HSC 66-02</b>	Care Standards Act 2002 Adoption Services regulations – local authorities	To regulate the adoption functions of local authorities under the Care Standards Act	October – November 2002	1 April 2003
<b>HSC 46-02</b>	Children (Leaving Care) (Wales) Amendment Regulations	To enable a care leaver child who has returned home and has lost entitlement to local authority support to re-qualify if the arrangement breaks down	July 2002	August 2002
<b>HSC 47-02</b>	Fostering Services (Wales) Regulations 2002	Regulations to govern the management and conduct of fostering services	December 2002	Not yet known
<b>HSC 48-02</b>	Nurses' Agencies (Wales) Regulations 2002	Regulations to govern the management and conduct of nurses' agencies.	December 2002	Not yet known
<b>HSC 49-02</b>	Domiciliary Care Agencies (Wales) Regulations 2002	Regulations to govern the management and conduct of domiciliary care agencies.	December 2002	Not yet known
<b>HSC 50-02</b>	Residential Family Centres (Wales) 2002	Regulations to address the management and conduct of residential family centres.	December 2002	Not yet known
<b>HSC 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.	December 2002	Not yet known
<b>HSC 52-02</b>	The Registration of Social Care and Independent	Regulations to add the fee structure for domiciliary care etc covered by the Care Standards Act 2000 to the main Regulations.	December 2002	Not yet known

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	Healthcare (Fees) (Amendment) Regulations 2002			
<b>HSC 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.	December 2002	Not yet known
<b>HSC 54-02</b>	Fostering Services Standards	See Fostering services regulations	Same as the accompanying Regulations	Not yet known
<b>HSC 55-02</b>	Standards for Boarding Schools	To set minimum standards of care provision in boarding schools	December 2002	April 200(2)3 (provisional)
<b>HSC 56-02</b>	Standards for Domiciliary Care	See Domiciliary Care Regulations	Same as the accompanying Regulations	Not yet known
<b>HSC 57-02</b>	Standards for Residential Family Centres	See RFC Regulations	Same as the accompanying regulations	Same as accompanying regulations
<b>HSC 58-02</b>				
<b>HSC 59-02</b>	Nursing Agency Service Standards	See Nursing Agency Regulations	Same as the accompanying May 2002 (executive procedure)	April 2002 (executive procedure)
<b>HSC 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	May 2002 (executive procedure)	April 2002 (executive procedure)
<b>HSC</b>	Arrangements for	Amendments to the content and timing of	March 2003	April 2003 (provisional)

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<b>61-02</b>	Placement of Children Amendment regs	health assessment for children in care		timetable)
<b>HSC 62-02</b>	Standards for Special schools	To set minimum standards of care provision for Special schools	February 2003	April 2003
<b>HSC 63-02</b>	Standards for FE Colleges	To set minimum standards of care provision for FE Colleges	December 2002	April 2003
<b>HSC 64-02</b>	Amendment to SI 1999 No 220 NICE Establishment & Constitution order	Increase number of members of Institute from 4 to 5 Executive officers and 7 to 8 Non-executive officers	1 August 2002	1 August 2002
<b>HSC 65-02</b>	Amendment to SI 1999 No 260 NICE Regulations	Removal of Ministers veto on NICE Appointments other than chairman and non-executive members	1 August 2002	1 August 2002
	Adoption Services Standards – local authorities	See Adoption Regulations	Same as accompanying Regulations	1 April 2003
<b>HSC 67-02</b>	Adoption Services Standards – local authorities	See Adoption Regulations	Same as accompanying Regulations	1 April 2003
<b>HSC 68-02</b>	Care Standards Act Adult Placements	To amend existing regulations to provide for the regulation of Adult Placement Schemes	March 2003	April 2003
<b>HSC 69-02</b>	The Care Standards Inspectorate Wales (Inspectors of Schools and Colleges regulations)	To enable CSIW to inspect minimum welfare standards of residential facilities in schools and colleges. Goes with National Standards	To be confirmed by OCG	To be confirmed by OCG

**HSSC SUBORDINATE LEGISLATION PROGRAMME****Forthcoming Legislation****Explanatory notes****HSC 06-02 The Generic drugs (Wales) Regulations 2001**

**Intention:** To regulate the price of generic drugs

**Position:** This is not devolved to the Assembly. Regulations have already been made under section 57 of the NHS Act 1977 and are in force.

**HSC 07-02 Amendments to the terms of service for Pharmacists in connection with repeat dispensing**

Intention: To enable pharmacists to manage repeat prescriptions in line with the recommendation of the Task and Finish Group report on prescribing. Repeat dispensing would provide a safe, efficient means by which medically stable patients on chronic medication could avoid having to return to their GP for repeat prescriptions at monthly intervals as a formality. The system would enable three-monthly or six-monthly prescriptions to be dispensed and monitored by a named pharmacy on a monthly basis.

Position: A repeat dispensing pilot study is to start in the near future to examine the financial and practical implications of implementing such a system. Legislative changes will need to be made to amend the terms of service for Pharmacists before such a scheme could be rolled out across Wales. The projected date for legislation to be made is therefore subject to the findings of this study and subsequent consultation. In view of the protracted timetable for potential rollout across Wales, it is recommended that this item be removed from the legislative timetable and resubmitted at a later date.

**HSC 08-02 Electronic signatures**

Intention: To permit use of electronic signatures in prescribing. This is a prerequisite to the introduction of electronic transmission of prescriptions

Position: To be reviewed following the outcome of the scoping study that has been commissioned to evaluate the options for introducing “electronic prescribing” across primary and secondary care and produce a recommendation for the best way forward for the NHS in Wales. The scoping study report is due to be published this autumn.

**HSC 15-02 Local Pharmaceutical Service (LPS) Pilots**

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Intention: Provision was made under Sections 28 – 41 of the Health and Social Care Act to introduce PMS style services for the provision of community pharmacy services. The principal objective of LPS pilots is to allow Health Authorities (HAs) the freedom to negotiate different local arrangements for providing and paying for services to patients outside the present constraints of Part II of the National Health Act 1977, the Pharmaceutical Services Regulations and the Drug Tariff. Regulations need to be made under subordinate legislation to provide boundaries within which these pilots may be established.

Position: We have provisionally set a date for the end of November 2002 for the making of these Regulations but are awaiting clarity on the distribution of functions within the new NHS structure before proceeding.

**HSC 17-02 Supplementary prescribing**

Intention: Provision was made under section 63 of the Health and Social Care Act to amend section 58 of the Medicines Act 1968 and enable Ministers through an Order to:

1. designate new categories of prescriber, and
2. impose conditions on their prescribing which would, in turn, permit Ministers to classify prescribers as either independent or supplementary prescribers, and limit or specify the medicines or classes of medicines which any specific group of prescribers may prescribe.

This is in line with the Report of the Task and Finish Group on prescribing, which recommends that, “the role of pharmacists and nurses as supplementary prescribers must be developed so as to offer patients regular opportunities for dialogue about, and monitoring of, their medicines.”

Position: We are currently consulting on proposals for supplementary prescribing by nurses and pharmacists and proposed amendments to the Prescription Only Medicines (Human Use) Order 1997. The proposed changes to the POM Order would permit prescription only medicines to be prescribed by a supplementary prescriber as part of an agreed clinical management plan for an individual patient. We have provisionally set a date of December 2002 for the making of these Regulations but are awaiting the outcome of consultations before proceeding.