

Date: 14 September 2000

Venue: Committee Room 2, National Assembly for Wales

Title: **The (Draft) National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) 2000**

Purpose

1. This paper provides an opportunity for the Committee to comment on draft regulations to govern the use of powers contained in section 31 of the Health Act 1999 to improve joint working between health and local authorities. These powers are often referred to as the "Health Act flexibilities".
2. We are due to discuss the draft guidance which will sit alongside these regulations at our meeting on 11th October. On 29th June the Committee members were sent a copy of the consultation version of the draft guidance which included the draft regulations as an Annex. While it would have been preferable to discuss the regulations and guidance together following the end of consultation on the guidance on 8 September, the scheduling of Business and Legislation Committee meetings after 11 October would have produced a delay of several weeks before the regulations could be brought into effect.

Background

3. The Health Act flexibilities are permissive powers intended to allow closer joint working between the NHS and local government than was possible under previous legislation. The aim is to improve services for users and carers through pooled budgets and the delegation of functions through lead commissioning and integrated provision as well as to promote innovation in the way services are provided.
4. The draft regulations and guidance have been developed together in a working group comprising representatives of the NHS, local government, the voluntary sector and Assembly officials.

Content of the Regulations

5. The flexibilities covered in the regulations are:

The Pooled Fund Arrangement

6. The aim of a pooled fund is flexibility in the use of funds contributed by partners, to respond to the needs of an identified group of people, with a specified range of services for those who fulfil the agreed eligibility criteria. The use and size of the pool will be set on the basis of agreed aims and outcomes. Contributions to the pool will then be spent on any of the services identified according to the needs of users.

Delegation of Functions - Lead Commissioning

7. Lead commissioning provides an opportunity to commission a range of services for a client group from a single organisation. One agency takes on the commissioning of the services delegated to it by all the partner agencies. The partners must decide what functions will be commissioned by the lead agent and the payments to finance each of them.

Delegation of Functions - Integrated Provision

8. Integrated provision is an opportunity to provide services in a more co-ordinated way by allowing different professionals to work within one management structure and to arrange provision from one statutory organisation.

9. The use of the flexibilities can be combined. In addition to these flexibilities under section 31 of the Act, section 30 introduces a new power for local authorities to make payments to health authorities. At present payments can only be made in the opposite direction. I propose that we commence section 30 at the same time that these regulations are made.

Draft Regulations

10. The draft regulations appear at Annex A. These define the statutory partners (NHS bodies and local authorities) the functions which can be included within the flexibilities and the conditions which attach to their use.

11. The functions which can be included are widely drawn. On the local authority side they go well beyond social services to embrace other health and care-related services of local government. Further detail is given in Annex B. On the health side the exclusions from the flexibilities are the obvious ones of surgery, radiotherapy, endoscopies, termination of pregnancies, other invasive procedures and emergency ambulance services. The local authority functions in relation to health and social care which are not included in the use of the flexibilities include adoption panels inspection of children's homes and duties under the Registered Homes Act 1984 where the legal process requires local authority supervision

or there is a need for independent operation or assessment.

12. The Regulations attach a number of conditions to the use of these flexibilities including that: -

- the partners must be satisfied that the arrangement will improve services for users and will fulfil the objectives in the Health Improvement Programme and in social care plans
- there must be adequate consultation
- there must be a clear written agreement containing all the details required by the regulations.

Consultation Responses

13. Three responses have been received in response to the formal consultation on the draft regulations which has just ended. In a joint response, the NHS and the WLGA endorse the approach taken. One response seeks clarification about cross boundary working between English and Welsh authorities. The third response queries whether the reference in Regulation 6 (iv) needs to be expanded. I am looking into these points and will report progress at the Committee meeting. On cross-border working the intention is that, in the interests of users and carers, the partners could include any combination of English and Welsh local and health authorities.

14. I will place copies of consultation responses on the regulations and on the guidance in the Library.

Financial Implications

15. The regulations allow local for local agreement about using resources jointly to best effect. They do not, of themselves, create a need for additional expenditure. They must lead to service improvements and many will produce efficiency gains. In the context of the longer term Strategy to which I refer in HSS -16-00 (p3), I will consider whether there needs to be any special provision for promotion, support and the development of joint training, monitoring and evaluation.

Timetable

16. The main stages which I propose for implementation are:

- In the light of the Committee's views and further consideration of responses to consultation, draft Regulations to be finalised and submitted to Business Committee on 10 October 2000 and Legislation Committee on 24 October 2000.
- HSS Committee will be given the opportunity to discuss the guidance on 11 October

- Plenary debate on the regulations is scheduled for 7 November 2000
- On 29 November I will be officially launching the increased flexibilities at a conference in Builth Wells
- To implement these regulations relevant Sections of the Health Act 1999 will need to be commenced. It is planned to bring the Commencement Order before the Assembly at the same time as these regulations.

Action

17. I would welcome the Committee's comments on the draft regulations.

JANE HUTT
Health and Social Services Secretary

September 2000

Contact Mrs Lynne Hamilton. Extension 6429.

ANNEX A

CYNULLIAD CENEDLAETHOL CYMRU		NATIONAL ASSEMBLY FOR WALES
OFFERYNNAU STATUDOL		STATUTORY INSTRUMENTS
2000 Rhif (Cy.)		2000 No. (W.)

<p style="text-align: center;">Y GWASANAETH IECHYD GWLADOL, CYMRU</p> <p style="text-align: center;">LLYWODRAETH LEOL, CYMRU</p>		<p style="text-align: center;">NATIONAL HEALTH SERVICE, WALES</p> <p style="text-align: center;">LOCAL GOVERNMENT, WALES</p>
<p style="text-align: center;">Rheoliadau Trefniadau Partneriaeth Cyrff Gwasanaeth Iechyd Gwladol ac Awdurdodau Lleol (Cymru) 2000</p>		<p style="text-align: center;">The National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000</p>
<p style="text-align: center;">NODYN ESBONIADOL</p> <p style="text-align: center;"><i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)</i></p>		<p style="text-align: center;">EXPLANATORY NOTE</p> <p style="text-align: center;"><i>(This note does not form part of the Regulations.)</i></p>
<p>Mae'r Rheoliadau hyn yn darparu i gyrff penodol yn y Gwasanaeth Iechyd Gwladol ac awdurdodau lleol penodol wneud trefniadau ("trefniadau partneriaeth") ynghylch arfer swyddogaethau penodedig.</p>		<p>These Regulations make provision for certain National Health Service bodies and local authorities to enter into arrangements ("partnership arrangements") for the exercise of specified functions.</p>
<p>Mae Rheoliad 3 yn rhagnodi'r cyrff yn y Gwasanaeth Iechyd Gwladol a'r awdurdodau lleol ("y partneriaid") sy'n cael gwneud y trefniadau.</p>		<p>Regulation 3 prescribes the National Health Service bodies and local authorities ("the partners") which may enter into the arrangements.</p>
<p>Mae Rheoliad 4 yn nodi'r amodau y mae'n rhaid eu bodloni cyn bod y partneriaid yn cael gwneud y trefniadau partneriaeth. Yn Rheoliadau 5 a 6 rhagnodir pa rai o swyddogaethau'r Gwasanaeth Iechyd Gwladol a all fod yn destun trefniadau partneriaeth.</p>		<p>Regulation 4 sets out the conditions which must be satisfied before the partners may enter the partnership arrangements. Regulations 5 and 6 prescribe the NHS functions which may be the subject of partnership arrangements.</p>

Mae'r Rheoliadau hefyd yn diffinio natur y trefniadau partneriaeth. Maent yn darparu ar gyfer sefydlu cronfa a gaiff eu ffurfio o gyfraniadau gan y partneriaid. Gellir gwneud taliadau o'r gronfa tuag at wariant a dynnir wrth i'r partneriaid arfer eu swyddogaethau; er mwyn i gyrff yn y Gwasanaeth Iechyd Gwladol arfer swyddogaethau'r awdurdodau lleol ac i'r awdurdodau lleol arfer swyddogaethau'r Gwasanaeth Iechyd Gwladol. Maent yn ei gwneud yn ofynnol hefyd i'r partneriaid nodi telerau'r trefniadau mewn ysgrifen (rheoliadau 7, 8 a 9).

The Regulations also define the nature of the partnership arrangements. They provide for the establishment of a fund made up of contributions from the partners out of which payments may be made towards expenditure incurred in the exercise of their functions: for the exercise by National Health Service bodies of local authority functions and for the exercise by local authorities of National Health Service functions; and require the partners to set out the terms of the arrangements in writing (regulations 7, 8 and 9).

Mae Rheoliad 10 yn gwneud darpariaethau atodol.

Regulation 10 makes supplementary provisions.

CONSULTATION DRAFT ONLY

OFFERYNNAU

STATUDOL

S T A T U T O R Y

I N S T R U M E N T S

2000 Rhif (Cy.)

2000 No. (W.)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH SERVICE,
WALES**

LLYWODRAETH LEOL, CYMRU

LOCAL GOVERNMENT, WALES

**Rheoliadau Trefniadau Partneriaeth Cyrff
Gwasanaeth Iechyd Gwladol ac
Awdurdodau Lleol (Cymru) 2000**

**The National Health Service Bodies and
Local Authorities Partnership
Arrangements (Wales) Regulations 2000**

<p><i>Wedi'u gwneud 2000</i></p> <p><i>Yn dod i rym 2000</i></p>		<p><i>Made 2000</i></p> <p><i>Coming into force 2000</i></p>
<p>Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) ac adran 31 o Ddeddf Iechyd 1999 (b) a phob per arall sy'n galluogi'r Ysgrifennydd Gwladol yn y cyswllt hwnnw, ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru (c):-</p>		<p>The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 126(4) of the National Health Service Act 1977 (a) and section 31 of the Health Act 1999 (b) and of all other powers enabling the Secretary of State in that behalf, and now vested in the National Assembly for Wales(c):-</p>
<p>Enwi, cychwyn a chymhwyso</p>		<p>Citation, commencement and application</p>
<p>1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Trefniadau Partneriaeth Cyrff Gwasanaeth Iechyd Gwladol ac Awdurdodau Lleol (Cymru) 2000 a deuant i rym ar [] 2000.</p> <p>(2) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.</p>		<p>1.- (1) These Regulations may be cited as the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000 and shall come into force on [] 2000.</p> <p>(2) These Regulations shall apply to Wales only.</p>
<p>Dehongli</p> <p>2.-(1) Yn y Rheoliadau hyn -</p>		<p>Interpretation</p> <p>2.- (1) In these Regulations -</p>

ystyr "awdurdod lleol" ("*local authority*") yw corff y mae rheoliad 3(2) yn gymwys iddo;

ystyr "contract Gwasanaeth Iechyd Gwladol" yw'r ystyr a roddir i "NHS contract" yn adran 4(1) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990(**ch**);

ystyr "corff Gwasanaeth Iechyd Gwladol" ("*NHS body*") yw corff y mae rheoliad 3(1) yn gymwys iddo;

ystyr "cynllun gwella iechyd" ("*health improvement plan*") yw cynllun y mae'n ofynnol i Awdurdod Iechyd ei baratoi o dan adran 28 o'r Ddeddf;

ystyr "Deddf 1977" ("*the 1977 Act*") yw Deddf y Gwasanaeth Iechyd Gwladol 1977;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd 1999;

ystyr "partneriaid" ("*partners*"), mewn perthynas â threfniadau partneriaeth, yw un neu fwy o gyrff y Gwasanaeth Iechyd Gwladol ac un neu fwy o awdurdodau lleol;

ystyr "swyddogaethau'r Gwasanaeth Iechyd Gwladol" ("*NHS functions*") yw swyddogaethau cyrff y Gwasanaeth Iechyd Gwladol a ragnodir o dan reoliad 5;

ystyr "swyddogaethau sy'n gysylltiedig ag iechyd" ("*health related functions*") yw swyddogaethau'r awdurdodau lleol a ragnodir o dan reoliad 6; ac

ystyr "trefniadau partneriaeth" ("*partnership arrangements*") yw'r trefniadau a ragnodir o dan reoliadau 7, 8 a 9.

"the Act" ("*y Ddeddf*") means the Health Act 1999;

"the 1977 Act" ("*Deddf 1977*") means the National Health Service Act 1977;

"health improvement plan" ("*cynllun gwella iechyd*") means a plan which a Health Authority is required to prepare under section 28 of the Act;

"health-related functions" ("*swyddogaethau sy'n gysylltiedig ag iechyd*") means the functions of local authorities prescribed under regulation 6;

"local authority" ("*awdurdod lleol*") means a body to which regulation 3(2) applies;

"National Health Service body" ("*corff Gwasanaeth Iechyd Gwladol*") means a body to which regulation 3(1) applies;

"National Health Service contract" ("*contract Gwasanaeth Iechyd Gwladol*") has the meaning given in section 4(1) of the National Health Service and Community Care Act 1990(**d**);

"National Health Service functions" means the functions of National Health Service bodies prescribed under regulation 5;

"partners" ("*partneriaid*"), in relation to partnership arrangements, means one or more National Health Service bodies and one or more local authorities; and

"partnership arrangements" ("*trefniadau partneriaeth*") means the arrangements prescribed under regulations 7, 8 and 9.

<p>(2) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall, mae unrhyw gyfeiriad at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn, ac mae unrhyw gyfeiriad at baragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad hwnnw.</p>		<p>(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations, and any reference to a numbered paragraph is a reference to a paragraph bearing that number in that regulation.</p>
<p>Cyrff Gwasanaeth Iechyd Gwladol ac awdurdodau lleol rhagnodedig</p>		<p>Prescribed National Health Service bodies and local authorities</p>
<p>3.-(1) Y cyrff yn y Gwasanaeth Iechyd Gwladol a ragnodir at ddibenion adran 31 o'r Ddeddf yw -</p>		<p>3.-(1) The National Health Service bodies prescribed for the purposes of section 31 of the Act are -</p>
<p>(a) Awdurdod Iechyd(d); a</p>		<p>(a) a Health Authority(e); and</p>
<p>(b) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol(dd);</p>		<p>(b) a National Health Service Trust(f).</p>
<p>(2) Yr awdurdodau lleol a ragnodir at ddibenion adran 31 o'r Ddeddf yw -</p>		<p>(2) The local authorities prescribed for the purposes of section 31 of the Act are -</p>
<p>(a) cyngor sir;a</p>		<p>(a) a county council; and</p>
<p>(b) cyngor bwrdeistref sirol.</p>		<p>(b) a county borough council.</p>
<p>Trefniadau partneriaeth rhwng cyrff Gwasanaeth Iechyd Gwladol ac awdurdodau lleol</p>		<p>Partnership arrangements between National Health Service bodies and local authorities</p>
<p>4.-(1) Yn ddarostyngedig i baragraffau (2) a (3), caiff y partneriaid wneud unrhyw drefniadau partneriaeth mewn perthynas ag arfer -</p>		<p>4.-(1) Subject to paragraphs (2) and (3), the partners may enter into any partnership arrangements in relation to the exercise of any -</p>
<p>(a) unrhyw un o swyddogaethau'r Gwasanaeth Iechyd Gwladol, a</p>		<p>(a) National Health Service functions, and</p>

<p>(b) unrhyw swyddogaethau sy'n gysylltiedig ag iechyd,</p>		<p>(b) health-related functions,</p>
<p>os yw'r trefniadau partneriaeth yn debyg o arwain at wella'r ffordd y caiff y swyddogaethau hynny eu harfer.</p>		<p>if the partnership arrangements are likely to lead to an improvement in the way in which those functions are exercised.</p>
<p>(2) Ni chaiff y partneriaid wneud unrhyw drefniadau partneriaeth oni bai eu bod wedi ymgynghori ar y cyd â'r personau hynny y mae'n ymddangos iddynt y bydd y trefniadau hynny yn effeithio arnynt.</p>		<p>(2) The partners may not enter into any partnership arrangements unless they have consulted jointly such persons as appear to them to be affected by such arrangements.</p>
<p>(3) Ni chaiff y partneriaid wneud unrhyw drefniadau partneriaeth nad ydynt yn cyflawni'r amcanion a nodir yng nghynllun gwella iechyd yr Awdurdod Iechyd y bwriedir i'r trefniadau i weithredu yn ei ardal.</p>		<p>(3) The partners may not enter into any partnership arrangements which do not fulfil the objectives set out in the health improvement plan of the Health Authority in whose area the arrangements are to operate.</p>
<p>Swyddogaethau cyrff y Gwasanaeth Iechyd Gwladol</p>		<p>Functions of National Health Service bodies</p>
<p>5. Dyma swyddogaethau cyrff y Gwasanaeth Iechyd Gwladol -</p>		<p>5. The National Health Service functions are -</p>
<p>(a) swyddogaeth darparu, neu drefnu darparu, gwasanaethau -</p>		<p>(a) the function of providing, or making arrangements for the provision of, services -</p>
<p>(i) o dan adrannau 2 a 3(1) o Ddeddf 1977, gan gynnwys gwasanaethau adsefydlu a gwasanaethau y bwriedir iddynt osgoi derbyn cleifion i'r ysbyty ond heb gynnwys llawfeddygaeth, radiotherapi, terfynu beichiogrwydd, endosgopi, defnyddio triniaethau laser Dosbarth 4(e) a thriniaethau trychiadol eraill a gwasanaethau ambiwlansys brys; a</p>		<p>(i) under sections 2 and 3(1) of the 1977 Act, including rehabilitation services and services intended to avoid admission to hospital but excluding surgery, radiotherapy, termination of pregnancies, endoscopy, the use of Class 4 laser treatments(g) and other invasive treatments and emergency ambulance services; and</p>
<p>(ii) o dan adran 5(1), (1A) ac 1(B) o Ddeddf 1977(f), ac Atodlen 1 iddi; a</p>		<p>(ii) under section 5(1), (1A) and (1B) of, and Schedule 1 to, the 1977 Act (h); and</p>

<p>(b) y swyddogaethau o dan adrannau 25A i 25H a 117 o Ddeddf Iechyd Meddwl 1983 (ff).</p>		<p>(b) the functions under sections 25A to 25H and 117 of the Mental Health Act 1983(i).</p>
<p>Swyddogaethau'r awdurdodau lleol sy'n gysylltiedig ag iechyd</p>		<p>Health-related functions of local authorities</p>
<p>6. Dyma'r swyddogaethau sy'n gysylltiedig ag iechyd -</p>		<p>6. The health-related functions are -</p>
<p>(a) y swyddogaethau a bennir yn Atodlen 1 i Ddeddf Gwasanaethau Cymdeithasol yr Awdurdodau Lleol 1970(g) ac eithrio swyddogaethau o dan -</p>		<p>(a) the functions specified in Schedule 1 to the Local Authorities Social Services Act 1970(j) except for functions under -</p>
<p>(i) adrannau 22, 23(3), 26(2) i (4), 43, 45 a 49 o Ddeddf Cymorth Gwladol 1948(ng);</p>		<p>(i) sections 22, 23(3), 26(2) to (4), 43, 45 and 49 of the National Assistance Act 1948(k);</p>
<p>(ii) adrannau 6 a 7B o Ddeddf Gwasanaethau Cymdeithasol yr Awdurdodau Lleol 1970;</p>		<p>(ii) sections 6 and 7B of the Local Authorities Social Services Act 1970;</p>
<p>(iii) adrannau 1 a 2 o Ddeddf Mabwysiadu 1976(h);</p>		<p>(iii) sections 1 and 2 of the Adoption Act 1976(l);</p>
<p>(iv) adrannau 114 a 115 o Ddeddf Iechyd Meddwl 1983;</p>		<p>(iv) sections 114 and 115 of the Mental Health Act 1983;</p>
<p>(v) Deddf Cartrefi Cofrestredig 1984(i); a</p>		<p>(v) the Registered Homes Act 1984(m); and</p>
<p>(vi) Rhannau VII i X ac adran 86 o Ddeddf Plant 1989(j);</p>		<p>(vi) Parts VII to X and section 86 of the Children Act 1989(n);</p>
<p>(b) y swyddogaethau o dan adrannau 5, 7 neu 8 o Ddeddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986(l) ac eithrio i'r graddau y maent yn dyrannu swyddogaethau i awdurdod lleol yn rhinwedd eu swydd fel awdurdod addysg lleol;</p>		<p>(b) the functions under sections 5, 7 or 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986(o) except in so far as they assign functions to a local authority in their capacity of a local education authority;</p>

<p>(c) swyddogaethau darparu, neu sicrhau darparu, cyfleusterau hamdden o dan adran 19 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (ll);</p>		<p>(c) the functions of providing, or securing the provision of recreational facilities under section 19 of the Local Government (Miscellaneous Provisions) Act 1976(p);</p>
<p>(ch) swyddogaethau awdurdodau addysg lleol o dan y Deddfau Addysg fel y'u diffinnir yn adran 578 o Ddeddf Addysg 1996 (m);</p>		<p>(d) the functions of local education authorities under the Education Acts as defined in section 578 of the Education Act 1996(q);</p>
<p>(d) swyddogaethau awdurdodau tai lleol o dan Ran I o Ddeddf Grantiau Tai, Adeiladu ac Adnewyddu 1996(n); ac o dan Rannau VI a VII o Ddeddf Tai 1996(o);</p>		<p>(e) the functions of local housing authorities under Part I of the Housing Grants, Construction and Regeneration Act 1996(r); and under Parts VI and VII of the Housing Act 1996(s);</p>
<p>(dd) swyddogaethau awdurdodau lleol o dan adran 126 o Ddeddf Grantiau Tai, Adeiladu ac Adnewyddu 1996;</p>		<p>(f) the functions of local authorities under section 126 of the Housing Grants, Construction and Regeneration Act 1996;</p>
<p>(e) swyddogaethau casglu gwastraff neu waredu gwastraff o dan Ddeddf Diogelu'r Amgylchedd 1990(p);</p>		<p>(g) the functions of waste collection or waste disposal under the Environmental Protection Act 1990(t);</p>
<p>(f) swyddogaethau darparu gwasanaethau iechyd yr amgylchedd o dan adrannau 180 a 181 o Ddeddf Llywodraeth Leol 1972(ph);</p>		<p>(h) the functions of providing environmental health services under sections 180 and 181 of the Local Government Act 1972(u);</p>
<p>(ff) swyddogaethau awdurdodau priffyrdd lleol o dan Ddeddf Priffyrdd 1980(r) ac adran 39 o Ddeddf Traffig Ffyrdd 1988(rh); ac</p>		<p>(i) the functions of local highway authorities under the Highways Act 1980(v) and section 39 of the Road Traffic Act 1988(w); and</p>
<p>(g) y swyddogaethau o dan adran 63 (cludiant i deithwyr) ac adran 93 (cynlluniau gostyngiadau tocynnau teithio) o Ddeddf Trafnidiaeth 1985(s).</p>		<p>(j) the functions under section 63 (passenger transport) and section 93 (travel concession schemes) of the Transport Act 1985(x).</p>
<p>Trefniadau cyd-gronfa</p>		<p>Pooled fund arrangements</p>

7.-(1) Yn ddarostyngedig i'r darpariaethau canlynol yn y rheoliad hwn, caiff y partneriaid wneud trefniadau ar gyfer sefydlu a chynnal cronfa neu mewn cysylltiad â sefydlu a chynnal cronfa ("trefniadau cyd-gronfa") a gaiff eu ffurfio o gyfraniadau gan y partneriaid ac y gellir gwneud taliadau ohoni tuag at wariant a dynnir wrth arfer unrhyw rai o swyddogaethau'r Gwasanaeth Iechyd Gwladol neu swyddogaethau sy'n gysylltiedig ag iechyd.

7.-(1) Subject to the following provisions of this regulation, the partners may enter into arrangements for or in connection with the establishment and maintenance of a fund ("pooled fund arrangements") which is made up of contributions by the partners and out of which payments may be made towards expenditure incurred in the exercise of any National Health Service functions or health-related functions.

(2) Ni chaiff partner sy'n ymddiriedolaeth Gwasanaeth Iechyd Gwladol wneud trefniadau cyd-gronfa gyda phartner sy'n awdurdod lleol oni fydd yn sicrhau cydsyniad pob Awdurdod Iechyd y mae ganddo gontract Gwasanaeth Iechyd Gwladol gydag ef ynghylch darparu gwasanaethau ar gyfer personau y gall y swyddogaethau sy'n destun y gyd-gronfa gael eu harfer mewn perthynas â hwy.

(2) A partner which is a National Health Service trust may not enter into pooled fund arrangements with a partner which is a local authority unless it obtains the consent of each Health Authority with which it has a National Health Service contract for the provision of services for persons in respect of whom the functions which are the subject of the pooled fund arrangements may be exercised.

(3) Pan yw'r partneriaid wedi penderfynu gwneud trefniadau cyd-gronfa, rhaid i'r trefniadau gael eu gwneud mewn ysgrifen a rhaid iddynt bennu -

(3) Where the partners have decided to enter into pooled fund arrangements the agreement must be in writing and must specify -

(a) y nodau a'r canlyniadau y cytunwyd arnynt ar gyfer y trefniadau cyd-gronfa;

(a) the agreed aims and outcomes of the pooled fund arrangements;

(b) y cyfraniadau sydd i'w gwneud gan bob un o'r partneriaid i'r gyd-gronfa a sut y gall y cyfraniadau hyn gael eu hamrywio;

(b) the contributions to be made to the pooled fund by each of the partners and how those contributions may be varied;

(c) y swyddogaethau Gwasanaeth Iechyd Gwladol a'r swyddogaethau sy'n gysylltiedig ag iechyd sy'n destun y trefniadau;

(c) both the National Health Service functions and the health-related functions the exercise of which are the subject of the arrangements;

<p>(ch) y personau a'r math o wasanaethau y gellir arfer y swyddogaethau y cyfeirir atynt yn is-baragraff (c) mewn perthynas â hwy;</p>		<p>(d) the persons in respect of whom and the kinds of services in respect of which the functions referred to in sub-paragraph (c) may be exercised;</p>
<p>(d) y staff, y nwyddau, y gwasanaethau neu'r llety sydd i'w darparu gan y partneriaid mewn cysylltiad â'r trefniadau;</p>		<p>(e) the staff, goods, services or accommodation to be provided by the partners in connection with the arrangements;</p>
<p>(dd) am faint y bydd y trefniadau yn parhau, a'r ddarpariaeth ar gyfer adolygu'r trefniadau, eu hamrywio neu eu terfynu; ac</p>		<p>(f) the duration of the arrangements and provision for the review or variation or termination of the arrangements; and</p>
<p>(e) sut mae'r gyd-gronfa i gael ei rheoli a'i monitro, gan gynnwys pa bartner fydd y partner lletyol yn unol â pharagraff (4).</p>		<p>(g) how the pooled fund is to be managed and monitored including which partner is to be the host partner in accordance with paragraph (4).</p>
<p>(4) Rhaid i'r partneriaid gytuno y bydd un ohonynt ("y partner lletyol") yn gyfrifol am y cyfrifon ac am yr archwilio ar gyfer trefniadau'r gyd-gronfa a rhaid i'r partner lletyol benodi un o'i swyddogion ("rheolydd y gyd-gronfa") i fod yn gyfrifol am y canlynol -</p>		<p>(4) The partners shall agree that one of them ("the host partner") will be responsible for the accounts and audit of the pooled fund arrangements and the host partner shall appoint an officer of theirs ("the pool manager") to be responsible for -</p>
<p>(a) rheoli'r gyd-gronfa ar eu rhan, a</p>		<p>(a) managing the pooled fund on their behalf; and</p>
<p>(b) cyflwyno adroddiadau chwarterol i'r partneriaid, ynghyd ag adroddiad blynyddol, ynghylch incwm a gwariant y gyd-gronfa a gwybodaeth arall y gall y partneriaid ei defnyddio i fonitro effeithiolrwydd trefniadau'r gyd-gronfa.</p>		<p>(b) submitting to the partners quarterly reports, and an annual return, about the income of, and expenditure from, the pooled fund and other information by which the partners can monitor the effectiveness of the pooled fund arrangements.</p>

(5) Caiff y partneriaid gytuno y caiff un o swyddogion y naill bartner neu'r llall arfer y swyddogaethau Gwasanaeth Iechyd Gwladol a'r swyddogaethau sy'n gysylltiedig ag iechyd sy'n destun trefniadau'r gyd-gronfa.

(5) The partners may agree that an officer of either may exercise both the National Health Service functions and health-related functions which are the subject of the pooled fund arrangements.

(6) Rhaid i'r partner lletyol drefnu archwilio cyfrifon trefniadau'r gyd-gronfa a'i gwneud yn ofynnol i'r Comisiwn Archwilio wneud trefniadau ar gyfer ardystio adroddiad blynyddol ar y cyfrifon hynny o dan adran 28 (1)(d) o Ddeddf y Comisiwn Archwilio 1998 (t).

(6) The host partner shall arrange for the audit of the accounts of the pooled fund arrangements and shall require the Audit Commission to make arrangements to certify an annual return of those accounts under section 28(1)(d) of the Audit Commission Act 1998(y).

Arfer swyddogaethau gan gorff Gwasanaeth Iechyd Gwladol

Exercise of functions by a National Health Service body

8.-(1) Yn ddarostyngedig i'r darpariaethau canlynol yn y rheoliad hwn, caiff y partneriaid wneud trefniadau i gyrrff Gwasanaeth Iechyd Gwladol arfer swyddogaethau sy'n gysylltiedig ag iechyd wrth i'r cyrff hynny arfer eu swyddogaethau Gwasanaeth Iechyd Gwladol hefyd.

8.-(1) Subject to the following provisions of this regulation, the partners may enter into arrangements for the exercise by National Health Service bodies of health-related functions in conjunction with the exercise by such bodies of their National Health Service functions.

(2) Pan yw'r partneriaid wedi penderfynu gwneud trefniadau o dan baragraff (1), rhaid i'r cytundeb gael ei wneud mewn ysgrifen a rhaid iddo bennu -

(2) Where the partners have decided to enter into arrangements under paragraph (1) the agreement must be in writing and must specify -

(a) y nodau a'r canlyniadau y cytunwyd arnynt ar gyfer y trefniadau;

(a) the agreed aims and outcomes of the arrangements;

(b) y taliadau sydd i'w gwneud gan yr awdurdodau lleol i'r cyrff Gwasanaeth Iechyd Gwladol a sut y gall y taliadau hyn gael eu hamrywio;

(b) the payments to be made by local authorities to the National Health Service bodies and how those payments may be varied;

<p>(c) y swyddogaethau sy'n gysylltiedig ag iechyd a swyddogaethau'r Gwasanaeth Iechyd Gwladol y mae eu cyflawni yn destun y trefniadau;</p>		<p>(c) the health-related functions and National Health Service functions the exercise of which are the subject of the arrangements;</p>
<p>(ch) y personau a'r math o wasanaethau y gellir arfer y swyddogaethau y cyfeirir atynt yn is-baragraff (c) mewn perthynas â hwy;</p>		<p>(d) the persons in respect of whom and the kinds of services in respect of which the functions referred to in sub-paragraph (c) may be exercised;</p>
<p>(d) y staff, y nwyddau, y gwasanaethau neu'r llety sydd i'w darparu gan y partneriaid mewn cysylltiad â'r trefniadau;</p>		<p>(e) the staff, goods, services or accommodation to be provided by the partners in connection with the arrangements;</p>
<p>(dd) am faint y bydd y trefniadau yn parhau, a'r ddarpariaeth ar gyfer adolygu'r trefniadau, eu hamrywio neu eu terfynu; ac</p>		<p>(f) the duration of the arrangements and provision for the review or variation or termination of the arrangements; and</p>
<p>(e) y trefniadau sydd ar gael i fonitro sut mae'r cyrff Gwasanaeth Iechyd Gwladol yn arfer y swyddogaethau y cyfeirir atynt yn is-baragraff (c).</p>		<p>(g) the arrangements in place for monitoring the exercise by the National Health Service bodies of the functions referred to in sub-paragraph (c).</p>
<p>(3) Rhaid i'r cyrff Gwasanaeth Iechyd Gwladol gyflwyno adroddiadau i'r awdurdodau lleol, bob chwarter a phob blwyddyn, ynghylch arfer y swyddogaethau sy'n gysylltiedig ag iechyd sy'n destun y trefniadau.</p>		<p>(3) The National Health Service bodies shall report to the local authorities, both quarterly and annually, on the exercise of the health-related functions which are the subject of the arrangements.</p>
<p>Arfer swyddogaethau gan awdurdodau lleol</p>		<p>Exercise of functions by local authorities</p>
<p>9.-(1) Yn ddarostyngedig i'r darpariaethau canlynol yn y rheoliad hwn, caiff y partneriaid wneud trefniadau i awdurdodau lleol arfer swyddogaethau Gwasanaeth Iechyd Gwladol wrth i'r awdurdodau hynny arfer eu swyddogaethau sy'n gysylltiedig ag iechyd hefyd.</p>		<p>9.-(1) Subject to the following provisions of this regulation, the partners may enter into arrangements for the exercise by local authorities of National Health Service functions in conjunction with the exercise by such authorities of their health-related functions.</p>

<p>(2) Ni chaiff partner sy'n ymddiriedolaeth Gwasanaeth Iechyd Gwladol wneud trefniadau o dan baragraff (1) oni fydd yn sicrhau cydsyniad pob Awdurdod Iechyd y mae gan yr ymddiriedolaeth gontract Gwasanaeth Iechyd Gwladol gydag ef ynghylch darparu gwasanaethau ar gyfer personau y gall y swyddogaethau sy'n destun y trefniadau gael eu harfer mewn perthynas â hwy.</p>		<p>(2) A partner which is a National Health Service trust may not enter into arrangements under paragraph (1) unless it obtains the consent of each Health Authority with which the trust has a National Health Service contract for the provision of services for persons in respect of whom the functions which are the subject of the arrangements may be exercised.</p>
<p>(3) Pan yw'r partneriaid wedi penderfynu gwneud trefniadau o dan baragraff (1), rhaid i'r cytundeb gael ei wneud mewn ysgrifen a rhaid iddo bennu -</p>		<p>(3) Where the partners have decided to enter into arrangements under paragraph (1) the agreement must be in writing and must specify -</p>
<p>(a) y nodau a'r canlyniadau y cytunwyd arnynt ar gyfer y trefniadau;</p>		<p>(a) the agreed aims and outcomes of the arrangements;</p>
<p>(b) y taliadau sydd i'w gwneud gan y cyrff Gwasanaeth Iechyd Gwladol i'r awdurdodau lleol a sut y gall y taliadau hyn gael eu hamrywio;</p>		<p>(b) the payments to be made by the National Health Service bodies to the local authorities and how those payments may be varied;</p>
<p>(c) y swyddogaethau Gwasanaeth Iechyd Gwladol y mae eu harfer yn destun y trefniadau;</p>		<p>(c) the National Health Service functions and the health-related functions the exercise of which are the subject of the arrangements;</p>
<p>(ch) y personau a'r math o wasanaethau y gellir arfer y swyddogaethau y cyfeirir atynt yn is-baragraff (c) mewn perthynas â hwy;</p>		<p>(d) the persons in respect of whom and the kinds of services in respect of which the functions referred to in sub-paragraph (c) may be exercised;</p>
<p>(d) y staff, y nwyddau, y gwasanaethau neu'r llety sydd i'w darparu gan y partneriaid mewn cysylltiad â'r trefniadau;</p>		<p>(e) the staff, goods, services or accommodation to be provided by the partners in connection with the arrangements;</p>
<p>(dd) am faint y bydd y trefniadau yn parhau, a'r ddarpariaeth ar gyfer adolygu'r trefniadau, eu hamrywio neu eu terfynu; ac</p>		<p>(f) the duration of the arrangements and provision for the review or variation or termination of the arrangements; and</p>

(e) y trefniadau sydd ar gael i fonitro sut mae'r awdurdodau lleol yn arfer y swyddogaethau y cyfeirir atynt yn is-baragraff (c).

(g) the arrangements in place for monitoring the exercise by the local authorities of the functions referred to in sub-paragraph (c).

(4) Rhaid i'r awdurdodau lleol gyflwyno adroddiadau i'r cyrff Gwasanaeth Iechyd Gwladol, bob chwarter a phob blwyddyn, ynghylch arfer y swyddogaethau Gwasanaeth Iechyd Gwladol sy'n destun y trefniadau.

(4) The local authorities shall report to the National Health Service bodies, both quarterly and annually, on the exercise of the National Health Service functions which are the subject of the arrangements.

Atodol

Supplementary

10.-(1) Mewn cysylltiad ag unrhyw drefniadau partneriaeth, caiff partner benderfynu darparu staff, nwyddau, gwasanaethau neu lety ar gyfer partner arall.

10.-(1) In connection with any partnership arrangements a partner may agree to provide staff, goods, services or accommodation to another partner.

(2) Caiff y partneriaid ffurfio cyd-bwyllgor i gymryd y cyfrifoldeb dros reoli'r trefniadau partneriaeth gan gynnwys monitro'r trefniadau a derbyn adroddiadau a gwybodaeth am sut mae'r trefniadau'n cael eu gweithredu.

(2) Partners may form a joint committee to take responsibility for the management of partnership arrangements including monitoring the arrangements and receiving reports and information on the operation of the arrangements.

(3) Heb ragfarnu unrhyw weithdrefnau cwyno o dan Ddeddf Gweithdrefnau Cwyno Ysbytai 1985(**th**) neu o dan adran 7B o Ddeddf Gwasanaethau Cymdeithasol yr Awdurdodau Lleol 1970 neu fel arall, pan yw'r partneriaid wedi ffurfio cyd-bwyllgor o dan baragraff (2) mewn perthynas â threfniadau partneriaeth, cânt gytuno bod is-bwyllgor, neu aelod o is-bwyllgor, yn cael ystyried cwynion am y trefniadau partneriaeth os caiff y cwynion eu gwneud gan ddefnyddwyr y gwasanaethau a ddarperir o dan y trefniadau partneriaeth neu ar ran y defnyddwyr hynny.

(3) Without prejudice to any complaints procedures under the Hospital Complaints Procedures Act 1985(**z**) or under section 7B of the Local Authorities Social Services Act 1970 or otherwise, where partners have formed a joint committee under paragraph (2) in respect of partnership arrangements they may agree that a sub-committee, or a member of the joint committee, may consider complaints about the partnership arrangements if the complaints are made by or on behalf of users of services provided under the partnership arrangements.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(u).		Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (aa).
[] 2000		[] 2000
Llywydd y Cynulliad Cenedlaethol		The Presiding Officer of the National Assembly

[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1977 p. 49; mae adran 126(4) yn gymwys yn rhinwedd adran 62(4) o Ddeddf Iechyd 1999 ac fe'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19), adran 65(2) a Deddf Iechyd 1999, Atodlen 4, paragraff 37(5).

(b) 1999 p. 8; gweler adran 31(8) ar gyfer y diffiniad o "prescribed".

(c) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau eu bod yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 (a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, OS 1999/672, fel y'i diwygiwyd gan adran 66 (4) a (5) o Ddeddf 1999.

(ch) 1990 p.19.

(d) Gweler adran 8 o Ddeddf y Gwasnaeth Iechyd Gwladol 1977 fel y'i diwygiwyd gan adran 1(1) o Ddeddf Awdurdodau Iechyd 1995 (p.17) a pharagraff 5 o Atodlen 4 i Ddeddf Iechyd 1999.

(a) 1977 c. 49; section 126(4) applies by virtue of section 62 (4) of the Health Act 1999 and was amended by the National Health Service and Community Care Act 1990 (c.19), section 65 (2) and the Health Act 1999, Schedule 4, paragraph 37 (5).

(b) 1999 c. 8; see section 31 (8) for the definition of "prescribed".

(c) The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 (a) of the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, as amended by section 66 (4) and (5) of the 1999 Act.

(d) 1990 c.19

(e) See section 8 of the National Health Service Act 1977 as amended by section 1 (1) of the Health Authorities Act 1995 (c.17) and paragraph 5 of Schedule 4 to the Health Act 1999.

(dd) Gweler adran 5 o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 fel y'i diwygiwyd gan baragraff 69 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995 ac adran 13 (1) o Ddeddf Iechyd 1999.

(e) Gweler BS EN 60825-1: *Safety Laser Products*. Diffinnir cynhyrchion laser dosbarth 4 drwy gyfeirio at 'British Standards' sy'n cael ei gyhoeddi gan y Sefydliad Safonau Prydeinig ("BSI") a gellir ei gael oddi wrth BSI, Linford Woods, Milton Keynes, MK14 6LT.

(f) Diwygiwyd adran 5(1) gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 10(1), a mewnosodwyd adran 5(1A) ac (1B) ganddi; diwygiwyd Atodlen 1 gan Ddeddf Addysg 1981 (p.60), Atodlen 3, paragraff 13; Deddf Diwygio Addysg 1988 (p.40) Atodlen 12, Rhan 1, paragraff 21, a Deddf Iechyd a Meddyginiaethau 1988, Atodlen 2, paragraff 7.

(ff) 1983 p.20.

(g) 1970 (p.42); diwygiwyd Atodlen 1 (drwy ddiddymu, amnewid neu fewnosod eitemau) gan y canlynol: adran 78 o Ddeddf Elusennau 1992 (p.42) ac Atodlen 7 iddi; adran 78 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p.22) ac Atodlenni 2 a 3 iddi; Deddf Cyfraith Statud (Diddymiadau) 1978 (p.45); Deddf Cyfraith Statud (Diddymiadau) 1993 (p.50); adran 73(3) o Ddeddf Mabwysiadu 1976 (p.36) ac Atodlen 4 iddi; adran 57 o Ddeddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p.32) ac Atodlen 5 iddi; adran 148 o Ddeddf Iechyd Meddwl 1983 (p.20) ac Atodlen 4 iddi; adran 108(5) o Ddeddf Plant 1989 (p.41) ac Atodlenni 13 a 15 iddi; adran 89 (2) o Ddeddf Achosion Domestig a Llysoedd Ynadon 1978 (p.22) ac Atodlenni 2 a 3 iddi; adran 54 o Ddeddf Achosion Priodasol 1973 (p.18) ac Atodlenni 2 a 3 iddi; adran 35(2) a

(f) See section 5 of the National Health Service and Community Care Act 1990 as amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 and section 13 (1) of the Health Act 1999.

(g) See BS EN 60825-1:1994 Safety Laser Products. Class 4 laser products are defined by reference to 'British Standards' which is published by the British Standards Institution ("BSI") and may be obtained from BSI, Linford Woods, Milton Keynes, MK 14 6LT.

(h) Section 5 (1) was amended by, and section 5 (1A) and (1B) were inserted by, the Health and Medicines Act 1988 (c.49), section 10 (1); Schedule 1 was amended by the Education Act 1981 (c.60), Schedule 3, paragraph 13; the Education Reform Act 1988 (c.40), Schedule 12, Part 1, paragraph 21, and the Health and Medicines Act 1988, Schedule 2, paragraph 7.

(i) 1983 c. 20.

(j) 1970 (c. 42); Schedule 1 was amended (by repeal, substitution or insertion of entries) by the following: section 78 of, and Schedule 7 to, the Charities Act 1992 (c.42); section 78 of, and Schedules 2 and 3 to, the Public Health (Control of Disease) Act 1984 (c.22); the Statute Law (Repeals) Act 1978 (c. 45); the Statute Law (Repeals) Act 1993 (c. 50); section 73(3) of, and Schedule 4 to, the Adoption Act 1976 (c.36); section 57 of, and Schedule 5 to, the National Health Service Reorganisation Act 1973 (c.32); section 148 of, and Schedule 4 to, the Mental Health Act 1983 (c. 20); section 108 (5) of, and Schedules 13 and 15 to, the Children Act 1989 (c.41); section 89(2) of, and Schedules 2 and 3 to, the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22); section 54 of, and Schedules 2 and 3 to, the Matrimonial Causes Act 1973

(3) o Ddeddf Budd-daliadau Atodol 1976 (p.71) ac Atodlenni 7 ac 8 iddi; adran 129 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 (p.49) ac Atodlen 16 iddi; adran 66(1) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ac Atodlen 9 iddi; adran 20(1) o Ddeddf Nawdd Cymdeithasol 1980 (p.30) ac Atodlen 4 iddi; adrannau 3 a 4 o Ddeddf Tai (Darpariaethau Canlyniadol) 1985 (p.71) ac Atodlenni 1 a 2 iddi; adran 57 o Ddeddf Cartrefi Cofrestredig 1984 (p. 23) ac Atodlen 1 iddi; adran 216(3) o Ddeddf Tai 1996 (p. 52) ac Atodlen 17 iddi; adran 582(1) a (2) o Ddeddf Addysg 1996 (p.56) ac Atodlenni 37 a 38 iddi; adran 1(7) o Ddeddf Gofalwyr (Cydnabyddiaeth a Gwasanaethau) 1995 (p.12); adran 3(1) a (3) o Ddeddf Gofal Cymunedol (Taliadau Uniongyrchol) 1996 (p.30); ac adran 15 (1) o Ddeddf Mabwysiadu (Agweddau Rhyngwladol) 1999 (p.18) ac Atodlen 2 iddi.

(ng) 1948 p.29.

(h) 1976 p.36.

(i) 1984 p.23.

(j) 1989 p.41.

(l) 1986 p.33; gweler Gorchymyn Gwasanaethau Cymdeithasol yr Awdurdodau Lleol (Dynodi Swyddogaethau) 1989 (OS 1989/222).

(ll) 1976 p.57.

(m) 1996 p.56.

(n) 1996 p.53.

(o) 1996 p.52.

(c.18); section 35 (2) and (3) of, and Schedules 7 and 8 to, the Supplementary Benefits Act 1976 (c.71); section 129 of, and Schedule 16 to, the National Health Service Act 1977 (c.49); section 66(1) of, and Schedule 9 to, the National Health Service and Community Care Act 1990 (c.19); section 20 (1) of, and Schedule 4 to, the Social Security Act 1980 (c.30); sections 3 and 4 of, and Schedules 1 and 2 to, the Housing (Consequential Provisions) Act 1985 (c.71); section 57 of, and Schedule 1 to, the Registered Homes Act 1984 (c.23); section 216 (3) of, and Schedule 17 to, the Housing Act 1996 (c.52); section 582(1) and (2) of, and Schedules 37 and 38 to, the Education Act 1996 (c.56); section 1(7) of the Carers (Recognition and Services) Act 1995 (c.12); section 3(1) and (3) of the Community Care (Direct Payments) Act 1996 (c.30); and section 15 (1) of, and Schedule 2 to, the Adoption (Intercountry Aspects) Act 1999 (c.18).

(k) 1948 c.29.

(l) 1976 c.36.

(m) 1984 c.23.

(n) 1989 c.41.

(o) 1986 c.33; see Local Authority Social Services (Designation of Functions) Order 1989 (SI 1989/222).

(p) 1976 c.57.

(q) 1996 c.56.

(r) 1996 c.53.

(s) 1996 c.52.

(p) 1990 p.43.

(t) 1990 c.43.

(ph) 1972 p.70.

(u) 1972 c.70.

(r) 1980 p.66.

(v) 1980 c.66.

(rh) 1988 p.52.

(w) 1988 c.52.

(s) 1985 p.67.

(x) 1985 c.67.

(t) 1998 p.18.

(y) 1998 c.18.

(th) 1985 p.42.

(z) 1985 c.42.

(u) 1998 p.38.

(*aa) 1998 c.38.

Annex B

Powers featured within the draft regulations

Inclusions

5.a.(i) Sections 2 and 3(i) of the NHS Act 1977 indicate the power of the Secretary of State to provide any services to facilitate the discharge of any duty imposed on him by this Act. The Act deals with the provision of general health related services such as facilities for the prevention of illness and the care and after-care of persons suffering from illness.

5.a.(ii) Under sections 5(I), (IA) and (IB) of the 1977 Act it is the duty of the Secretary of State to provide medical and dental inspection to certain pupils and medical examination, medical treatment and substances & appliances associated with contraception to those who require it.

Schedule 1 outlines the duty of the Secretary of State to provide medical or dental inspection to pupils receiving education at establishments other than schools.

5.b. Sections 25A to 25H of the Mental Health Act 1983 outline after-care supervision. Section 117 concerns patient discharge from hospital, in particular, periods of notice to be given and the duty of the District Health Authority and local Social Services to provide after-care services as necessary.

6.b. The functions under sections 5, 7 or 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986 deal with guidance and regulation to local education authorities with regard to a disabled person leaving special education, procedures and regulations for persons discharged from hospital and a local authority's duty to take into account the abilities of a carer of a disabled person.

6.c. The functions of providing, or securing the provision of recreational facilities under section 19 of the Local Government (Miscellaneous Provisions) Act 1976.

6.d. The general responsibility for providing education to meet the needs of the population of a local authority's area. This includes special schools, special educational needs and education in other establishments.

6.e & f. Parts VI and VII of the Housing Act 1996 outline the allocation of housing accommodation and homelessness. Part I of the Housing Grants, Construction and Regeneration Act 1996 outlines grants for renewal, improvement and repair of private sector housing including adaptations for the disabled. Section 126 of the Housing Grants, Construction and Regeneration Act 1996 deals with the terms on which assistance is given for regeneration and development.

6.g. The functions of waste collection or disposal under the Environmental Protection Act 1990. This includes the collection and disposal of household, commercial or industrial waste from residential or nursing care homes and hospitals.

6.h. Sections 180 and 181 of the Local Government Act 1972 deal with the provision of environmental health services to improve, protect or promote public health.

6.i. The functions of local authorities under the Highways Act 1980 and section 39 of the Road Traffic Act 1988 which highlights the powers of the Secretary of State and local authorities concerning road safety information and training.

6.j. Section 63 of the Transport Act 1985 outlines functions of local councils with respect to the provision of passenger transport in areas which would otherwise not be served by normal transport provision. Section 93 describes travel concession schemes on public transport.

Exclusions

6.a.(i) Section 22 (National Assistance Act 1948) relates to charges to be made for accommodation. Section 23 refers to management of premises in which accommodation is provided. Section 26 deals with the provision of accommodation in premises maintained by voluntary organisations. Section 43 refers to the recovery of costs of assistance from persons liable for the care of the person assisted. Section 45 outlines recovery in cases of misrepresentation or non-disclosure. Section 49 describes the expenses of council officers acting as receivers.

6.a.(ii) Sections 6 and 7B of the Local Authorities Social Services Act 1970 highlight the appointment, duties of a Director of Social Services in a local authority and guidance for complaints procedures within a local authority and the duties of the local authority towards the individual's representations.

6.a.(iii) Section 1 of the Adoption Act 1976 outlines the duty of the local authority to establish and maintain needs-based adoption services. Section 2 outlines the various social care related needs of parents and children such as the regulation of nurseries and child minders.

6.a.(iv) Sections 114 and 115 of the Mental Health Act 1983 outline the appointment of social workers and the right of an approved social worker to enter and inspect any premises (not being a hospital) in which a mentally disordered patient is living, respectively*.

6.a.(v) The Registered Homes Act 1984 outlines the registration and conduct of residential care homes*.

6.a.(vi) The Children Act 1989. Part VII outlines the regulations and necessary provisions of voluntary organisations and placements into voluntary homes. Part VIII outlines the regulations and necessary provisions of registered children's homes. Part IX outlines the regulations and necessary provisions for private arrangements for fostering children. Part X outlines the regulations and necessary provisions for child minding and day care for young children. Section 86 outlines regulations and necessary provisions for children accommodated in residential care, nursing or mental nursing homes.

*Note: These functions will transfer to the National Assembly under the Care Standards Act 2000.