

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2002/03**

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Projected Month Legislation To Be Made – Is the month that the Legislation is likely to come before Plenary for approval. Members are notified of draft instruments under Standing Order 22.1, and notification usually occurs at least 6 weeks in advance of proposed instruments coming forward to Plenary. Upon notification, Members will be invited to make representations as to whether a proposed instrument merits formal consideration by a Subject Committee. The Deputy Presiding Officer is required to make a determination as to whether a proposed instrument is to be considered formally by a Subject Committee under the ‘extended’ procedure (see below), having regard to any advice the Business Committee may provide and any representations received from Members.

Minister’s Recommended Procedure - Is the Standing Order procedure that the Welsh Assembly Government is likely to recommend should be adopted having regard to the nature of the proposed instrument and judgement as to how much scrutiny AMs may want to exercise. The procedures are ‘Standard’ (Legislation Committee scrutiny and voted in Plenary with debate); ‘Accelerated’ (Legislation Committee scrutiny and voted in Plenary without debate); ‘Extended’ (formal Subject Committee scrutiny, Legislation Committee Scrutiny and voted in Plenary with or without debate).

This forward programme remains subject to Ministerial confirmation, change, addition or withdrawal of items.

OCTOBER TO DECEMBER 2002

Name/working title	Purpose of Legislation	Projected Month Legislation to be made	Minister’s Recommended Procedure
Children Act Miscellaneous Amendment Regulations	Updating definitions in several sets of regulations following on from the commencement of the Care Standards Act 2000	November 2002	Accelerated
To add Vacuum pumps to the list of prescribable appliances	To enable Vacuum pumps to be prescribed under the NHS	November 2002	Accelerated
Add Uprima to Schedule 11 Blacklist Regs	To allow Uprima to be prescribed under the NHS in certain circumstances (in line with Viagra)	November 2002	Accelerated

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Changes to the Regulations 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)	Allow for the transfer of SERNIP (The Safety and Efficacy Register on New Interventional Procedures) from the Royal Colleges to NICE (National Institute for Clinical Excellence). Further changes to function of NICE under direction (SO 27)	November 2002	Accelerated
Regulations under Sections 122A(5) And 122A(6) of NHS Act 1977	To carry out post payment verification checks on prescriptions and implementation of follow up action, including Penalty Notices and Surcharges.	November 2002	Accelerated
The Abortion (Amendment) (Wales) Regulations 2002	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.	November 2002	Standard
Amending, by order(s), the Crime and Disorder Act 1998 in relation to Crime and Disorder reduction partnerships/strategies	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	November 2002	Standard
Arrangements for Placement of Children Amendment regs	Amendments to the content and timing of health assessment for children in care	December 2002	Standard
The Review of Children's Cases (amendment regulations)		December 2002 (with Regs above)	Standard
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	December 2002	Standard

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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.	December 2002	Recommendation pending.
Adoption and Children Act 2002 Commencement Order No.*	To commence sections of Act relating to adoption allowances and independent review mechanism for prospective adopters.	December 2002	Accelerated
Add Cialis to Schedule 11 Blacklist – regulations	To allow Cialis to be prescribed under the NHS in certain circumstances (in line with viagra)	December 2002	Accelerated
The General Medical Services (Instalment Prescribing of controlled drugs) (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	December 2002	Standard
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	Standard
The CSIW Inspection and Fees (Boarding Schools, Residential Special Schools and FE colleges) Regulations 2002	To set inspection powers for CSIW to inspect residential provision within school settings and to amend the fee regulations to allow a fee to be charged for such an inspection	December 2002	Standard
National Minimum Standards for Special schools	To set minimum standards of care provision for Special schools	December 2002	SO.27
National Minimum Standards for FE Colleges	To set minimum standards of care provision for FE Colleges	December 2002	SO.27

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Standards for Boarding Schools	To set minimum standards of care provision in boarding schools	December 2002	SO.27
Amending requirements in the 1999 NHS Act to remove a dual accounting burden on National health Service Charities	The proposed changes to legislation would be made through an Order under the Regulatory Reform Act 2001	December 2002	SO.24
Order under section 58(1A) of the Medicines Act 1968 – prescribing rights	To enable supplementary prescribing. Changes will be required to the Pharmaceutical Order as needed following changes to primary legislation	Timing uncertain	Standard

January to March 2003

Name/working title	Purpose of Legislation	Projected Month Legislation to be made	Minister's Recommended Procedure
NHS Travelling Expenses Regulations	Changes may be required to reflect changes to the Low Income Scheme and passporting arrangements in England	Timing not certain	Recommendation Pending
Commencement Order in respect of the Protection of Vulnerable Adults under the Care Standards Act 2000	To enable the Secretary of State for Health to create and maintain across England and Wales 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.	January 2003	Accelerated

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Care Standards Act 2002 Fostering Services Regulations	To regulate the functions of fostering services under the Care Standards Act	January 2003	Standard
Care Standards Act 2002 Adoption Services Regulations – Voluntary Adoption Agencies	To regulate the functions of Voluntary Adoption Agencies under the Care Standards Act – Joint regulations with Dept of Health	January 2003	Accelerated
Adoption Services; Voluntary Adoption Agencies - National Minimum Standards	See Adoption Services; Voluntary Adoption Agencies – above	January 2003	SO.27
The Health and Well-being Strategies (Wales) Regulations	<ul style="list-style-type: none"> • Implement policy on content, obligations, etc. • Commissioning partnerships 	January/February 2003	Standard
The Local Health Boards (Functions) (Wales) Regulations	<ul style="list-style-type: none"> • Map out functions • Provisions for Powys • Deal with any “area specific” functions 	January/February 2003	Standard
The Local Health Boards (Transfer of assets, staff and liabilities) Wales Regulations	<ul style="list-style-type: none"> • Transfer of staff, property, rights and liabilities to LHBs. • Make any ancillary or consequential provisions. 	January/February 2003	Standard
LHB Establishment Order	Order Establishing Local Health Boards in Wales	January/February 2003	Standard
LHB Membership Regulations	Regs governing Membership of LHBs	January/February 2003	Standard
Abolition of Health Authorities Order	Order Abolishing Health Authorities in Wales pursuant to the NHS and Healthcare Professions Act 2002	January/February 2003	Standard

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<p>CHI (Amendment) (Wales) regulations Changes to functions of Commission under direction (SO 27)</p>	<ul style="list-style-type: none"> • New function of impending NHS organisations • Provision for CHI (Commission for Health Improvement) to propose use of special measures • New function of carrying out clinical audits (result of Kennedy Response) • Requirement for CHI to submit and annual state of the nation report to Parliament and the Assembly • New Office of Healthcare Performance • Confer rights of entry + define persons authorised to inspect premises and documents. • Address disclosure of confidential information. • Changes to the Assembly input into Chief Executive appointment 	<p>January/February 2003</p>	<p>Standard</p>
<p>Adoption and Children Act 2002 Adoption Support Services Regulations</p>	<p>To make provision about assessments for and the provision of adoption support services.</p>	<p>January/February 2003</p>	<p>Recommendation pending. (Bill has yet to receive Assent)</p>
<p>Adoption and Children Act Commencement</p>	<p>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.</p>	<p>January/February 2003</p>	<p>Recommendation pending. (Bill has yet to receive Assent.)</p>
<p>Adoption and Children Act Commencement</p>	<p>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;</p>	<p>January/February 2003</p>	<p>Recommendation pending. (Bill has yet to receive Assent.)</p>

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Adoption and Children Act Commencement	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.	January/February 2003	Recommendation pending. (Bill has yet to receive Assent.)
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	January/February 2003	Recommendation pending. (Bill has yet to receive Assent.)
Nurses' Agencies (Wales) Regulations 2002	Regulations to govern the management and conduct of nurses' agencies.	January/February 2003	Standard
Nursing Agency Service - National Minimum Standards	See Nursing Agency Regulations – above	January/February 2003	SO.27
Domiciliary Care Agencies (Wales) Regulations 2002	Regulations to govern the management and conduct of domiciliary care agencies.	January/February 2003	Standard
The Registration of Social Care and Independent Healthcare (Fees) (Amendment) Regulations 2002	Regulations to add the fee structure for domiciliary care etc covered by the Care Standards Act 2000 to the main Regulations.	January/February 2003	Accelerated
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.	January/February 2003	Accelerated
Fostering Services (Wales) Regulations 2002	Regulations to govern the management and conduct of fostering services	February 2003	Standard
Fostering Services – National Minimum Standards	Linked to Fostering services regulations – see above	February 2003	SO.27
Care Homes (Wales) Amendment Regulations 2003	Amendment to the Care Homes (Wales) Regulations specifying the detail of the information to be supplied by providers in	February 2003	Standard

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	relation to fees etc.		
Carers Special Grant Report Order	To provide authority for and set the arrangements to apply for the 2003-04 Carers Special Grant	February 2003	Standard
Flexibilities Special Grant Report Order	To provide authority for and set the arrangements to apply for the 2003-04 Flexibilities Special Grant	February 2003	Standard
Care Standards Act Adult Placements Regs	To amend current regulations to move regulatory and standards requirements from Adult placement careers to schemes	February to March 2003	Standard
Regulations under the Care Standards Act 2000 to regulate Domiciliary care Agencies in Wales	To introduce for the first time, regulations and national minimum standards to enable CSIW to regulate providers of Domiciliary care in Wales	February/March 2003	Standard
Domiciliary Care - National Minimum Standards	See Domiciliary Care Regulations – above	February/March 2003	SO.27
Residential Family Centres (Wales) Regs 2002	Regulations to address the management and conduct of residential family centres.	March 2003	Standard
Residential Family Centres - National Minimum Standards	See Residential Family Centre Regulations – above	March 2003	SO.27
National Assistance (Sums for personal requirements (Wales) Regulations 2003	To revise the personal expenses allowance for everyone in residential care nursing homes receiving help to meet costs from local authorities	March 2003	Standard
National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2003	To provide for an increase in the capital limits which form part of the assessment of an individual's ability to contribute their care costs	March 2003	Standard
Care standards Act 2000 Commencement Order	To effect the registration of social care workers.	March 2003	Accelerated
Regulations under Care Standards Act 200 – registration of Social Care Workers	To further extend registration across the social care workforce	March 2003	Standard

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Regulations under the National Health service Act 1977 as amended (sections 29(5A), 36(1B), 39(4) and 42) – Declarations of financial interests etc.	Regulations requiring GPs and practitioners to declare financial interests.	March 2003	Standard
Pharmaceutical Regulations 1992	Minor amendments to the rules governing dispensing rights for General Practitioners	March 2003	Accelerated
Regulations under section 42 of the National Health Service Act 1977 – control of entry	Probity regulations for Pharmacy and supplementary lists for pharmacy, dentistry and opticians. Amendment to existing GMS and GMS supplementary list regs to make CRB checks compulsory	Timing uncertain (possibly by March 2003)	Accelerated
Local Authorities (Executive and Alternative Arrangements) (Modifications and Enactments and Further Provisions) (Wales) Order 2002	To replace in Wales regulation 44	Timing not certain	Accelerated
S.48 of the Health and Social Care Act	Commencement of the section to allow staff transfers	Timing not certain	Accelerated

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April to July 2003 - Tentative Programme Only

Name/working title	Purpose of Legislation	Projected Month Legislation to be made	Minister's Recommended Procedure	Divisional Contact (Name and Ext)
Care Standards Act 2002 Adoption Services regulations – local authorities	To regulate the adoption functions of local authorities under the Care Standards Act	July 2003	Accelerated	Mike Burns
Adoption Services; Local Authorities - National Minimum Standards	See Adoption Services; Local Authorities Regulations – above	July 2003	SO.27	Mike Burns