WELSH STATUTORY INSTRUMENTS

2011 No. 985 (W.142)

NATIONAL HEALTH SERVICE, WALES

The Child Measurement Programme (Wales) Regulations 2011

Made - - - -	*28 March 2011*
Laid before the National Assembly for Wales - -	*30 March 2011*
Coming into force - -	*1 August 2011*

The Welsh Ministers, in exercise of the powers conferred on them in sections 12, 13, 203 and 204, of and paragraph 7B of Schedule 1 to, the National Health Service (Wales) Act 2006(**1**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Child Measurement Programme (Wales) Regulations 2011.

(2) These Regulations come into force on 1 August 2011 and they apply in relation to Wales.

Interpretation

2. In these Regulations —

"the Act" ("*y Ddeddf*") means the National Health Service (Wales) Act 2006;

"authorised person" ("*person awdurdodedig*") means (i) the relevant child's parent, (ii) a person authorised in writing by the relevant child's parent, or (iii) a person that the relevant child wishes to accompany them;

"the Child Measurement Programme for Wales" ("*Rhaglen Mesur Plant Cymru*") means the annual programme under which relevant children are weighed and measured in schools;

"height measure" ("*mesurydd taldra*") means a stadiometer on which a person stands to be measured by means of a vertical rule and a sliding horizontal rod or paddle;

"parent" ("*rhiant*") in relation to a relevant child includes any person who has parental responsibility for, or has care of, the child and, in determining whether a person has care of the child, any absence of the child at a hospital or boarding school and any other temporary absence shall be disregarded;

(**1**) 2006 c. 42. Paragraph 7B was inserted by section 144 of the Health and Social Care Act 2008(c. 14); and *see* section 206(1) for the definition of "regulation".

"parental responsibility" ("*cyfrifoldeb rhiant*") has the same meaning as in section 3 of the Children Act 1989;

"process" ("*prosesu*") and "processed" ("*proseswyd*") are to be interpreted in accordance with the meaning of "processing" in section 1(1) of the Data Protection Act 1998;

"reception year" ("*blwyddyn dderbyn*") means the school year in which the majority of the children are aged either 4 or 5 years;

"relevant child" ("*plentyn perthnasol*") means a child in the reception year or year 4;

"relevant health professional" ("*proffesiynolyn iechyd perthnasol*") means a registered medical practitioner, a registered nurse or registered midwife;

"relevant person" ("*person perthnasol*") means (i) a relevant healthcare professional where a Local Health Board has made arrangements with local authorities and proprietors of schools which are not maintained by a local authority, and (ii) in all other cases, a relevant healthcare professional or a person approved by the Welsh Ministers;

"scales" ("*clorian*") means an electronic device on which a person stands to be weighed;

"school year" ("*blwyddyn ysgol*") has the same meaning as in section 579(1) of the Education Act 1996; and

"year 4" ("*blwyddyn 4*") means the school year in which the majority of the children are aged either 8 or 9 years.

Gathering and further processing height and weight information by Local Health Boards

3.—(1) Subject to paragraph (3) and to any directions given by the Welsh Ministers, the functions of the Welsh Ministers under paragraph 7A(1) and (2) of Schedule 1 to the Act, to make arrangements with local authorities(**2**) and proprietors of schools which are not maintained by a local authority to weigh and measure children, are to be exercisable by Local Health Boards in relation to schools present in their area.

(2) Each Local Health Board may, as provided for under arrangements made under paragraph 7A(1) or (2) of Schedule 1 to the Act, weigh and measure children and further process resulting information for the purposes of the Child Measurement Programme for Wales where the conditions set out in regulation 5 are met.

(3) The functions in paragraphs 7A(1) and (2) of Schedule 1 to the Act exercisable by a Local Health Board may, by arrangement with that board and subject to such restrictions and conditions as it may think fit, be exercised by another Local Health Board.

Gathering and further processing height and weight information Welsh Ministers

4. The Welsh Ministers may, as provided for under arrangements made under paragraph 7A(1) or (2) of Schedule 1 to the Act, weigh and measure children and further process resulting information for the purposes of the Child Measurement Programme for Wales where the conditions set out in regulation 5 are met.

Conditions

5.—(1) The conditions for the purpose of regulation 3(2) and 4 are —

(a) the child to be weighed and measured is a relevant child who is able and willing to stand unaided on scales and under a height measure;

(**2**) The term 'local authorities' in Schedule 1 of the Act was substituted for 'local education authorities' by paragraph 61 of Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I.2010/1158).