WELSH STATUTORY INSTRUMENTS

# 2007 No. 315 (W.29)

# NATIONAL HEALTH SERVICE, WALES

## Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007

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| *Made - - - -* | *6 February 2007* |
| *Coming into force - -* | *1 July 2007* |

The National Assembly for Wales, in exercise of the powers conferred by sections 16BB and 126 (4) of the National Health Service Act 1977 (**1**) hereby makes the following Regulations.

**Citation, commencement extent and interpretation**

**1.**—(1) The name of these Regulations is the "Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007".

(2) These Regulations come into force on 1 July 2007.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations "the Principal Regulations" means the Local Health Boards (Functions) (Wales) Regulations 2003(**2**).

**Amendment of the Principal Regulations**

**2.**—(1) In regulation 2(1) of the Principal Regulations insert the following definitions in the appropriate alphabetical order—

> ""continuing care" ("*gofal parhaus*") means care provided over an extended period of time to a person to meet physical or mental health needs which have arisen as a result of illness;";
>
> ""general ophthalmic services" ("*gwasanaethau offthalmig cyffredinol*") has the same meaning as in section 38(7) of the Act(**3**);";
>
> ""pharmaceutical services" ("*gwasanaethau fferyllol*") has the same meaning as in section 41(2) of the Act(**4**);";

(**1**) 1977 c. 49 Section 16BB is inserted by section 6(1) of the National Health Service Reform and Health Care Professions Act 2002.
(**2**) S.I.2003/150 (W. 20) as amended by S.I. 2003/816 (W. 101
(**3**) section 38(7) of the Act is re-enacted as section 71(10) of the National Health Service (Wales) Act 2006.
(**4**) section 41(2) of the Act is re-enacted as section 80(8) of the National Health Service (Wales) Act 2006.

""primary dental services" ("*gwasanaethau deintyddol sylfaenol*") has the same meaning as in section 16CA of the Act(**5**);";

""primary medical services" ("*gwasanaethau meddygol sylfaenol*") has the same meaning as in section 16CC of the Act(**6**);";

""the 1989 Act" ("*Deddf 1989*") means the Children Act 1989(**7**);".

(2) In regulation 2(2) of the Principal Regulations, after the words "For the purposes of these Regulations," insert the words "and subject to regulation 2A,".

(3) After regulation 2 of the Principal Regulations, insert the following regulation—

"**2A.**—(1) A Local Health Board of origin continues to be responsible for the persons specified in paragraph (3) below who have been usually resident in the area for which it is established, in the circumstances set out in paragraph (2).

(2) The circumstances are that—

(a) on or after 1 July 2007

(i) the Local Health Board of origin has made an arrangement in the exercise of its functions; or

(ii) a local authority(**8**) has made an arrangement

by virtue of which a person to whom paragraph (3) applies is provided with services which consist of or include the provision of accommodation situated in the area of another Local Health Board or a Primary Care Trust; and

(b) the person is thereby living in the accommodation.

(3) This paragraph applies

(a) to a person who is under the age of 18 and

(i) is looked after by a local authority within the meaning of section 22(1) of the 1989 Act;

(ii) is a relevant child within the meaning of section 23A of the 1989 Act;

(iii) qualifies for advice and assistance under section 24(1A) or section 24(1B) of the 1989 Act;

(iv) is placed at a school in accordance with a statement of special educational needs made under section 324 of the Education Act 1996(**9**) that names the school; or

(v) requires accommodation to meet continuing care needs

and

(b) to a person under the age of 21 who was, immediately prior to his or her eighteenth birthday, a person within one of the subcategories of subparagraph (a).

(4) The responsibility of a Local Health Board of origin under this regulation does not extend to its functions in relation to primary medical, primary dental, pharmaceutical and general ophthalmic services.

(5) In this regulation "Local Health Board of origin" means the Local Health Board which made the arrangement under subparagraph 2A(2)(a)(i) or the Local Health Board

(**5**) section 16CA of the Act is re-enacted as section 56 of the National Health Service (Wales) Act 2006.
(**6**) section 16CC of the Act is re-enacted as section 41 of the National Health Service (Wales ) Act 2006.
(**7**) 1989 c. 41.
(**8**) "local authority" is defined in section 128 of the National Health Service Act 1977 c. 49.
(**9**) 1996 c. 56.