WELSH STATUTORY INSTRUMENTS

2003 No. 150 (W.20)

NATIONAL HEALTH SERVICE, WALES

The Local Health Boards (Functions) (Wales) Regulations 2003

Made - - - -	*29th January 2003*
Coming into force - -	*1st April 2003*

The National Assembly for Wales, in exercise of powers conferred upon it by sections 16BB(1), (3) and (5) and 126(1) and (4) of the National Health Service Act 1977(**1**) hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Local Health Board (Functions) (Wales) Regulations 2003 and shall come into force on 1st April 2003 and shall apply to Wales only.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires —

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

"LHB order" ("*gorchymyn BILl*") shall be construed in accordance with section 16BA(2) of the Act;

"the relevant date" ("*y dyddiad perthnasol*") means—

(a) 1st April 2003; or

(b) the date on which the Local Health Board in question was established,

whichever is the latest;

"relevant Health Authority" ("*Awdurdod Iechyd perthnasol*") means the Health Authority previously in existence for the area for which the Local Health Board is established.

(**1**) 1977 c. 49; *see* section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 26(2)(g) and (i) and by the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 38(2)(b), for the definition of "prescribed" and "regulations".
Section 126(4) was amended by the 1990 Act, section 65(2) and the 1999 Act, Schedule 4, and paragraph 37(6).
The functions of the Secretary of State under sections 126(4) of the 1977 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 SI 1999/672, article 2 and Schedule 1, as amended by the 1999 Act, section 66(5).
Section 16BB was inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).

(2) For the purposes of these Regulations, the persons for whom a Local Health Board is responsible in any year are the persons usually resident in the area for which the Local Health Board is established.

(3) Subject to any direction which the National Assembly may give as to any particular case or classes of case, if there is doubt as to where a person is usually resident for the purposes of paragraph (2) —

(a) the person shall be treated as usually resident at the address given by him or her to the person or body providing him or her with services, as being that at which the person usually resides;

(b) where the person gives no such address, he or she shall be treated as usually resident at the address which he or she gives to the person or body providing him or her with services, as being the person's most recent address;

(c) where the person's usual address cannot be determined under sub-paragraphs (a) and (b) above, he or she shall be treated as usually resident in the area in which the person is present.

Functions to be exercised by Local Health Boards

3.—(1) Subject to any prohibitions or restrictions in a LHB order, the functions specified in paragraph (2) are to be exercised by a Local Health Board as from the relevant date.

(2) The functions referred to in paragraph (1) are the functions which were exercised by a relevant Health Authority as at midnight 31st March 2003 and which have been transferred to the National Assembly for Wales by order made pursuant to section 27 of the Government of Wales Act(**2**) except those functions referred to in the Schedule;

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998.

D. Elis-Thomas
29th January 2003 The Presiding Officer of the National Assembly

(**2**) 1998 c. 38.

SCHEDULE

Regulation 3(2)

Excepted functions of a relevant Health Authority

Commissioning of Specialist Services for adults and children in respect of:—	**Description**
Blood and bone marrow transplantation	Autografts and Allografts, all phases.
Assessment and provision of equipment for people with complex physical disability	Prosthetics and complex orthotics; Wheelchair provision including complex postural seating and powered wheelchair controls; Communication aids (excluding all forms of hearing aids and cochlear implants); Environmental controls and other electronic assistive technology; Telecare.
Haemophilia and other bleeding disorders	All activity including genetic support.
Spinal services	All activity in designated centres in respect of spinal injuries (with damage or threat to spinal cord function); Complex spinal deformity surgery and reconstructive surgery (without threat to spinal cord function).
Burns services	Services based on referral guidelines in the "Standards and Strategy for Burn Care"
Cystic fibrosis	All services including outreach and shared care.
Cleft lip and palate services	All relevant services.
Allergy	Activity at designated centres only.
Medical genetics	Clinical genetics; Laboratory genetics; Cytogenetics; Molecular genetics; Metabolic biochemistry; Strategic planning for population screening programmes.
Pathology	