
WELSH STATUTORY INSTRUMENTS

2003 No. 816 (W.101)

NATIONAL HEALTH SERVICE, WALES

**The Local Health Boards (Functions)
(Amendment) Regulations 2003**

Made - - - - 20th March 2003

Coming into force in accordance with regulation 1

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

Citation, commencement and application

1. These Regulations may be cited as the Local Health Boards (Functions) (Amendment) Regulations 2003 and come into force on 1st April 2003 immediately after the coming into force of the Local Health Boards (Functions) Regulations 2003(2) and apply to Wales only.

Interpretation

2. In these Regulations, unless the context otherwise requires —
- “the principal Regulations” (“*y prif Rheoliadau*”) means the Local Health Board (Functions) Regulations 2003(3).

Amendment of the principal Regulations

3. The principal Regulations shall be amended in accordance with regulation 4.
4. Delete the Schedule to the principal Regulations (excepted functions of a relevant Health Authority) and substitute the Schedule hereto.

(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) S.I. 2003/150.

(3) S.I. 2003/150 (W.20).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

20th March 2003

John Marek
The Deputy Presiding Officer of the National
Assembly

(4) 1998 c. 38.

SCHEDULE

Regulation 4

Excepted functions of a relevant Health Authority

Commissioning of Specialised 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. All services provided by the Artificial Limbs and Appliances Service.
Haemophilia and other bleeding disorders	All activity including genetic support.
Spinal services	Spinal injuries (with damage or threat to spinal cord function) —all activity in designated centres; Complex spinal deformity surgery and reconstructive spinal surgery (without threat to spinal cord function).
Burns services	The treatment of complex burns including acute surgical care, intensive care, rehabilitation and multiple in-patient and out patient interventions for re-constructive surgery.
Cystic fibrosis	All services including outreach and shared care.
Cleft lip and palate services	Services provided by all relevant specialites
Allergy	Treatment of allergic disease requiring special facilities for investigation and management normally available only in national specialist centres.
Medical genetics	Clinical genetics; Laboratory genetics; Cytogenetics; Molecular genetics; Metabolic biochemistry;

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Commissioning of Specialised Services for adults and children in respect of:—	Description
Clinical Immunology	<p>Planning for population screening</p> <p>Laboratory investigation for the diagnosis, clinical assessment and treatment of patients with suspected and established primary and humoral immunodeficiencies and the monitoring of complex therapies.</p>
Commissioning of Specialised Services for Adults in respect of:—	
Cancer Services	<p>Specialised services including Continuous Hyperfractionated Accelerated Radiotherapy (for lung cancer), Stereotactic radiosurgery, total skin electron beam radiotherapy cutaneous lymphoma only, micrographic surgery for skin cancer, thoracic surgery for the treatment of cancer, exenterative surgery for gynaecological cancer, brachytherapy, hyperthermia, radionuclide therapy, specialised palliative care services for common cancers: stents, laser and cryotherapy, photodynamic therapy, conformal radiotherapy, photopheresis, Position Emission Tomography scanning, testing people for cancers that have genetic or familial associations including familial polyposis, hereditary non-polyposis, colon, breast. Specialised conditions including brain/central nervous system/spinal cancers, endocrine, sarcoma (soft tissue and bone), skin cancer (melanoma (any site)), cutaneous lymphoma, Human Immunodeficiency Virus related malignancies, mesothelioma, specialised gynaecological cancers — vulval, vaginal and germ cell cancers, head & neck cancers, haematological malignancies such as leukaemia, lymphoma and myeloma, urological cancers — complex bladder, retro-peritoneal surgery, testes, lymphnode section, complex penile; pituitary tumours and teenage & young adult cancer (up to age 25).</p>
Complex rehabilitation for brain injury and complex disability	Centres providing a significant proportion of complex rehabilitation — excluding local aftercare and rehabilitation.
Neurosciences	<p>Neurosurgery;</p> <p>Neurology (excluding in-patient stroke and cerebral haemorrhage);</p> <p>Neurorehabilitation;</p>

Commissioning of Specialised Services for adults and children in respect of:—	Description
	Neuropathology;
	Neurophysiology;
	Neuroradiology;
	Neuroophthalmology;
	Neurotology.
Renal services	Treatment for End Stage Renal Failure;
	Treatment for acute renal failure;
	General nephrology (provided in a main nephrology unit);
	Renal related surgery including dialysis.
Home parental nutrition	Home care packages and support provided by hospital team.
Cardiology and cardiac surgery	Cardiothoracic transplantation (including implantable ventricular assist devices);
	Pulmonary hypertension;
	Cardiac electrophysiology;
	Congenital heart disease;
	Invasive cardiology;
	Angiography and cardiac surgery.
Infectious diseases	Inpatient infectious disease activity.
Hepatology, hepatobiliary and pancreatic surgery	Services for the treatment of patients with viral hepatitis;
	Services for patients with acute liver failure and advanced complications of cirrhosis;
	Services for patients with benign and malignant liver tumours and cancer of the intra and extrahepatic biliary tree (including pancreas);
	Hepatobiliary and pancreatic surgery.
Mental Health	Tertiary Eating Disorder services;
	Neuropsychiatry;
	Forensic Services excluding low secure;

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Commissioning of Specialised Services for adults and children in respect of:—	Description
	Mental health services for deaf people;
	Gender Identity disorder;
	Perinatal psychiatric services (Mother and Baby) units; Complex and/or treatment resistant disorders.
Plastic Surgery	Surgery on the skin and/or appendages including microsurgery.
Thoracic surgery	Surgery on the lungs and thoracic cavity and walls excluding cardiac surgery
Women's health	Foetal medicine including prenatal diagnosis and foetal therapy; Congenital abnormalities of the genital tract. Infertility Services involving in-vitro techniques
Pathology	
Dermatology	
Cochlear Implants	
Commissioning of Specialised Services for Children in respect of:—	
	Cardiology and cardiothoracic surgery;
	Nephrology, including renal replacement therapy;
	Gastroenterology/
	Hepatology/
	Nutritional support;
	Respiratory;
	Oncology;
	Malignant haematology;
	Non-malignant haematology;
	Neonatal intensive care;
	Paediatric intensive care;
	Immunological disorder/infectious disease/allergy;
	Paediatric pathology;

Commissioning of Specialised Services for adults and children in respect of:—	Description
	<p>Paediatric Neurosciences (Including complex disability and rehabilitation);</p> <p>Metabolic disorders;</p> <p>Paediatric endocrinology and diabetes;</p> <p>Rheumatology;</p> <p>Specialised child and adolescent mental health services;</p> <p>Specialised dermatology;</p> <p>Paediatric surgery;</p> <p>Paediatric orthopaedic surgery;</p> <p>Paediatric ophthalmology;</p> <p>Paediatric ear, nose and throat surgery;</p> <p>Paediatric oral and maxillofacial surgery;</p> <p>Paediatric plastic surgery;</p> <p>Paediatric urology;</p> <p>Complex child and adolescent gynaecology, congenital anomalies and intersex.</p>
Other Services	<p>Rheumatology;</p> <p>Endocrinology;</p> <p>Hyperbaric treatment;</p> <p>Respiratory services;</p> <p>Vascular services;</p> <p>Pain management services;</p> <p>Bone Anchored Hearing Aids;</p> <p>Colorectal services;</p> <p>Orthopaedic services;</p>

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Commissioning of Specialised Services for adults and children in respect of:—	Description
	Morbid obesity services.
Highly specialised services which are commissioned on a UK basis by the National Specialist Commissioning Advisory Group	
National Poisons Information Service	Advisory service for the identification, treatment and management of poisoning.
NHS Direct	
National Population Screening Programmes	Programmes of population screening including NHS Breast Screening Programme, Cervical Screening Wales and New Born Hearing Screening Wales.
Emergency Ambulance Services	Emergency transport services for the sick and injured.
Blood Transfusion and Tissue Typing Services	The collection, testing and distribution of blood and blood products in Wales, including autologous transfusion, storage and distribution of blood products, tertiary reference service for transfusion serology, a medical advisory service and support to the transfusion medicine teaching curriculum; Maintaining the Welsh Bone Marrow Donor Registry and a tissue typing service for transplantation.
Regional Pharmaceutical Services	Clinical Support Services; Quality and Technical Services; Surgical Materials Testing Service.
Dental Service Increment Training	Service Increment for Training
Functions under section 87 of the Water Industry Act 1991 ⁽⁵⁾	
Emergency Planning services.	
Medical SIFT	Service Increment for Training
Diabetic Retinopathy Screening	
Functions of a local supervising authority (LSA) pursuant to article 42(1)(b) and article 43 of the Nursing and Midwifery Order 2001. ⁽⁶⁾	

⁽⁵⁾ 1991 c. 56.

⁽⁶⁾ S.I. 2002/253.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Health Boards (Functions) Regulations 2003 (“the principal Regulations”). The principal Regulations specified the functions to be exercised by Local Health Boards as those functions previously undertaken by the relevant Health Authority as at midnight 31st March 2003. Certain functions, being those set out in the Schedule to the principal Regulations, were excepted from the functions conferred on Local Health Boards. These Regulations amend the principal Regulations by substituting a new Schedule of excepted functions.