

## **Explanatory Memorandum to The Private and Voluntary Health Care (Wales) (Amendment) Regulations 2007**

This Explanatory Memorandum has been prepared by the Department of Health and Social Services and is laid before the National Assembly for Wales.

(i) **Description**

These Regulations amend the Private and Voluntary Health Care (Wales) (Amendment) Regulations 2002. They amend the exceptions to registration as an independent hospital, independent clinic and independent medical agency by removing the words “or another person” from the Regulations.

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None.

(iii) **Legislative Background**

The authority under which these Regulations are being made is conferred on Welsh Ministers under sections 2(4) and 2(8) of the Care Standards Act 2000. These Regulations amend the Private and Voluntary Health Care (Wales) (Amendment) Regulations 2002 and will apply in relation to Wales.

This instrument is to be made using the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation**

The Private and Voluntary Health Care (Wales) (Amendment) Regulations 2002 govern the operation of independent hospitals, independent clinics and the independent medical agencies. The Regulations include provisions intended to exempt from registration, occupational health services and other services that might need to assess a person’s health. However, inclusion of the words “or another person” means that the exceptions could be interpreted very widely and potentially exempt far more people from the need for registration than was intended.

These changes will ensure that the original purpose of the Regulations is maintained and that only occupational health service assessments are exempted from the need for registration.

(v) **Implementation**

The Statutory Instrument was made on 7 August 2007 and will come into force on 7 September 2007.

(vi) **Consultation**

A consultation is considered unnecessary for these minor amendments and no Regulatory Impact Assessment has been undertaken.