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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1075 (W.51)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (Professions Supplementary to Medicine) Amendment (Wales) Regulations 2001**

*Made* - - - - *13th March 2001*

*Coming into force* - - *1 April 2001*

The National Assembly for Wales in exercise of the powers conferred by paragraph 10(1) of Schedule 5 to the National Health Service Act 1977(1) on the Secretary of State and now vested in the National Assembly(2) after consulting in accordance with paragraph 11(1) of that Schedule bodies recognised by the National Assembly as representing persons likely to be affected, hereby makes the following Regulations:—

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the National Health Service (Professions Supplementary to Medicine) Amendment (Wales) Regulations 2001, and shall come into force on 1 April 2001

(2) In these Regulations, “the principal Regulations” means the National Health Service (Professions Supplementary to Medicine) Regulations 1974(3).

(3) These Regulations apply to Wales.

**Amendment of regulation 3 of the principal Regulations**

2.—(1) Regulation 3 of the principal Regulations (employment of officers) shall be amended as follows:

(2) In paragraph (1), for “radiographer or remedial gymnast” there shall be substituted “or radiographer”(4).

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- (1) 1977 c. 49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) section 26(2) (g) and (i), for the definitions of “prescribed” and “regulations”. Paragraph 10(1) of Schedule 5 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 3; by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 14, and Schedule 8, Part I; and by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 60(c).
- (2) The functions of the Secretary of State under the provisions under which these regulations are made were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
- (3) S.I. 1974/494, amended by S.I. 1978/1090, 1982/288 and 2000/523.
- (4) S.I. 1986/630 removed remedial gymnasts from the list of professions to which the Professions, Supplementary to Medicine Act 1960 (c. 66) applies.

- (3) After paragraph (1), there shall be inserted the following paragraph —
- “(1A) No person shall be employed as an officer of an authority to which this regulation applies, in the capacity of prosthetist and orthotist or arts therapist unless —
- (a) that person is registered in respect of that profession; or
  - (b) that person has never been registered as a prosthetist and orthotist or arts therapist, but who, immediately before 1 April 2001, was employed in that capacity by an authority, in England or Wales, to which this regulation applies.”.

(4) For paragraph (2) there shall be substituted —

“(2) The authorities to which this regulation applies are —

    - (a) Health Authorities;
    - (b) Special Health Authorities.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

13th March 2001

*D. Elis Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations amend the National Health Service (Professions Supplementary to Medicine) Regulations 1974 (the “principal Regulations”).

The Professions Supplementary to Medicine Act 1960 (“the Act”) was extended in 1997 to include prosthetists and orthotists and arts therapists among the professions regulated under that Act.

These Regulations add those professions to those whose employment by Health Authorities and Special Health Authorities is prohibited for the purposes of providing services under the National Health Service, except where their names are included in the register maintained pursuant to section 2(1) of the Act by the Boards holding registers for those professions, or they were employed in that capacity immediately before the coming into force of these Regulations.

In addition, regulation 2(2) removes the reference to remedial gymnasts from the principal Regulations because the Act no longer extends to this profession separately. It has become part of the profession of physiotherapists.

The list of authorities to which the principal Regulations apply is updated by regulation 2(4).