

Changes to legislation: National Health Service (Wales) Act 2006, SCHEDULE 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 5

FURTHER PROVISION ABOUT THE WELSH MINISTERS AND SERVICES UNDER THIS ACT

Medical inspection of pupils

- 1 The Welsh Ministers must provide for the medical inspection at appropriate intervals of pupils in attendance at schools maintained by [^{F1}local authorities] and for the medical treatment of such pupils.

Textual Amendments

- F1** Words in Sch. 1 para. 1 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 5(1), **Sch. 2 para. 61(5)(a)**

Modifications etc. (not altering text)

- C1** Sch. 1 para. 1: Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, **Sch.**

- 2 (1) The Welsh Ministers may, by arrangement with any [^{F2}local authority], provide for any medical inspection or treatment of—
- (a) senior pupils in attendance at any educational establishment, other than a school, which is maintained by the authority and at which full-time further education is provided, or
 - (b) any child or young person who, in pursuance of section 19 [^{F3}or 19A][^{F4}or 319] of the Education Act 1996 (c. 56), [^{F5}section 53 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 or section 61 of the Children and Families Act 2014 (c. 6)] is receiving primary or secondary education otherwise than at a school.
- (2) The Welsh Ministers may, by arrangement with the proprietor of any educational establishment which is not maintained by a [^{F2}local authority], provide for any medical inspection or treatment of junior or senior pupils in attendance at the establishment.
- (3) Sub-paragraphs (1) and (2) do not affect the Welsh Ministers' powers apart from those sub-paragraphs.

Textual Amendments

- F2** Words in Sch. 1 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 5(1), **Sch. 2 para. 61(5)(b)**
- F3** Words in Sch. 1 para. 2(1)(b) inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), s. 84(1), **Sch. 2 para. 55** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

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- F4** Words in Sch. 1 para. 2(1)(b) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 12\(a\)](#); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F5** Words in Sch. 1 para. 2(1)(b) inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 12\(b\)](#); S.I. 2021/373, art. 8(j)(xxiv)

Modifications etc. (not altering text)

- C2** Sch. 1 para. 2: Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, [Sch.](#)

- 3 An arrangement under paragraph [\[^{F6}2\(2\)\]](#) may provide for payments by the proprietor in question.

Textual Amendments

- F6** Word in Sch. 1 para. 3 substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 160, 170, [Sch. 14 para. 7](#); S.I. 2009/462, [art. 5](#)

- 4 A [\[^{F7}local authority\]](#) may not make an arrangement under paragraph 2(1)(a) unless the governing body of the educational establishment agrees to the arrangement.

Textual Amendments

- F7** Words in Sch. 1 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 5(1), [Sch. 2 para. 61\(5\)\(b\)](#)

- 5 (1) Sub-paragraph (2) applies to—
- (a) each [\[^{F8}local authority\]](#), in respect of the schools which it maintains (other than foundation [\[^{F9}or voluntary\]](#) schools), and
 - (b) each governing body of a foundation [\[^{F10}or voluntary\]](#) school, in respect of the school.
- (2) The [\[^{F8}local authority\]](#) or governing body must make available to the Welsh Ministers such accommodation as is appropriate for the purpose of assisting them to make provision under paragraph 1 in relation to the pupils in attendance at the schools or school in question.

Textual Amendments

- F8** Words in Sch. 1 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 5(1), [Sch. 2 para. 61\(5\)\(b\)](#)
- F9** Words in Sch. 1 para. 5(1)(a) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 24\(2\)](#); S.I. 2013/1800, art. 3(j)
- F10** Words in Sch. 1 para. 5(1)(b) substituted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 24\(2\)](#); S.I. 2013/1800, art. 3(j)

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- 6 In paragraphs 1 to 5 any expression to which a meaning is given for the purposes of the Education Act 1996 (c. 56) or the School Standards and Framework Act 1998 (c. 31) has that meaning.
- 7 Any charge made under regulations under this Act in respect of the supply of drugs, medicines or appliances must be disregarded for the purposes of paragraphs 1 and 2.

[^{F11}Weighing and measuring of children

Textual Amendments

F11 Sch. 1 paras. 7A, 7B and cross-heading inserted (21.7.2008 for specified purposes, 1.8.2011 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 144, 170; [S.I. 2011/986](#), art. 2(2)

- 7A (1) The Welsh Ministers may, by arrangement with any local education authority, provide for the weighing and measuring of junior pupils in attendance at any school which is maintained by the authority.
- (2) The Welsh Ministers may, by arrangement with the proprietor of any school which is not maintained by a local education authority, provide for the weighing and measuring of junior pupils in attendance at that school.
- (3) The Welsh Ministers may, by arrangement with any person who is registered under [^{F12}Part 2 of the Children and Families (Wales) Measure 2010] (child minding and day care for children in Wales) in respect of child minding or the provision of day care, provide for the weighing and measuring of children looked after by that person.
- (4) In sub-paragraphs (1) and (2) any expression to which a meaning is given for the purposes of the Education Act 1996 or the School Standards and Framework Act 1998 has the same meaning as in that Act; and in sub-paragraph (3) any expression to which a meaning is given for the purposes of [^{F13}Part 2 of the Children and Families (Wales) Measure 2010] has the same meaning as in that Part.

Textual Amendments

F12 Words in Sch. 1 para. 7A(3) substituted (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), ss. 72, 75(3), Sch. 1 para. 26(a); [S.I. 2010/2582](#), art. 2, [Sch. 1](#)

F13 Words in Sch. 1 para. 7A(4) substituted (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), ss. 72, 75(3), Sch. 1 para. 26(b); [S.I. 2010/2582](#), art. 2, [Sch. 1](#)

- 7B (1) The Welsh Ministers may by regulations—
- (a) authorise the disclosure by any person with whom arrangements under paragraph 7A are made, to any person carrying out the weighing or measuring, of prescribed information relating to the children concerned,
 - (b) require any weighing and measuring provided for by the Welsh Ministers under paragraph 7A to be carried out in a prescribed manner and after compliance with any prescribed requirements,
 - (c) make provision authorising any resulting information relating to a child, together with any advisory material authorised by or under the regulations, to be communicated in a prescribed manner to a person who is, or is treated by the regulations as being, a parent of the child, and

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- (d) make other provision regulating the processing of information resulting from any weighing or measuring provided for by the Welsh Ministers under paragraph 7A.
- (2) Regulations made under sub-paragraph (1) may require any person exercising functions in relation to any weighing or measuring to which the regulations apply or in relation to information resulting from such weighing or measuring to have regard to any guidance given from time to time by the Welsh Ministers.
- (3) In sub-paragraph (1)(d), “ processing ”, in relation to information, [^{F14}has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act)].
- (4) Regulations under this paragraph cannot include provision by virtue of section 203(10)(a) amending or repealing an Act.]

Textual Amendments

- F14** Words in [Sch. 1 para. 7B\(3\)](#) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 119](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)

Contraceptive services

- 8 The Welsh Ministers must arrange, to such extent as they consider necessary to meet all reasonable requirements, for—
- (a) the giving of advice on contraception,
 - (b) the medical examination of persons seeking advice on contraception,
 - (c) the treatment of such persons, and
 - (d) the supply of contraceptive substances and appliances.

Modifications etc. (not altering text)

- C3** [Sch. 1 para. 8](#): Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\), reg. 4, Sch.](#)

Provision of vehicles for disabled persons

- 9 The Welsh Ministers may provide vehicles (including wheelchairs) for persons appearing to them to be persons who have a physical impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Modifications etc. (not altering text)

- C4** [Sch. 1 para. 9](#): Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\), reg. 4, Sch.](#)

- 10 (1) Sub-paragraphs (2) and (3) apply in respect of—
- (a) a vehicle provided under paragraph 9, and
 - (b) a vehicle belonging to a person mentioned in that paragraph.

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- (2) The Welsh Ministers may—
- (a) adapt the vehicle to make it suitable for the circumstances of the person in question,
 - (b) maintain and repair the vehicle,
 - (c) take out insurance policies relating to the vehicle and pay any duty with which the vehicle is chargeable under the Vehicle Excise and Registration Act 1994 (c. 22),
 - (d) provide a structure in which the vehicle may be kept, and provide all material and execute all works necessary to erect the structure.
- (3) The Welsh Ministers may make payments by way of grant towards costs incurred by a person mentioned in paragraph 9 in respect of any matter mentioned in sub-paragraph (4) in relation to the vehicle.
- (4) The matters are—
- (a) the taking of action referred to in sub-paragraph (2),
 - (b) the purchase of fuel for the purposes of the vehicle, so far as the cost of the purchase is attributable to duties of excise payable in respect of the fuel, and
 - (c) the taking of instruction in the driving of the vehicle.
- (5) The powers under sub-paragraph (2) and sub-paragraph (3) may be exercised on such terms and subject to such conditions as the Welsh Ministers may determine.

Modifications etc. (not altering text)

C5 Sch. 1 para. 10: Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, **Sch.**

- 11 Regulations may provide for any incidental or supplementary matter for which it appears to the Welsh Ministers necessary or expedient to provide in connection with—
- (a) the taking of action under paragraph 10(2), or
 - (b) the making of any payment under paragraph 10(3).

Provision of a microbiological service by the Welsh Ministers

- 12 (1) The Welsh Ministers may—
- (a) provide a microbiological service for the control of the spread of infectious diseases, and
 - (b) carry on such other activities as in their opinion can conveniently be carried on in conjunction with that service.
- (2) The service may include the provision of laboratories.
- (3) Charges may be made for services or materials supplied.
- (4) A power under this paragraph may be exercised both for the purposes of the health service and for other purposes.

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Modifications etc. (not altering text)

- C6 Sch. 1 para. 12: Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, **Sch.**

Powers of the Welsh Ministers in relation to research

- 13 (1) The Welsh Ministers may conduct research, or may assist any person to conduct research, into—
- (a) any matters relating to the causation, prevention, diagnosis or treatment of illness, and
 - (b) any such other matters connected with any service provided under this Act as the Welsh Ministers consider appropriate.
- (2) Assistance may be given by grants or otherwise.

Modifications etc. (not altering text)

- C7 Sch. 1 para. 13: Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, **Sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 201A-201C inserted by [2017 c. 23 s. 9](#)
- s. 201C(2) words substituted by [2018 c. 12 Sch. 19 para. 118\(2\)](#)
- s. 201C(4) inserted by [2018 c. 12 Sch. 19 para. 118\(3\)](#)
- Sch. 7 para. 1(2A) inserted by [2009 c. 21 s. 32\(3\)](#)