

NATIONAL ASSEMBLY FOR WALES

SUBORDINATE LEGISLATION

2006 No. 94

NATIONAL HEALTH SERVICE ACT 1997

The Local Health Board (Childhood Immunisation Programme) Directions 2006

Made - - - - - *19 December 2006*

Coming into force - - - *20 December 2006*

The National Assembly for Wales, in exercise of the powers conferred by sections 16BB(4) and 18(3) of the National Health Service Act 1977⁽¹⁾, gives the following Directions:

Title, commencement and application

1.—(1) The title of these Directions is the Local Health Board (Childhood Immunisation Programme) Directions 2006, which come into force on 20 December 2006.

(2) These Directions are given to Local Health Boards in Wales and apply in relation to Wales.

(3) In these Directions—

“the Act” means the National Health Service Act 1977;

“childhood vaccinations and immunisations additional service” means the services described in paragraph 5(2) of Schedule 2 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004⁽²⁾;

“GMS contractor” means a person with whom a Local Health Board is entering or has entered into a general medical services contract;

“provider of primary medical services” means any person who is entering into or has entered into arrangements under—

(a) section 28Q of the Act;

(b) section 16CC(2)(a) of the Act; or

(c) section 16CC(2)(b) of the Act

for the provision of primary medical services to registered patients;

“registered patient” means—

(a) a person who is recorded by the Local Health Board as being on the list of patients of a provider of primary medical services; or

(b) a person whom a provider of primary medical services has accepted for inclusion on its list of patients, whether or not notification of that acceptance has been received by the

⁽¹⁾ 1977 c. 49.

⁽²⁾ 2004/478.

Local Health Board and who has not been notified by the Local Health Board as having ceased to be on that list;

“Statement of Financial Entitlements” means any directions given by the National Assembly for Wales under section 28T of the Act⁽¹⁾; and

“Welsh Health Circular” means the Welsh Health Circular 2006 018 dated 12 July 2006 containing changes to the Childhood Immunisation Programme.

Arrangements for the administration of recommended vaccinations

2. A Local Health Board will ensure that arrangements are in place in its area to provide, so far as reasonably possible, that all children in the categories identified in the Welsh Health Circular and who are registered patients of any provider of primary medical services within its area are offered the opportunity to receive the vaccinations identified in that circular and in accordance with the provisions set out in that circular.

Registered patients of GMS contractors

3. In respect of children who are registered patients of a GMS contractor which is contracted to provide the childhood vaccinations and immunisations additional service, the Local Health Board’s obligation under direction 2 is discharged where it makes available payments to that GMS contractor in accordance with the provisions set out in Sections 8A and 8B of the Statement of Financial Entitlements.

Other registered patients

4. In discharging the obligation under direction 2 a Local Health Board may—

- (a) make arrangements with a person with whom a Local Health Board is making or has made contractual arrangements for the provision of primary medical services under section 16CC(2)(b) of the Act in respect of its registered patients;
- (b) where it is providing primary medical services under section 16CC(2)(a), make arrangements to offer the vaccinations itself to its registered patients;
- (c) make arrangements with any person in respect of children who are not registered patients of that person; or
- (d) make arrangements to offer the vaccinations itself to children who are not its registered patients.

5. If a Local Health Board makes arrangements under direction 4(a) it must ensure that those arrangements provide—

- (a) for the inclusion of the amounts of the payments to be made under those arrangements and in determining the appropriate level of such payments, the Local Health Board must have regard to the provisions relating to the amounts of payments payable under Sections 8A and 8B of the Statement of Financial Entitlements;
- (b) for the inclusion of provisions relating to—
 - (i) the eligibility for payment, and
 - (ii) the conditions to be attached to such paymentand in determining such provisions the Local Health Board must have regard to the provisions relating to conditions to be attached to such payments contained in Sections 8A and 8B of the Statement of Financial Entitlements; and
- (c) for any vaccines administered under the arrangements to be administered in accordance with the recommendations set out in the Welsh Health Circular.

⁽¹⁾ Section 28T was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), section 175.

6. If a Local Health Board makes arrangements under direction 4(b) or direction 4(d) it must ensure that any vaccines administered under those arrangements are administered in accordance with the recommendations set out in the Welsh Health Circular.

7. If a Local Health Board makes arrangements under direction 4(c) it must ensure that those arrangements provide—

- (a) for the inclusion of the amounts of any payment to be made under those arrangements;
- (b) for the inclusion of appropriate provisions relating to the eligibility for payment;
- (c) for the inclusion of any conditions with which the provider must comply, and in determining any such conditions the Local Health Board must have regard to the provisions of Sections 8A.21 and 8B.14 of the Statement of Financial Entitlements; and
- (d) for any vaccines administered under the arrangements to be administered in accordance with the recommendations set out in the Welsh Health Circular.

Signed on behalf of the National Assembly for Wales

Dr Brian Gibbons

Date: 19th December 2006

Minister for Health and Social Services