



Amendments proposed and enacted to Field 9, Schedule 5 to the *Government of Wales Act 2006*

Field: **Health and Health Services**

Last updated: 21 February 2008

This tracking note provides an updated log of amendments, both proposed and enacted, to **Field 9** of Schedule 5 to the [Government of Wales Act 2006](#) ('the Act'). This is the field relating to **health and health services**.

Information on amendments to the Act, outside Field 9, is also included when the amendments affect the legislative competence provided by a Matter in Field 9. Information on the source of the amendment and, where relevant, the latest information on the stage of any proposal is also provided. Matters have been grouped according to the legislation that has amended, or proposes to amend, the Act.

The '**Excepted Matters Table**' is available as a separate Assembly Powers Tracking Note.

(P) This indicates the Matter has, or group of Matters have, been proposed but are not yet enacted.

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Please follow the links below to view the relevant Matter.

- 9.1 [Provision of redress as part of NHS Wales](#)
- 9.2 [Provision for the assessment of, treatment and independent mental health advocacy services for mentally disordered persons](#)

Matter 9.1 Provision of redress as part of NHS Wales

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Status:	Enacted
Source:	National Assembly for Wales Statutory Instrument The National Assembly for Wales (Legislative Competence) (Conversion of Framework Powers) Order 2007 added Matter 9.1.
Latest Information:	The Proposed NHS (Redress) Wales Measure 2007 and accompanying Explanatory Memorandum were laid in the National Assembly on 2 July 2007. The proposed Measure began detailed 'Stage 2' consideration on 30 January 2008.

Matter 9.1

Provision for and in connection with the provision of redress without recourse to civil proceedings in circumstances in which, under the law of England and Wales, qualifying liability in tort arises in connection with the provision of services (in Wales or elsewhere) as part of the health service in Wales.

Interpretation of this field

In this field—

"the health service in Wales" means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006;

"illness" has the same meaning as in that Act;

"patient" has the same meaning as in that Act;

"personal injury" includes any disease and any impairment of a person's physical or mental health;

"qualifying liability in tort" means liability in tort owed in respect of or consequent upon personal injury or loss arising out of or in connection with breach of a duty of care owed to any person in connection with the diagnosis of illness or the care or treatment of any patient."

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Matter 9.2 Provision for the assessment of, treatment and independent mental health advocacy services for mentally disordered persons

Status:	Proposed (brought forward by Assembly Member Jonathan Morgan)
Source:	National Assembly for Wales Proposed Legislative Competence Order The National Assembly for Wales (Legislative Competence) (No 6) Order 2008 (Mental Health) seeks to insert Matter 9.2
Latest Information:	The LCO and accompanying Explanatory Memorandum were laid before the Assembly on 18 February 2008. A legislation committee will be established to scrutinise this proposed LCO.

Matter 9.2

Provision for and in connection with –

- (a) the assessment by the health service in Wales of persons who are or may be mentally disordered persons;
- (b) duties on the health service in Wales to provide treatment for mentally disordered persons;
- (c) independent mental health advocacy for persons who are or may be mentally disordered persons.

This matter does not include assessment of, treatment or advocacy for persons detained, liable to be detained or liable to recall under the Mental Health Act 1983 (or any statutory modification or re-enactment thereof).

Interpretation of this field

Under the heading “Interpretation of this field” before the definition of “patient” insert—

““mentally disordered persons” means persons having any disorder or disability of the mind”.

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