



12th February 2025

Dear Adam

In Plenary on Tuesday, 3 December 2024, I agreed to follow up your questions in relation to the Welsh Government's approach to the restricting of the prescribing of puberty blockers by prescribers working within general practice.

Following this, you tabled an annulment motion on the National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) (No. 2) Regulations 2024 ("No.2 Regulations"). That motion was subsequently debated, and voted upon, at Plenary on Tuesday, 10 December 2024.

In the course of that debate, I responded to your questions raised, however, in keeping with my commitment, I am following this up in writing. The transcript from the debate on 10 December can be accessed [here](#).

Background

In response to concerns raised in relation to the prescribing of GnRH analogues, known as puberty blockers, and the recommendations made to address these concerns in the Cass Review, the UK Government introduced emergency restrictions which came into force on 3 June 2024. These restricted the sale and supply of puberty blockers as part of treating gender incongruence or gender dysphoria in children and young people under 18 years of age.

In July 2024, the Welsh Government made the National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2024 ("2024 Regulations") which placed similar restrictions on NHS GPs in Wales. The No.2 Regulations came into force on 15 November 2024 and amend the 2024 Regulations to clarify that the restriction on prescribing puberty blockers extends to all prescribers under a general medical services contract (collectively referred to as the "Regulations"). The UK wide emergency restrictions were made permanent on 1 January 2025¹.

¹ [The Medicines \(Gonadotrophin-Releasing Hormone Analogues\) \(Restrictions on Private Sales and Supplies\) Order 2024](#)

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Restrictions on prescribing by General Practitioners (“GPs”)

In practice very few, if any, GPs in Wales prescribe puberty blockers for puberty suppression in children and young people. The advice of the Royal College of General Practitioners is that GPs should not prescribe these medicines unless they have appropriate expertise in the management of gender dysphoria and/or gender incongruence.

The net effect of the Regulations in Wales aligns GP prescribing with the evidence-based recommendations of the Cass Review to restrict GPs from prescribing puberty blockers for the purpose of gender incongruence or gender dysphoria with appropriate safeguards.

These are that:

- GPs can continue to prescribe puberty blockers for under 18s who commenced treatment before the Regulations came into force.
- Under 18s seeking puberty blockers can obtain a prescription via a clinical trial.
- GP’s may onward refer patients to specialist gender services for prescription of puberty blockers as part of the clinical trial.

Turning to the specific points you raised in Plenary on 3 December:

- *Convention Rights*

You asked, whether I agree that “*a ban on gender-affirming care for trans youth does not discriminate on the basis of either sex or gender identity?*” The policy in the Regulations pursues the legitimate aim of protecting the physical and mental health of under 18s in the context of treatment through the use of puberty blockers. The Regulations include sufficient and proportionate safeguards which strike a fair balance between the rights protected by Article’s 8 and 14 of the ECHR and the legitimate aim of protecting the health and well-being of the children and young people which would have been affected by the introduction of the Regulations.

- *United Nations Convention on the Rights of the Child (“UNCRC”)*

You also queried whether the decision not to carry out a consultation *with persons to represent the interests of those who may require puberty blockers for gender dysphoria*. The Cass Review carried out a detailed and comprehensive review of gender identity services, taking into account the views of children and young persons. Having regard to those recommendations in the Cass Review and the carefully constructed nature of the Regulations, it is clear that due regard was given to the rights set out in the UNCRC when considering whether to make these Regulations. The making of the No.2 Regulations did not remove any child or young person’s ability to access treatment but limited prescriptions of puberty blockers to the National Referral Support Service, to provide a safe and holistic service which is in the best interests of the child or young person.

- *Consultation*

The Welsh Government did not carry out a separate formal public consultation to that carried out as part of the Cass Review prior to making the Regulations. There is no statutory duty to consult, nor does such a duty arise as a matter of public law. Further, where there is not a duty in domestic law to consult, the duty to have due regard to the rights under the UNCRC does not itself create a free-standing obligation to consult children and young people.

The Cass Review included a significant programme of engagement with young people, parents and carers with lived experience and stakeholders in Wales were encouraged to

participate in the review's consultation. Llais Cymru and the Children's Commissioner for Wales' Office were updated throughout the period of the Cass Review.

- Oviedo Convention

You also asked whether or not the Regulations are consistent with the terms of the Oviedo Convention. The United Kingdom has not signed, nor has it ratified the Oviedo Convention meaning that it does not form part of the domestic law of England and Wales and so the Welsh Government are not bound, either directly or indirectly, by the Convention.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery