

Explanatory Memorandum to The National Health Service (Pharmaceutical Services) (Wales) (Amendment) (Amendment) Regulations 2024

This Explanatory Memorandum has been prepared by the Primary Care and Mental Health Division within the Health, Social Services and Early Years Group of the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The National Health Service (Pharmaceutical Services) (Wales) (Amendment) (Amendment) Regulations 2024.

Jeremy Miles MS
Cabinet Secretary for Health and Social Care
10 December 2024

Part 1

1. Description

1.1. The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 were laid in the Senedd on 22 November 2024.

1.2. The Regulations:

- update and clarify the terms of service for community pharmacy contractors providing NHS pharmaceutical services in Wales.
- extend the existing regulations for the dispensing, supply and provision of medicines and appliances by community pharmacists to include signed orders issued by optometrists working in the NHS in Wales as part of the [Wales General Ophthalmic Services \(WGOS\)](#) introduced in 2023.
- introduce regulations to allow the implementation of original pack dispensing by NHS pharmacies and dispensing doctors in Wales from 1 January 2025.

1.3. The National Health Service (Pharmaceutical Services) (Wales) (Amendment) (Amendment) Regulations 2024 substitute a new regulation 1(3) into the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 to address a typographical error in regulation 1 so that the provisions which need to come into force on 1 January 2025 are able to do so.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 The Legislation, Justice and Constitution Committee report¹ on SL(6)551 The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 identified technical points under Standing Order 21.2.

2.2 An amending statutory instrument is required to address the technical point raised in relation to regulation 1 regarding the coming into force date of 1 January 2025.

2.3 The other technical points raised by in the Committee's report will be addressed separately.

3. Legislative background

¹ <https://senedd.wales/media/r43cpx2x/cr-ld16851-e.pdf>

3.1 The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 amend The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 which govern the provision of pharmaceutical services as part of the National Health Service in Wales under Part 7 of the National Health Service (Wales) Act 2006 (“2006 Act”).

3.2 This instrument substitutes a new regulation 1(3) into the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 to address a technical point so that the provisions which need to come into force on 1 January 2025 are able to do so.

3.3 These Regulations follow the negative resolution procedure.

4. Purpose and intended effect of the legislation.

The purpose of the legislation is to ensure that the provisions relating to implementation of original pack dispensing by NHS pharmacies and dispensing doctors in Wales are able to come into force on 1 January 2025 as planned.

5. Consultation

5.1 There is no statutory requirement to consult prior to making these Regulations.

5.2 No formal consultation has taken place as these Regulations make only technical amendments which do not alter existing policy arrangements or the previous consultation carried out on the proposed policy changes.

6. Regulatory Impact Assessment

No Regulatory Impact Assessment has been produced to accompany these Regulations as the amendments are technical and will have no major policy impact. This is in line with the policy set out in the Welsh Ministers’ RIA Code for subordinate legislation.