

SL(6)598 – The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025

Background and Purpose

The National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024 (the 2024 Amendment Regulations) were laid in the Senedd on 22 November 2024. In its report on the 2024 Amendment Regulations, the Legislation, Justice and Constitution Committee identified several technical reporting points under Standing Order 21.2.

These Regulations amend the 2024 Amendment Regulations and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 to address technical reporting points previously raised.

The National Health Service (Pharmaceutical Services) (Wales) (Amendment) (Amendment) Regulations 2024 had previously addressed an error relating to the coming into force date of certain provisions in the 2024 Amendment Regulations.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 2(2)(b), the definition of “ETP service” is omitted from regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020. However, references to “ETP service” remain in paragraph 7(2)(b)(ii) of Schedule 5 and paragraphs 4(2)(b), 6(2)(b) and 7(3)(c) of Schedule 6 to the 2020 Regulations. Therefore, that term will no longer have any meaning after the omission of the definition. Some of the other existing references to “ETP service” in the 2020 Regulations have been amended to state “electronic prescription service” by these Regulations.



2. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

In regulation 2(3)(a) and (b)(i) the Welsh text amends paragraph 5A of Schedule 5 to the 2020 Regulations, to state “cyfarpar **offthalmig rhestredig**” and “meddyginiaeth **offthalmig restredig**”. But the definitions found in regulation 2(1) of the 2020 Regulations (as amended by regulation 2(2) of the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024) are “cyfarpar **rhestredig offthalmig**” and “meddyginiaeth **restredig offthalmig**”. The same error also occurs in the Welsh text of the amendments made by regulation 3(3)(a) of these Regulations.

Merits Scrutiny

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

These Regulations are made in response to errors identified in, and clarifications required by, this committee’s report on the National Health Service (Pharmaceutical Services) (Wales) (Amendment) Regulations 2024.

Welsh Government response

A Welsh Government response is required in relation to both technical reporting points.

Committee Consideration

The Committee considered the instrument at its meeting on 24 March 2025 and reports to the Senedd in line with the reporting points above.

