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WELSH STATUTORY INSTRUMENTS

2023 No. 1421 (W. 250)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023

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| <i>Made</i> | - - - - | <i>18 December 2023</i> |
| <i>Laid before Senedd Cymru</i> | | <i>20 December 2023</i> |
| <i>Coming into force</i> | - - | <i>11 January 2024</i> |

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 7(8), 41(3), (5) and (6), 43, 44, 47, 48(1) and (3), 54(6) and (7), 135 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1).

Title and coming into force

1. The title of these Regulations is the National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023 and they come into force on 11 January 2024.

Amendments to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023

2. The National Health Service (General Medical Services Contracts) (Wales) Regulations 2023(2) are amended as follows.

3. In regulation 2(a), for “National Health Service (General Medical Services Contracts) (Wales) Regulations 2004” substitute “2004 Regulations”.

4. In regulation 3(1)—

(a) in the alphabetical list, in the appropriate places insert—

““authorised person” (“*person awdurdodedig*”) means, in relation to a patient, a person who is entitled to make an application for pharmaceutical services on behalf of the patient by virtue of regulation 62(a) to (d) of the Pharmaceutical Regulations (exercise of choice in certain cases);”;

(1) 2006 c. 42.

(2) S.I. 2023/953 (W. 155).

- ““dispensing doctor” (*“meddyg fferyllol”*) has the same meaning given to it by regulation 2(1) of the Pharmaceutical Regulations (interpretation);”;
- ““the General Pharmaceutical Council” (*“y Cyngor Fferyllol Cyffredinol”*) means the body established under article 4(1) of the Pharmacy Order 2010(3) (the Council and its committees);”;
- ““the General Pharmaceutical Council Register” (*“Cofrestr y Cyngor Fferyllol Cyffredinol”*) means the register established and maintained under article 19 of the Pharmacy Order 2010 (establishment, maintenance of and access to the Register);”;
- ““the Health and Care Professions Council” (*“y Cyngor Proffesiynau Iechyd a Gofal”*) is the body established under article 3(1) of the Health Professions Order 2001(4) (the Health and Care Professions Council and its committees);”;
- ““the Health and Care Professions Council Register” (*“Cofrestr y Cyngor Proffesiynau Iechyd a Gofal”*) is the register established and maintained under article 5(1) of the Health Professions Order 2001 (registration);”;
- (b) in the definition of “the 2004 Regulations”, in the Welsh language text, for “Mawrth” substitute “Cymru”;
- (c) in the definition of “adjudicator”, in the Welsh language text, omit “iddi”;
- (d) omit the definition of “Area Integrated Partnership Board”;
- (e) in the definition of “armed forces of the Crown”, in the English language text—
- (i) before the word “regular” insert “the”;
 - (ii) before the word “reserve” insert “the”;
- (f) in the definition of “childhood vaccinations and immunisations services”—
- (i) in the Welsh language text, for “gwasanaethu” substitute “gwasanaethau”;
 - (ii) in the English language text, for “gwasanaethu” substitute “gwasanaethau”;
- (g) in the definition of “dentist” after the word “under” insert “section 14 of”;
- (h) in the definition of “dispensing services” for “arrangement” substitute “arrangements”;
- (i) in the definition of “GMS Statement of Financial Entitlements”, in the Welsh language text, immediately after “Entitlements” insert “)”;
- (j) in the definition of “General Practice Escalation Tool”, in the English language text, for “General Practitioner Committee (Wales)” substitute “Welsh General Practitioners Committee”;
- (k) omit the definition of “licensing authority”;
- (l) in the definition of “Local Health Board”, omit “, unless the context otherwise requires,”;
- (m) in the definition of “national disqualification”, in sub-paragraph (a)(iv)—
- (i) for “sections” substitute “section”;
 - (ii) for “83, 86, 103 or 105 (performers of pharmaceutical services and assistants)” substitute “83 (regulations as to pharmaceutical services), 86 (persons authorised to provide pharmaceutical services), 103 (application of enactments) or 105 (supplementary lists)”;
- (n) in the definition of “NHS appliance contractor”, in the English language text, for ““NHS appliance contractor” substitute ““NHS appliance contractor””;

(3) S.I. 2010/231. There are amending instruments but none are relevant.

(4) S.I. 2002/254, paragraph 3(1) was amended by the Health and Social Care Act 2012 (c. 7) in order to change the name of the body to the Health and Care Professions Council. There are other amending instruments but none are relevant.

- (o) in the definition of “online practice profile”, for “the”, in the first place it occurs, substitute “an”;
 - (p) in the definition of “optometrist independent prescriber”, in the Welsh language text, for “optegwyr fferyllol” substitute “optegwyr cyflenwi”;
 - (q) in the definition of “patient”, in sub-paragraph (c), for “17(7) or 17(9)” substitute “17(7) or (9)”;
 - (r) in the definition of “Pharmaceutical Regulations”, in the Welsh language text, for “Mawrth” substitute “Cymru”;
 - (s) in the definition of “pharmaceutical services”, for “directed services” substitute “services which have been arranged as a result of a direction from the Welsh Ministers under the Act”;
 - (t) in the definition of “physiotherapist independent prescriber”, for “Health and Social Work Professions Order 2002” substitute “Health Professions Order 2001”;
 - (u) in the definition of “post registration programme”—
 - (i) in the Welsh language text, for “*post registration*” substitute “*post-registration*”;
 - (ii) in the English language text, for “post registration” substitute “post-registration”;
 - (iii) for “regulation” substitute “section”;
 - (v) in the definition of “primary care list”, in the English language text—
 - (i) in sub-paragraph (a), for “and” substitute “or section”;
 - (ii) in sub-paragraph (b), for “and” substitute “or”;
 - (w) in the definition of “regulatory or supervisory body”, in sub-paragraph (i), for “25(2)” substitute “25(3)”;
 - (x) in the definition of “repeatable prescriber”, omit “2006” in each place it occurs;
 - (y) in the definition of “writing”, for “paragraph 109” substitute “paragraph 109(1)”.
- (2) In regulation 3(3), in the Welsh language text, for “Mae i ymadroddion a ddefnyddir yn y Rheoliadau hyn ac yn y Ddeddf yr un ystyr ag yn y Ddeddf honno” substitute “Mae i ymadroddion Cymraeg yn y Rheoliadau hyn sy’n cyfateb i ymadroddion Saesneg a ddefnyddir yn y Rheoliadau hyn ac yn y Ddeddf yr un ystyr â’r ymadroddion hynny yn y Ddeddf honno”.
5. In regulation 5—
- (a) in paragraph (3)(c), for “National Health Service” substitute “Medical Practitioners”;
 - (b) in paragraphs (4)(b) and (5), in the Welsh language text, for “Mawrth” substitute “Rhagfyr”.
6. In regulation 6(2)—
- (a) in sub-paragraph (f), in the Welsh language text, for “Mawrth” substitute “Rhagfyr”;
 - (b) in sub-paragraph (g)(i), in the Welsh language text, for “Mawrth” substitute “Awst”;
 - (c) in sub-paragraph (n)(i), for “VIA” substitute “7A”.
7. In regulation 7(1), in the English language text, for “regulation”, in the first place it occurs, substitute “regulations”.
8. In regulation 8, in the Welsh language text, for “rheoliadau” substitute “rheoliad”.
9. In regulation 9(1), in the English language text, between “section 7” and “the Act” insert “of”.
10. In regulation 12(4), for “regulation 12(3)” substitute “paragraph (3)”.
11. In regulation 17—

- (a) in paragraph (1), for “general medical services” substitute “GMS”;
 - (b) in paragraph (2)(a), in the English language text, for “its” substitute “the contractor’s”;
 - (c) in paragraph (4), in the definition of “disease”—
 - (i) in the English language text, for “clefyd” substitute “*clefyd*”;
 - (ii) in the Welsh language text, for “chymeriad” substitute “symbol”;
 - (d) in paragraph (6), for “mentioned” substitute “specified”.
- 12.** In regulation 22(i), for “sections” substitute “section”.
- 13.** In the heading to regulation 24, for “Business Rules” substitute “business rules”.
- 14.** In regulation 28—
- (a) in paragraph (3), for “paragraphs (4), (5), (6), (7) and (8)” substitute “paragraphs (4) to (8)”;
 - (b) in paragraph (4), for “paragraphs (5), (6), (7) and (8)” substitute “paragraphs (5) to (8)”;
 - (c) in paragraph (5)—
 - (i) for “relate (and the” substitute “relate. The”;
 - (ii) omit “)” at the end of the paragraph;
 - (d) in paragraph (11)—
 - (i) in sub-paragraph (c), in the Welsh language text, for “ddarparwyr cyfatebol” substitute “wasanaethau cyfatebol”;
 - (ii) in sub-paragraph (c)(ii), in the Welsh language text, omit “a”;
 - (iii) after sub-paragraph (c)(ii), in the Welsh language text, insert—

“i unrhyw berson priodol arall neu unrhyw bersonau priodol eraill a bennir gan y Bwrdd Iechyd Lleol, a”.
- 15.** In regulation 31(5), in the English language text, omit “and”.
- 16.** In Schedule 1—
- (a) for the heading “Table 1” substitute “Table”;
 - (b) in the Table, in the second column—
 - (i) in the first entry, in the Welsh language text, for “a’r Môr” substitute “a Môr-filwyr”;
 - (ii) after “Naval and Marine Pay and Pensions Act 1865” insert “(c. 73)”;
 - (iii) after “Air Force (Constitution) Act 1917” insert “(c. 51)”;
 - (iv) after “Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939” insert “(c. 83)”;
 - (v) after “Personal Injuries (Emergency Provisions) Act 1939” insert “(c. 82)”;
 - (vi) after “Social Security Administration Act 1992” insert “(c. 5)”;
 - (vii) after “Social Security Contributions and Benefits Act 1992” insert “(c. 4)”;
 - (viii) after “Social Security Act 1998” insert “(c. 14)”;
 - (ix) after “Section 11 of the Births and Deaths Registration Act 1953” insert “(c. 20)”;
 - (x) after “Section 142 of the Mental Health Act 1983” insert “(c. 20)”;
 - (xi) after “Juries Act 1974” insert “(c. 23)”;
 - (xii) for “Reserve Forces (Safeguarding of Employment) Act 1985” substitute “Reserve Forces (Safeguard of Employment) Act [1985 \(c. 22\)](#)”;

- (xiii) after “Representation of the People Act 1983” insert “(c. 2)”;
- (xiv) after “National Health Service Act 2006” insert “(c. 41)”;
- (xv) after “Local Government Finance Act 1992” insert “(c. 28)”.

17. In Schedule 2—

- (a) in paragraph 1(1)(b), in the Welsh language text, for “79” substitute “78”;
- (b) in paragraph 1(2)(a) and 1(3), for “Public Health Wales NHS Trust” substitute “Public Health Wales”;
- (c) in paragraph 1(3), in the English language text, for “2(a)” substitute “(2)(a)”;
- (d) in paragraph 1(4), for “paragraph” substitute “sub-paragraph”;
- (e) in paragraph 3(2)(a), after “children” insert “for whom the contractor has responsibility under the contract”;
- (f) in paragraph 7(1)(b), in the English language text, for “vaccines” substitute “vaccinations”;
- (g) in paragraph 7(2), in the English language text, omit “(“*gwybodaeth am yr imiwneiddiad*”)”.

18. In Schedule 3—

- (a) in paragraph 4(1)(a), in the English language text, for “stack” substitute “stacks”;
- (b) in paragraph 16, after sub-paragraph (2) insert—
 - “(3) In this paragraph, and in paragraphs 18 and 19, “services” means primary medical services.”;
- (c) in paragraph 22(1)(b), in the Welsh language text, for “44”, in both places it occurs, substitute “43”;
- (d) in paragraph 29(3), for “before the end of the period of 1 year beginning with the date of the contractor’s request” substitute “during the period of 1 year ending with the date of the contractor’s request”;
- (e) in paragraph 29(10), in the English language text, for “sub-paragraphs”, in both places it occurs, substitute “sub-paragraph”;
- (f) in the heading to paragraph 31, for “lists” substitute “list” and for “patients” substitute “patient”;
- (g) in paragraph 39(3), in the Welsh language text, for “42” substitute “41”;
- (h) in paragraph 49(8), in the Welsh language text, for “58” substitute “57”;
- (i) in paragraph 49(10), for “16, 18” substitute “16, 16A, 18”;
- (j) in paragraph 49(12)(b), for “Misuse of Drugs Act 1971” substitute “Misuse of Drugs Act 1971(5)”;
- (k) in paragraph 50(1)(b), in the Welsh language text, for “58” substitute “57”;
- (l) in paragraph 51(1), in the English language text, for “DHCW” substitute “Digital Health and Care Wales”;
- (m) in paragraph 54(2), for “regulation” substitute “paragraph”;
- (n) in paragraph 55(7)—
 - (i) in paragraph (a), for “16, 18”, in the first place it occurs, substitute “16, 16A, 18”;
 - (ii) in paragraph (b), for “16, 18”, in the first place it occurs, substitute “16, 16A, 18”;

- (o) in paragraph 56(4), in the English language text, for “IX”, in both places it occurs, substitute “9”;
- (p) in paragraph 58(2), for “paragraph” substitute “sub-paragraph”;
- (q) in paragraph 59—
 - (i) in the Welsh language text—
 - (aa) for “baragraffau” substitute “is-baragraffau”;
 - (bb) for “baragraff” substitute “is-baragraff”;
 - (cc) for “ym mharagraff” substitute “yn is-baragraff”;
 - (ii) in the English language text—
 - (aa) for “paragraphs” substitute “sub-paragraphs”;
 - (bb) for “paragraph”, in each place it occurs, substitute “sub-paragraph”;
- (r) in paragraph 66(1), for “paragraph” substitute “sub-paragraph”;
- (s) in paragraph 66(3), for “paragraph” substitute “sub-paragraph”;
- (t) in paragraph 72(3)(a), for “paragraph” substitute “sub-paragraph”;
- (u) in paragraph 75(3), for “paragraph” substitute “sub-paragraph”;
- (v) in paragraph 78(13), for “regulation” substitute “paragraph”;
- (w) in paragraph 79(1)—
 - (i) for “paragraph” substitute “sub-paragraph”;
 - (ii) in the English language text, omit “(WGPR)”;
- (x) in paragraph 79(2), in the English language text, for “WGPR” substitute “Welsh GP Record”;
- (y) in paragraph 79(3), for “regulation” substitute “paragraph”;
- (z) in paragraph 80(1), for “facility known as “GP2GP”” substitute “GP2GP facility”;
- (aa) in paragraph 80(2), for “regulation” substitute “paragraph”;
- (bb) in paragraph 81(2), for “paragraph” substitute “sub-paragraph”;
- (cc) in the heading to paragraph 86, omit “and the National Data Resource”;
- (dd) in paragraph 86(1), for “paragraph” substitute “sub-paragraph”;
- (ee) in paragraph 87, in the table, in the Indicator Description column for the Indicator ID entry DM014, in the English language text, for “diagnoses” substitute “diagnosed”;
- (ff) in paragraph 91(4), for “paragraph”, in the first place it occurs, substitute “sub-paragraph”;
- (gg) in paragraph 92(4), in the alphabetical list in the appropriate place, insert—
 - ““nursing officer” (“*swyddog nyrzio*”) means a health care professional who is registered on the Nursing and Midwifery Register and who is—
 - (a) employed by the Department for Work and Pensions, or
 - (b) provided by an organisation under a contract with the Secretary of State for Work and Pensions;”;
- (hh) in paragraph 93(7), for “paragraph” substitute “sub-paragraph”;
- (ii) in paragraph 106—
 - (i) in sub-paragraph (9), in the English language text, immediately after “if earlier” insert “;”;

- (ii) in sub-paragraph (13), in the Welsh language text, immediately after “hestynnwyd” insert “.”;
 - (jj) in paragraph 107(2)(a), in the English language text, before “the Act”, in the first place it occurs, insert “of”;
 - (kk) in paragraph 109(1), after “to” insert “sub-paragraph (2) and”;
 - (ll) in paragraph 111, in the English language text, immediately after “practising in partnership”, in the first and third place it occurs, insert “,”;
 - (mm) in paragraph 114(4), in the Welsh language text, after “gan y” insert “Bwrdd Iechyd Lleol neu’r”;
 - (nn) in paragraph 117—
 - (i) in sub-paragraph (4)(b), for “paragraph” substitute “sub-paragraph”;
 - (ii) in sub-paragraph (6)(a)—
 - (aa) in the Welsh language text, for the words “Banel Addasrwydd i Ymarfer” substitute “Dribiwnlys Ymarferwyr Meddygol”;
 - (bb) in the Welsh language text, for the words “panel addasrwydd i ymarfer” substitute “Tribiwnlys Ymarferwyr Meddygol”;
 - (cc) in the English language text, for the words “fitness to practise panel”, in each place they occur, substitute “Medical Practitioners Tribunal”;
 - (iii) in sub-paragraph (6)(b), for “Interim Orders Panel” substitute “Interim Orders Tribunal”;
 - (iv) in sub-paragraph (7), for “paragraph” substitute “sub-paragraph”;
 - (oo) in paragraph 119(3)—
 - (i) in paragraph (o)(i)—
 - (aa) for “VIIA” substitute “7A”;
 - (bb) in the English language text, omit “applies”;
 - (ii) in paragraph (q), for “IV” substitute “4”;
 - (iii) in paragraph (v)—
 - (aa) after “company” insert “and one or more of those individuals has refused to comply with a request by the Local Health Board to be medically examined”;
 - (bb) after “Local Health Board is”, in the second place it occurs, insert “not”;
 - (pp) in paragraph 126(1), in the Welsh language text, after “123” insert “(2)”;
 - (qq) in paragraph 135, in the Welsh language text, the existing provision becomes paragraph **135.—(1)**.
- 19.** In Schedule 4, in paragraph 1—
- (a) in sub-paragraph (r), for “paragraph (bb)” substitute “sub-paragraph (bb)”;
 - (b) in sub-paragraph (w), after “60(2)(b)” insert “of Schedule 3”.
- 20.** In Schedule 5—
- (a) omit paragraph 1(2);
 - (b) omit paragraph 1(3);
 - (c) in paragraph 2(2)(a)(i)(aa), in the English language text, for ““56(2)” substitute ““56(2)””;
 - (d) omit paragraph 2(2)(a)(iv)(aa);

- (e) omit paragraph 2(2)(b)(i);
- (f) in paragraph 2(3)—
 - (i) in paragraph (a)(i), in the English language text, for “subparagraph”, substitute “sub-paragraph”;
 - (ii) omit paragraph (a)(ii);
 - (iii) omit paragraph (c).

21. In Schedule 6—

- (a) in the heading to Schedule 6, for “Revocations” substitute “Revocation”;
- (b) in paragraph 1, for “National Health Service (General Medical Services Contracts) (Wales) Regulations 2004” substitute “2004 Regulations”.

22.—(1) The National Health Service (Performers Lists) (Wales) Regulations 2004(6) are amended as follows.

(2) In regulation 2(1) (interpretation and modification), in the definition of “Medical Regulations” after “Services” insert “Contracts”.

(3) In regulation 23(2)(a) (application for inclusion in a medical performers list) omit “or regulation 10(6) of the Medical Regulations”.

23.—(1) The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020(7) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in paragraph (1), in the definition of “repeatable prescriber”, for “53” substitute “52”;
- (b) in paragraph (3)(b), omit “and 61”.

(3) In Schedule 7 (terms of service for doctors providing pharmaceutical services)—

- (a) in paragraph 5(c) (dispensing of drugs and appliances ordered by the dispensing doctor), for “56” substitute “55”;
- (b) in paragraph 10 (complaints and concerns)—
 - (i) in sub-paragraph (1)(a), for “102” substitute “101”;
 - (ii) in sub-paragraph (2), for “103” substitute “102”.

18 December 2023

Eluned Morgan
Minister for Health and Social Services, one of
the Welsh Ministers

(6) S.I. 2004/1020 (W. 117), amended by S.I. 2005/258, S.I. 2006/358 (W. 46), S.I. 2006/945, S.I. 2008/1425 (W. 147), S.I. 2010/22, S.I. 2013/235, S.I. 2016/101 (W. 49), S.I. 2023/953 (W. 155). There are other amendments but none are relevant.

(7) S.I. 2020/1073 (W. 241), amended by S.I. 2023/953 (W. 155). There are other amendments but none are relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023⁽⁸⁾ (“the principal Regulations”). Those regulations set out, for Wales, the framework for general medical services contracts under section 42 of the National Health Service (Wales) Act 2006⁽⁹⁾.

These Regulations make amendments to the principal Regulations to correct errors of a technical nature and insert new definitions.

In consequence of the corrections made to the principal Regulations, these Regulations also amend the National Health Service (Performers Lists) (Wales) Regulations 2004⁽¹⁰⁾ and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020⁽¹¹⁾.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

⁽⁸⁾ S.I. 2023/953 (W. 155).

⁽⁹⁾ 2006 c. 42.

⁽¹⁰⁾ S.I. 2004/1020. (W. 117).

⁽¹¹⁾ S.I. 2020/1073 (W. 241).