

## **Government Response: The National Health Service (Direct Payments) (Wales) Regulations 2026**

**Technical Scrutiny point 1:** The Welsh Government accept that there is a difference between the wording of the English and Welsh texts in the second paragraph of the preamble, and consider the Welsh text is capable of only one meaning in context (because only one Act is referred to in the preamble). However, the Welsh Government agree that it is preferable for the English and Welsh texts to be expressed in the same terms and intend to amend the wording of Welsh text prior to the making of the Regulations, as set out in the table below, so that it mirrors the English text.

**Technical Scrutiny point 2:** The Welsh Government accept the reporting point. Regulation 9(2)(b) and (c) use the shorthand “the 2005 Act”. These references are intended to be to the Mental Capacity Act 2005.

Although that shorthand reference is not defined in regulation 2, the Welsh Government consider the intended meaning is clear on the face of the instrument and that there is limited scope for confusion. However, to put the matter beyond doubt, the Welsh Government intend to make the corrections set out in the table below, prior to making the Regulations.

**Technical Scrutiny point 3:** The Welsh Government accept the point and intend to correct regulation 10(6) prior to the making of the Regulations in accordance with the table set out below.

**Technical Scrutiny points 4 and 5:** The Welsh Government note the Committee’s concerns about the inconsistency of meaning between the English and Welsh texts, however, do not consider that this gives rise to an inconsistency of meaning between the English and Welsh texts for the purposes of Standing Order 21.2(vii). Each of the references is to an “alcohol treatment requirement” and “drug treatment requirement” imposed under English only legislation, and the Welsh wording is necessarily a courtesy translation used for accessibility in the Welsh text rather than terminology that has legal traction within the originating legislation.

However, the Welsh Government accept that the use of different Welsh terms within the same Schedule is undesirable and therefore intend to amend the Welsh text in accordance with the table set out below, prior to making the Regulations, so that the same Welsh terms are used consistently throughout the Schedule.

*Technical drafting corrections to be made prior to the making of the Regulations*

<b>CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING</b>	<b>CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING</b>
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<b>Rheoliadau'r Gwasanaeth Iechyd Gwladol (Taliadau Uniongrychol) (Cymru) 2026</b>	<b>The National Health Service (Direct Payments) (Wales) Regulations 2026</b>
In the preamble, in paragraph 2, "o'r Ddeddf honno" will be substituted by "o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006".	
In regulation 9(2)(b) and (c), "Ddeddf 2005" will be corrected to read "Ddeddf Galluedd Meddyliol 2005".	In regulation 9(2)(b) and (c), the words "the 2005 Act" will be corrected to read "the Mental Capacity Act 2005".
In regulation 10(6), "(4)(c)(ii)" will be corrected to read "(5)(b)(ii)".	In regulation 10(6), "(4)(c)(ii)" will be corrected to read "(5)(b)(ii)".
In the Schedule, in paragraph 2(b), "dibyniaeth ar" will be substituted by "am".	
In the Schedule, in paragraph 2(f)(ii), the words "adsefydlu defnyddiwr cyffuriau" will be substituted by "am gyffuriau".	
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	