

# **SL(6)742 – The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026**

## **Background and Purpose**

These Regulations amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023 (“the 2023 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.

These Regulations make amendments to the 2023 Regulations to correct errors of a technical nature and insert new definitions.

## **Procedure**

Senedd annulment procedure.

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 five points are identified for reporting under Standing Order 21.2 in respect of this instrument.

### **1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

In regulation 2, the application provision notes that these Regulations apply in relation to Wales. However, this differs from the application provision in regulation 2 of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023 (“the 2023 Regulations”) which noted that those Regulations applied in relation to Wales and also to particular contracts. As a result, it means that the application of the amendments differs from that of the existing instrument.

Could the Welsh Government explain whether that is the intention or whether the application provision of these amending Regulations should be the same as that found in the 2023 Regulations? In this regard, it is not usually necessary to include an application provision in an amending instrument because the amendments will usually share the same application as the existing instrument.



## **2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

In regulation 4(6), the location for the insertion of the new text is incorrectly described as after “**sub-paragraph** (d)” in the definition of “supplementary prescriber” in regulation 3(1) of the 2023 Regulations. However, it should be correctly described as after “**paragraph** (d)” because it is the first division of a definition. In this regard, it is also inconsistent with the descriptions of similar paragraphs that are used in existing cross-references in the definitions of regulation 3(1) of the 2023 Regulations, e.g. in the definition of “batch issue”, it refers to “in paragraph (c)”.

## **3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

In regulation 4(18), in the new paragraph 7A that is inserted in Schedule 2 to the 2023 Regulations, in sub-paragraph (d), it refers to “the patient’s personal health record”. However, the term “a patient’s record” has been defined with a specific meaning for paragraphs 1 to 7 of Schedule 2 by paragraph 8 of that Schedule.

Could the Welsh Government explain whether the defined term “the patient’s record” should have been used in the new paragraph 7A or whether the term “the patient’s personal health record” is intended to have a different meaning? In this regard there is no existing definition of “the patient’s personal health record” in Schedule 2 to the 2023 Regulations if it is intended to have a different meaning.

## **4. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

In regulation 4(19), the amendment fails to correctly identify and describe the location for the amendments made to the English text of paragraph 2 in Schedule 3 to the 2023 Regulations. In particular, regulation 4(19)(b) notes “in sub-paragraph (a)” but there is a paragraph (a) in both sub-paragraphs (1) and (2) of paragraph 2 in Schedule 3 to the 2023. Therefore, the location for the amendment should have been identified as “paragraph **2(2)**” rather than “paragraph 2” in the opening words of regulation 4(19). In addition, in regulation 4(19)(b), the specific provision in paragraph 2(2) of Schedule 3 should have been described as “in **paragraph** (a)” rather than “in **sub-paragraph** (a)”.

## **5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**

In regulation 4(36), in the new sub-paragraph (4A) that is inserted in paragraph 93 of Schedule 3 to the 2023 Regulations, it notes “On consideration of the return in sub-paragraph (4), the Local Health Board **will** determine whether a formal face-to-dace review is necessary”. However, it is unclear whether the intention of this provision is to impose a legal obligation on the Local Health Board. In which case, it should note “**must**” rather than “**will**” if it is placing such an obligation rather than only referring to a future event (see WLW 3.14(5)).



In this regard “must” has been used in the other sub-paragraphs of paragraph 93 in Schedule 3 when placing other legal obligations on the Local Health Board. Therefore, it is also inconsistent with the drafting of the existing provisions in paragraph 93 of Schedule 3 if it is placing a legal obligation on the Local Health Board.

### **Merits Scrutiny**

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **Welsh Government response**

A Welsh Government response is required.

### **Committee Consideration**

The Committee considered the instrument at its meeting on 23 February 2026 and reports to the Senedd in line with the reporting points above.

