Explanatory Memorandum to the National Health Service (Pharmaceutical Services) (Amendment) (Wales)(No 2) Regulations 2010

This Explanatory Memorandum has been prepared by the Health and Social Services Directorate General and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and accordance with Standing Order 24.1.

Minister'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) (Amendment) (Wales) (No 2) Regulations 2010.

Edwina Hart

Minister for Health and Social Services

21 June 2010

Description

1. These Regulations make further changes to the National Health Service (Pharmaceutical Services) Regulations 1992 that were amended on 1 April 2010 by the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010 to provide for the provision of stoma and urology appliances in Wales for both contractors and patients. The new arrangements form part of the changes required to maintain a joint Wales/England Drug tariff.

Matters of special interest to the Constitutional Affairs Committee

2. The Constitutional Affairs Committee considered the National Health Service (Amendment) (Wales) Regulations 2010 at its meeting on 22 April 2010 where the Committee's technical scrutiny identified 15 Reporting points. The Regulations have been made to correct those errors.

Legislative Background

3. The powers enabling this instrument to be made are sections 80, 83, 86, 121 and 203 of the National Health Service (Wales) Act 2006. The Regulations follow the negative resolution procedure.

Purpose and intended effect of the legislation

4. The Regulations address the errors identified by the Constitutional Affairs Committee in the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010 which amended the National Health Service (Pharmaceutical Services) Regulations 1992 to provide for the provision of stoma and urology appliances in Wales for both contractors and patients, improving patient care and ensuring equity to dispensing appliance contractors and pharmacy contractors.

Implementation

5. Failure to implement this legislation would mean the National Health Service (Pharmaceutical Services) Regulations 1992 would remain technically incorrect and this would undermine continuing parity between Wales/England pharmaceutical services and prejudice the joint Wales/England Drug Tariff.

Consultation

6. No consultation was carried out for the Regulations. The Regulations correct errors in the National Health Service (Pharmaceutical Services) Regulations 1992 (as amended by the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010) and no adverse impact on stakeholders is envisaged.

Regulatory Impact Assessment

7. An Impact Assessment has not been prepared as the Regulations make technical amendments to correct the errors in the National Health Service (Pharmaceutical Services) Regulations 1992 (as amended by the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010). The Regulations do not have a major policy impact and no additional costs are envisaged.