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WELSH STATUTORY INSTRUMENTS

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**2019 No. 917 (W. 162)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (Welsh Language  
in Primary Care Services) (Miscellaneous  
Amendments) (Wales) Regulations 2019**

<i>Made</i>	- - - -	<i>8 May 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9 May 2019</i>
<i>Coming into force</i>	- -	<i>30 May 2019</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 47(1) and (2), 61(1) and (2), 66(1) and (3), 71(10), 72(1), 80(1) and (2), and 203(9) and (10) of the National Health Service (Wales) Act 2006(1).

**Title, commencement and application**

1.—(1) The title of these Regulations is the National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 and they come into force on 30 May 2019.

(2) These Regulations apply in relation to Wales.

**Amendments to the National Health Service (General Ophthalmic Services) Regulations 1986**

2.—(1) The National Health Service (General Ophthalmic Services) Regulations 1986(2) are amended as follows.

(2) In Schedule 1, after paragraph 5 insert—

**“Welsh Language**

**5A.—(1) Where the contractor(3) provides general ophthalmic services(4) through the medium of Welsh, the contractor must notify the Local Health Board(5) in writing.**

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(1) 2006 c. 42; see section 206(1) for the definition of “regulations”.

(2) S.I. 1986/975 (“the 1986 Regulations”), to which there are amendments not relevant to these Regulations.

(3) See the definition of “contractor” in regulation 2(1) of the 1986 Regulations.

(4) See the definition of “general ophthalmic services” in regulation 2(1) of the 1986 Regulations.

(2) The contractor must make available a Welsh language version of any document or form for use by patients(6) and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with general ophthalmic services the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering general ophthalmic services who are Welsh speaking, to convey that they are able to speak Welsh.

(5) The contractor must encourage those delivering general ophthalmic services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used when delivering general ophthalmic services.

(6) The contractor must encourage those delivering general ophthalmic services to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

### **Amendments to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

**3.—**(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(7) are amended as follows.

(2) In Schedule 6, in Part 1, after paragraph 13 insert—

#### **“Welsh Language**

**13A.—**(1) Where the contractor(8) provides medical services under the contract(9) through the medium of Welsh, it must notify the Local Health Board(10) in writing.

(2) The contractor must make available a Welsh language version of any document or form for use by patients(11) and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with medical services provided under the contract, the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering medical services under the contract who are Welsh speaking, to convey that they are able to speak Welsh.

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(5) See the definition of “Local Health Board” in regulation 2(1) of the 1986 Regulations, which refers to section 16BA of the National Health Service Act 1977 (c. 49). That Act was repealed by the National Health Service (Consequential Provisions) Act 2006 (c. 43) and section 16BA was re-enacted in relation to Wales as section 11 of the National Health Service (Wales) Act 2006.

(6) See the definition of “patient” in regulation 2(1) of the 1986 Regulations.

(7) S.I. 2004/478 (W. 48) (“the 2004 Regulations”), to which there are amendments not relevant to these Regulations.

(8) See the definition of “contractor” in section 42(5) of the National Health Service (Wales) Act 2006.

(9) See the definition of “contract” in regulation 2(1) of the 1986 Regulations, which refers to section 28Q of the National Health Service Act 1977. That Act was repealed by the National Health Service (Consequential Provisions) Act 2006 and section 28Q was re-enacted in relation to Wales as section 42 of the National Health Service (Wales) Act 2006.

(10) See the definition of “Local Health Board” in regulation 2(1) of the 2004 Regulations.

(11) See the definition of “patient” in regulation 2(1) of the 2004 Regulations.

(5) The contractor must encourage those delivering medical services under the contract to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used when delivering medical services under the contract.

(6) The contractor must encourage those delivering medical services under the contract to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

### **Amendments to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006**

4.—(1) The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(12) are amended as follows.

(2) In Schedule 3, in Part 2, after paragraph 17 insert—

#### **“Welsh Language**

17A.—(1) Where the contractor(13) provides dental services under the agreement(14) through the medium of Welsh, it must notify the Local Health Board(15) in writing.

(2) The contractor must make available a Welsh language version of any document or form for use by patients(16) and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with dental services provided under the agreement, the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering dental services under the agreement who are Welsh speaking, to convey that they are able to speak Welsh.

(5) The contractor must encourage those delivering dental services under the agreement to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used when delivering dental services under the agreement.

(6) The contractor must encourage those delivering dental services under the agreement to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

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(12) S.I. 2006/489 (W. 58) (“the PDS Regulations”), to which there are amendments not relevant to these Regulations.

(13) See the definition of “contractor” in regulation 2(1) of the PDS Regulations.

(14) See the definition of “agreement” in regulation 2(1) of the PDS Regulations.

(15) See the definition of “Local Health Board” in regulation 2(1) of the PDS Regulations.

(16) See the definition of “patient” in regulation 2(1) of the PDS Regulations.

## **Amendments to the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006**

5.—(1) The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006<sup>(17)</sup> are amended as follows.

(2) In Schedule 3, in Part 2, after paragraph 16 insert—

### **“Welsh Language**

**16A.**—(1) Where the contractor<sup>(18)</sup> provides dental services under the contract<sup>(19)</sup> through the medium of Welsh, it must notify the Local Health Board<sup>(20)</sup> in writing.

(2) The contractor must make available a Welsh language version of any document or form for use by patients<sup>(21)</sup> and/or members of the public, provided by the Local Health Board.

(3) Where the contractor displays a new sign or notice in connection with dental services provided under the contract, the text on the sign or notice must be in English and Welsh, and the contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) The contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering dental services under the contract who are Welsh speaking, to convey that they are able to speak Welsh.

(5) The contractor must encourage those delivering dental services under the contract to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used when delivering dental services under the contract.

(6) The contractor must encourage those delivering dental services under the contract to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

## **Amendments to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013**

6.—(1) The National Health Service (Pharmaceutical Services) (Wales) Regulations 2013<sup>(22)</sup> are amended as follows.

(2) In Schedule 4, in Part 5, after paragraph 35 insert—

### **“Welsh Language**

**35A.**—(1) Where an NHS pharmacist<sup>(23)</sup> provides pharmaceutical services<sup>(24)</sup> through the medium of Welsh, the NHS pharmacist must notify the Local Health Board<sup>(25)</sup> on whose pharmaceutical list<sup>(26)</sup> the NHS pharmacist is included, in writing.

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<sup>(17)</sup> *S.I. 2006/490 (W. 59)* (“the GDS Regulations”), to which there are amendments not relevant to these Regulations.

<sup>(18)</sup> *See* the definition of “contractor” in section 57(4) of the National Health Service (Wales) Act 2006..

<sup>(19)</sup> *See* the definition of “contract” in regulation 2(1) of the GDS Regulations.

<sup>(20)</sup> *See* the definition of “Local Health Board” in regulation 2(1) of the GDS Regulations.

<sup>(21)</sup> *See* the definition of “patient” in regulation 2(1) of the GDS Regulations.

<sup>(22)</sup> *S.I. 2013/898 (W. 102)* (“the 2013 Regulations”), to which there are amendments not relevant to these Regulations.

<sup>(23)</sup> *See* the definition of “NHS pharmacist” in regulation 2(1) of the 2013 Regulations.

<sup>(24)</sup> *See* the definition of “pharmaceutical services” in regulation 2(1) of the 2013 Regulations.

<sup>(25)</sup> *See* the definition of “Local Health Board” in regulation 2(1) of the 2013 Regulations.

(2) An NHS pharmacist must make available a Welsh language version of any document or form for use by patients and/or members of the public, provided by the Local Health Board.

(3) Where an NHS pharmacist displays a new sign or notice in connection with pharmaceutical services, the text on the sign or notice must be in English and Welsh, and an NHS pharmacist may utilise the translation service offered by the Local Health Board for this purpose.

(4) An NHS pharmacist must encourage the wearing of a badge, provided by the Local Health Board, by those delivering pharmaceutical services who are Welsh speaking, to convey that they are able to speak Welsh.

(5) An NHS pharmacist must encourage those delivering pharmaceutical services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used in connection with the pharmaceutical services provided.

(6) An NHS pharmacist must encourage those delivering pharmaceutical services to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

(3) In Schedule 5, after paragraph 23 insert—

**“Welsh Language**

**23A.**—(1) Where an NHS appliance contractor(27) provides pharmaceutical services through the medium of Welsh, the NHS appliance contractor must notify the Local Health Board on whose pharmaceutical list the NHS appliance contractor is included, in writing.

(2) An NHS appliance contractor must make available a Welsh language version of any document or form for use by patients and/or members of the public, provided by the Local Health Board.

(3) Where an NHS appliance contractor displays a new sign or notice in connection with pharmaceutical services, the text on the sign or notice must be in English and Welsh, and an NHS appliance contractor may utilise the translation service offered by the Local Health Board for this purpose.

(4) An NHS appliance contractor must encourage the wearing of a badge, provided by the Local Health Board, by those delivering pharmaceutical services who are Welsh speaking, to convey that they are able to speak Welsh.

(5) An NHS appliance contractor must encourage those delivering pharmaceutical services to utilise information and/or attend training courses and events provided by the Local Health Board, so that they can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used in connection with the pharmaceutical services provided.

(6) An NHS appliance contractor must encourage those delivering pharmaceutical services to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

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(26) See the definition of “pharmaceutical list” in regulation 2(1) of the 2013 Regulations.

(27) See the definition of “NHS appliance contractor” in regulation 2(1) of the 2013 Regulations.

(4) In Schedule 6, after paragraph 11 insert—

**“Welsh Language**

**12.**—(1) Where a dispensing doctor<sup>(28)</sup> provides pharmaceutical services through the medium of Welsh, the dispensing doctor must notify the Local Health Board in writing.

(2) A dispensing doctor must make available a Welsh language version of any document or form for use by patients and/or members of the public, provided by the Local Health Board.

(3) Where a dispensing doctor displays a new sign or notice in connection with pharmaceutical services, the text on the sign or notice must be in English and Welsh, and a dispensing doctor may utilise the translation service offered by the Local Health Board for this purpose.

(4) Where a dispensing doctor is Welsh speaking, he or she is encouraged to wear a badge provided by the Local Health Board, to convey that the dispensing doctor is able to speak Welsh.

(5) A dispensing doctor is encouraged to utilise information and/or attend training courses and events provided by the Local Health Board, so that the dispensing doctor can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used in connection with the pharmaceutical services provided.

(6) When delivering pharmaceutical services, a dispensing doctor is encouraged to establish and record the Welsh or English language preference expressed by or on behalf of a patient.”

8 May 2019

*Vaughan Gething*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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(28) See the definition of “dispensing doctor” in regulation 2(1) of the 2013 Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986, the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004, the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006, the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013.

The amendments place six common duties, relating to the Welsh language, upon primary care providers in Wales through their respective terms of agreement, contract and/or service with Local Health Boards.

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.