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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1396 (W. 309)**

**EXITING THE EUROPEAN UNION, WALES  
NATIONAL HEALTH SERVICE, WALES**

The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) (Amendment) (EU Exit) Regulations 2020

<i>Sift requirements satisfied</i>	<i>16 November 2020</i>
<i>Made - - - -</i>	<i>1 December 2020</i>
<i>Laid before Senedd Cymru</i>	<i>2 December 2020</i>
<i>Coming into force in accordance with regulation 1(2)</i>	

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1).

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate scrutiny procedure for these Regulations) have been satisfied.

As required by paragraph 4(a) of Schedule 2 to the European Union (Withdrawal) Act 2018, the Secretary of State has been consulted during the preparation of these Regulations.

**Title, commencement and application**

1.—(1) The title of these Regulations is the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) (Amendment) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before IP completion day.

(3) These Regulations apply in relation to Wales.

**Amendment of the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) Regulations 2004**

2.—(1) The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) Regulations 2004(2) are amended as follows.

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(1) 2018 c. 16. Schedule 2 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).  
(2) S.I. 2004/1022 (W. 119); relevant amendments were made by S.I. 2011/1043, S.I. 2014/109 (W. 09) and S.I. 2019/777.

(2) In Schedule 2 (drugs or medicines to be ordered only in certain circumstances), in the entry in column 2 of the table that corresponds to the entry in column 1 relating to drugs for the treatment of erectile dysfunction—

(a) for paragraph (1)(b) (including the “or” at the end) substitute—

“(b) a man who is a national of an EEA State who—

- (i) immediately before IP completion day was entitled to treatment by virtue of Article 7(2) of Council Regulation 1612/68 as extended by the EEA Agreement or was entitled to treatment by virtue of any other enforceable EU right,
- (ii) has erectile dysfunction and was on 14th September 1998 receiving a course of treatment under a national health insurance system of an EEA State for that condition with any of the drugs listed in sub-paragraph (a), and
- (iii) immediately before IP completion day was receiving a course of treatment as part of the health service for the condition mentioned in paragraph (ii) of this sub-paragraph with any of the drugs listed in sub-paragraph (a), or”;

(b) for paragraph (c) (including the “or” at the end) substitute –

“(c) a man who is not a national of an EEA State but who is the member of the family of such a national and who—

- (i) immediately before IP completion day had an enforceable EU right to be treated no less favourably than the national in the provision of medical treatment,
- (ii) has erectile dysfunction and was on 14th September 1998 receiving a course of treatment for that condition with any of the drugs listed in sub-paragraph (a), and
- (iii) immediately before IP completion day was receiving a course of treatment as part of the health service for the condition mentioned in paragraph (ii) of this sub-paragraph with any of the drugs listed in sub-paragraph (a), or”.

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

1 December 2020

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## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers in paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The Regulations make amendments to the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) Regulations 2004.

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.