

NATIONAL ASSEMBLY FOR WALES

SUBORDINATE
LEGISLATION

2006 No. 14

NATIONAL HEALTH
SERVICE, WALES

The Confidentiality and Disclosure
of Information: General Medical
Services and Alternative Provider
Medical Services Directions 2006

Made 7 March 2006

Coming into force 8 March 2006

The National Assembly for Wales, in exercise of the powers conferred on it by section 16BB(4) of the National Health Service Act 1977(a) and of all other powers enabling it in that behalf, hereby gives the following Directions:

Application, commencement and interpretation

1.—(1) These Directions, which are called the Confidentiality and Disclosure of Information: General Medical Services and Alternative Provider Medical Services Directions 2006, are given to Local Health Boards in Wales and come into force on 8 March 2006.

(2) In these Directions—

“1977 Act” (“*Deddf 1977*”) means the National Health Service Act 1977;

“APMS contract” (“*contract APMS*”) means arrangements made under section 16CC(2)(b) of

(a) 1977 c.49. Section 16BB was inserted by the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”) section 6(1) and amended by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), section 184 and Schedule 11, paragraphs 7 and 10.

the 1977 Act for the provision of primary medical services**(b)**;

“default contract” (“*contract rhagosodedig*”) means a contract under article 13 of the General Medical Services Transitional and Consequential Provisions (Wales) Order 2004**(c)**;

“GMS Contract” (“*Contract GMS*”) means a contract under section 28Q of the 1977 Act**(d)**;

“GMS Contract Regulations” (“*Rheoliadau Contractau GMS*”) means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**(e)**.

Compliance with the Code of Practice: Confidentiality and Disclosure of Information

2. In exercising any function, or in enforcing any right or obligation, pursuant to—

- (a) a term of a GMS Contract that gives effect to paragraph 76 (provision of information) or 79 (annual review) of Schedule 6 to the GMS Contract Regulations;
- (b) any equivalent terms to those specified in paragraph (a) in a default contract; or
- (c) any equivalent terms to those specified in paragraph (b) in an APMS contract,

a Local Health Board must, insofar as it is relevant to its exercise of that function, or the enforcement of that right or obligation, act in accordance with paragraphs 19 to 23, 29, 30, 34 to 37 and 39 of the document entitled “Confidentiality and Disclosure of Information: General Medical Services (GMS) and Alternative Provider Medical Services (APMS) Code of Practice” dated 13 October 2005**(f)**.

Signed on behalf of the National Assembly for Wales

7 March 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

(b) Section 16CC was inserted into the 1977 Act by section 174 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”).

(c) S.I. 2004/477 (W.47).

(d) Section 28Q was inserted into the 1977 Act by section 175(1) of the 2003 Act.

(e) S.I. 2004/478 (W.48).

(f) A copy of this Code of Practice is available on the Welsh Assembly Government’s website at <http://www.wales.nhs.uk/gms>

