
WELSH STATUTORY INSTRUMENTS

2003 No. 3236 (W.316)

NATIONAL HEALTH SERVICE, WALES

**The National Health Service (Pharmaceutical Services)
(Amendment) (No.2) (Wales) Regulations 2003**

Made - - - - - *9th December 2003*

Coming into force - - - - - *12th December 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 41, 42, 43 and 126(4) of the National Health Service Act 1977(1) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Amendment) (No.2) (Wales) Regulations 2003 and shall come into force on 12th December 2003.

(2) In these Regulations “the principal Regulations” (“*y prif Reoliadau*”) means the National Health Service (Pharmaceutical Services) Regulations 1992(2).

(3) These Regulations apply to Wales only.

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended in accordance with the following provisions of this regulation.

(1) [1977 c. 49](#); *see* section 128(1) as amended by the National Health Service and Community Care Act [1990 \(c. 19\)](#) (“the 1990 Act”), section 26(2)(g) and (i), and by the Health Act [1999 \(c. 8\)](#) (“the 1999 Act”), Schedule 4, paragraph 38(2)(b), for the definitions of “prescribed” and “regulations”.

Section 126(4) was amended by the 1990 Act, section 65(2) and the 1999 Act, Schedule 4, paragraph 37(6).

Section 41 was amended by the Act 1980, sections 1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7; by [S.I. 1985/39](#), article 7(13); by the 1990 Act, Schedule 9, paragraph 18(1) and Schedule 10; by the Medicinal Products: Prescription by Nurses etc. Act [1992 \(c. 28\)](#), section 2; by the 1995 Act, Schedule 1, paragraph 29 and by the 1997 Act, Schedule 2, paragraph 13.

Section 42 was substituted by the National Health Service (Amendment) Act [1986 \(c. 66\)](#), section 3(1); extended by the 1988 Act, section 17 and amended by [S.I. 1987/2202](#), article 4; by the 1990 Act, section 12(3) and by the 1995 Act, Schedule 1, paragraph 30.

Section 43 was amended by the 1980 Act, Schedule 9, paragraph 18(2); by the 1995 Act, Schedule 1, paragraph 31; and by the 1997 Act, section 29(1) and Schedule 2, paragraph 14.

The functions of the Secretary of State under sections 41, 42, 43 and 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, [S.I. 1999/672](#), article 2 and Schedule 1, as amended by the 1999 Act, section 66(5).

(2) [S.I.1992/662](#); relevant amending instruments are [S.I.1993/2451](#), [1994/2402](#), [1995/644](#), [1996/698](#), [1998/681](#) and [2224, 1999/696, 2001/1396](#) and [2002/3189 \(W.305\)](#).

(2) In paragraph (1) insert the following definition in the appropriate place in the alphabetical order —

““Local Health Board” has the meaning assigned to it by section 16BA of the Act(3);”.

(3) After paragraph (1B), insert the following paragraph—

“(1C) In the application of these Regulations in relation to Wales “Health Authority” shall, in each place where these words occur, have effect as if there were substituted in the words “Local Health Board”.”

Amendment of regulation 12 of the principal Regulations

3. In regulation 12 of the principal Regulations (determination of applications in respect of controlled localities), in paragraph (1)(d) for “FHSA”, in each place where this abbreviation occurs, substitute the words “Local Health Board”.

Amendment of regulation 13 of the principal Regulations

4. In regulation 13 (appeals in connection with determinations under regulation 12), in sub-paragraph (2)(a) for “FHSA”, in each place where this abbreviation occurs, substitute the words “Local Health Board”.

Amendment of regulation 18B of the principal Regulations

5. In regulation 18B of the principal Regulations (reward scheme), in paragraph (1)—

(a) in sub-paragraph (i)—

(i) for “immediately informed” substitute “informed”, and

(ii) after the words “ of this action” insert “as soon as practicable”;

(b) in sub-paragraph (ii)—

(i) after “but” insert “had reason to believe at that time or”, and

(ii) for “within the period of 14 days beginning with the date the order was presented” substitute “as soon as practicable”; and

(c) at the end of the fall out words, add “which has thereafter established that the order referred to in this paragraph was not a genuine order for the person named on the prescription form”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

9th December 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

(3) Section 16BA was inserted into the National Health Service Act 1977 by the Health Service Reform and Health Care Professions Act 2002 (c. 17).

(4) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Pharmaceutical Services) Regulations 1992 (S.I.1992/662) (“the principal Regulations”) which govern the arrangements the provision of pharmaceutical services under the National Health Service Act 1977.

Regulation 2 of the principal Regulations is amended so that references to a “Health Authority” will be treated as a reference to a “Local Health Board”.

Regulations 12 and 13 are amended so that references to a Local Health Board are substituted for references to an “FHSA”.

These Regulations also make amendments to Regulation 18B of the principal Regulations (reward scheme).