

## 1995 No. 126

**HEALTH AND PERSONAL SOCIAL SERVICES****General Medical and Pharmaceutical Services (Amendment No. 2) Regulations (Northern Ireland) 1995**

*Made* . . . . . 27th March 1995

*Coming into operation* . . . . . 1st April 1995

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 63, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all powers enabling it in that behalf and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the Pharmaceutical profession as required by Article 63(3) of that Order hereby makes the following regulations:

*Citation and commencement*

1.—(1) These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment No. 2) Regulations (Northern Ireland) 1995 and shall come into operation on 1st April 1995.

(2) In these regulations “the principal regulations” means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(b).

*Amendment of regulation 36 of the principal regulations*

2. Regulation 36 of the principal regulations (supplemental services) shall be amended as follows—

(1) For paragraph (3)(a) there shall be substituted the following paragraph—

“(a) giving advice, in connection with the safe keeping and correct administration of drugs provided to persons resident in such a home, to the person appearing to the chemist to be in charge of the home, or to the person authorised by that person to control such safe keeping and correct administration;”

(2) For paragraph (4)(a) there shall be substituted the following paragraph—

“(a) “home” means any one of—

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(a) S.I. 1972/1265 (N.I. 14), as amended by S.I. 1978/1907 (N.I. 26), S.I. 1986/2023 (N.I. 20); and S.I. 1991/194 (N.I. 1)

(b) S.R. & O. (N.I.) 1973 No. 421, relevant amending regulations are S.R. 1975 No. 180, S.R. 1987 No. 247, S.R. 1988 No. 395, S.R. 1991 No. 97, S.R. 1992 No. 200, and S.R. 1994 No. 117

- (i) a residential home provided under Article 15 of the Order, or
- (ii) a residential home registered under Article 6 of the Registered Homes (Northern Ireland) Order 1992(a), or
- (iii) a nursing home registered under Article 19 of the Registered Homes (Northern Ireland) Order 1992.”.

*Amendment of regulation 36A of the principal regulations*

3. In regulation 36A(2)(b) of the principal regulations (additional professional services), the words “, posters and publications” shall be omitted.

*Amendment of regulation 40 of the principal regulations*

4. In regulation 40 (prices and standards of drugs and appliances)—

(a) in paragraph (1) after the word “which” there shall be inserted the words “(subject to paragraph (2))”; and

(b) after paragraph (1) there shall be inserted the following paragraphs—

“(2) The Drug Tariff may state in respect of any specified fee falling within paragraph (1)(d), or any other specified fee, allowance or other remuneration in respect of the provision of pharmaceutical services by chemists included in the pharmaceutical list, that the determining authority for that fee, allowance or other remuneration for those chemists is the Board, and in such a case paragraphs (3) and (4) shall apply.

(3) The Board shall consult the Local Pharmaceutical Committee before making any determination by virtue of paragraph (2).

(4) A determination made by the Board by virtue of paragraph (2) shall include the arrangements for claiming the specified fees, allowances or other remuneration, and shall be published by the Board in whatever way it thinks suitable for bringing the determination to the attention of the chemists in its area included in the pharmaceutical list.”.

*Amendment of Schedule 4 to the principal regulations*

5. In Schedule 4 (terms of service for chemists)—

(a) in paragraph 8(4)(b) after the words “dispensing fees” there shall be inserted the words “, allowances or other remuneration”, and after the words “Drug Tariff” there shall be inserted the words “or in accordance with any determination made by virtue of regulation 40(2).”;

(b) in paragraph 8(4)(c) after the words “Drug Tariff” there shall be inserted the words “or in accordance with any determination made by virtue of regulation 40(2)”.

Sealed with the Official Seal of the Department of Health and Social Services on 27th March 1995.

(L.S.)

*J. McGrath*

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 27th March 1995.

(L.S.)

*J. Sullivan*

Assistant Secretary

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EXPLANATORY NOTE

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

These regulations further amend the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973 (“the principal regulations”).

Regulation 2 extends the scope of supplemental services so as to enable any chemist on the pharmaceutical list to provide advice as to the safekeeping and correct administration of drugs in any residential home provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 or registered under Article 6 of the Registered Homes (Northern Ireland) Order 1992 or any nursing home registered under Article 19 of the Registered Homes (Northern Ireland) Order 1992.

Regulation 3 removes the requirement that a chemist who has undertaken to provide additional professional services must display such posters and publications as the relevant Health and Social Services Board may require.

Regulations 4 and 5 enable the Department to designate in the Drug Tariff, the Board as the determining authority for the remuneration in respect of specified pharmaceutical services, and require the Board to consult the Local Pharmaceutical Committee prior to the making of such a determination and to publish any determinations made.

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**1995 No. 127**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.