
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 254

HEALTH AND PERSONAL SOCIAL SERVICES

**Pharmaceutical Services (Amendment)
Regulations (Northern Ireland) 1999**

Made - - - - *4th June 1999*

Coming into operation *1st July 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 63(1), (2), (2A) to (2D), 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(1) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appear to the Department of Health and Social Services to be representative of the pharmaceutical profession as required by Article 63(3) of that Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st July 1999.

(2) In these Regulations, “the principal Regulations” means the Pharmaceutical Services Regulations (Northern Ireland) 1997(2).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), at the appropriate place in alphabetical order, insert—

““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997;”;

““the Charges Regulations” means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997(3);”;

(1) S.I.1972/1265 (N.I. 14); relevant amending instruments are S.I. 1978/1907 (N.I. 26), Art. 5(1) of S.I. 1986/2023 (N.I. 20), S.R. 1987 No. 457, Art 31(1) of S.I. 1991/194 (N.I. 1) and Art. 3 of S.I. 1992/2671 (N.I. 18)
(2) S.R. 1997 No. 381; relevant amending regulations are S.R. 1998 No. 95 and S.R. 1999 No. 100
(3) S.R. 1997 No. 382; as amended by S.R. 1998 No. 135 and S.R. 1999 Nos. 100 and 166

““personal dental services” has the meaning assigned to it in Article 3(7) of the 1997 Order;”;

““personal medical services” has the meaning assigned to it in Article 3(7) of the 1997 Order;”;

““pilot scheme” has the meaning assigned to it in Article 3(1) of the 1997 Order;”;

““the Remission of Charges Regulations” means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(4);”;

(b) in paragraph (1), for the definition of “prescription form”, substitute—

““prescription form” means a form provided by the Agency, a Health Authority constituted under section 8 of the National Health Service Act 1977(5) or a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(6), and issued by—

- (a) a doctor or dentist under the provisions of his terms of service; or
- (b) a doctor performing personal medical services or a dentist performing personal dental services in connection with a pilot scheme; or
- (c) a nurse prescriber,

to enable a person to obtain pharmaceutical services;”;

(c) in paragraph (2) (specified description of nurse or health visitor), in sub-paragraphs (a)(iii) and (b)(ii), after “medical list” insert “or who, at that time, is assisting in the performance of personal medical services under a pilot scheme under the 1997 Order”.

(3) After regulation 10, insert—

“Reward Scheme

10A.—(1) A chemist who is presented with an order under paragraph 2(1) of the terms of service shall be eligible to claim a payment from the Board in such manner as is specified in the Drug Tariff if—

- (a) in accordance with paragraph 2(2A) of the terms of service he refused to provide the drugs or medicines or listed appliances ordered and immediately informed the Board of this action; or
- (b) he provided the drugs and medicines or listed appliances pursuant to paragraph 2(1) but subsequently came to have reason to believe that the order was not a genuine order for the person named on the prescription form and informed the Board of this belief within the period of 14 days beginning with the date the order was presented,

and in either case he has sent the order referred to in this paragraph to the Board.

(2) The Board shall in respect of any claim under paragraph (1) make such payment as is due to the chemist calculated in the manner specified in the Drug Tariff.

(3) In this paragraph “order” includes a purported order.”.

(4) In Part II of Schedule 2 (terms of service for chemists), in paragraph 2 (Provision of pharmaceutical services) after sub-paragraph (2), insert—

“(2A) Where a chemist reasonably believes that a form presented to him as a prescription form in accordance with paragraph 2(1) is not a genuine order for the person named on the form (for example because he reasonably believes the form has been stolen or forged),

(4) S.R. 1989 No. 348; relevant amending regulations are S.R. 1993 No. 161, S.R. 1995 No. 138 and S.R. 1999 No. 16

(5) 1977 c. 49

(6) 1978 c. 29

he may refuse to provide the drugs or medicines or listed appliances specified on the form presented.

(2B) Before providing the drugs or medicines or listed appliances ordered on a prescription form as specified in paragraph 2(1)—

(a) the chemist shall ask any person who makes a declaration on the prescription form that the person named on the prescription form does not have to pay the charges specified in regulation 3(1) of the Charges Regulations by virtue of either—

(i) entitlement to exemption under any of sub-paragraphs (d) to (g) of regulation 7(1) of the Charges Regulations; or

(ii) entitlement to remission of such charges under regulation 3 of the Remission of Charges Regulations,

to produce satisfactory evidence of such entitlement unless the declaration is in respect of entitlement to exemption by virtue of sub-paragraph (d), (e) or (f) of regulation 7(1) of the Charges Regulations, and at the time of the declaration the chemist already has such evidence available to him; and

(b) if no satisfactory evidence is produced to the chemist (and, where it is relevant, none is already available to him as mentioned in sub-paragraph (a)) the chemist shall endorse the prescription form to that effect.”.

(5) In Part III of Schedule 2 (terms of service for doctors who provide pharmaceutical services), after paragraph 14, insert—

“**14A.** Before providing the drugs or listed appliances recorded on a prescription form in accordance with paragraph 13(a), or the listed drugs or medicines or listed appliances ordered on a prescription form signed by a nurse prescriber in accordance with paragraph 14(2), a doctor who is authorised or required by the Board under regulation 12 to provide drugs and appliances to a patient shall—

(a) ask any person who makes a declaration on the prescription form that the patient does not have to pay the charges specified in regulation 3(1) of the Charges Regulations by virtue of either—

(i) entitlement to exemption under any of sub-paragraphs (d) to (g) of regulation 7(1) of the Charges Regulations; or

(ii) entitlement to remission of such charges under regulation 3 of the Remission of Charges Regulations,

to produce satisfactory evidence of such entitlement unless the declaration is in respect of entitlement to exemption by virtue of sub-paragraph (d) (e) or (f) of regulation 7(1) of the Charges Regulations, and at the time of the declaration the doctor already has such evidence available to him; and

(b) if no satisfactory evidence is produced to him (and, where it is relevant, none is already available to him as mentioned in sub-paragraph (a)) endorse the prescription form to that effect.”.

*Status: This is the original version (as it was originally made). Northern
Ireland Statutory Rules are not carried in their revised form on this site.*

Sealed with the Official Seal of the Department of Health and Social Services on

4th June 1999.

D. A. Baker
Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on

4th June 1999.

J. G. Sullivan
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Pharmaceutical Services Regulations (Northern Ireland) 1997 (“the principal regulations”), which govern the arrangements to be made by Health and Social Services Boards for the provision in their area of pharmaceutical services under the Health and Personal Social Services (Northern Ireland) Order 1972 (“the 1972 Order”).

Regulation 2(2)(a) inserts definitions in the principal regulations. Regulation 2(2)(b) inserts a new definition of “prescription form” to include forms issued by a Health Authority in England and Wales and by a Health Board in Scotland, and issued by a doctor or dentist or a nurse prescriber. Regulation 2(2)(c) ensures that the specified description of a nurse or health visitor mentioned in the definition of “nurse prescriber” may include a nurse assisting in the performance of personal medical services under a pilot scheme under the Health Services (Primary Care) (Northern Ireland) Order 1997.

Regulation 2(3) enables a chemist who doubts the authenticity of a prescription form presented to him and who acts as specified to claim payment in the manner specified.

Regulation 2(4) requires a chemist to ask a person presenting an order for drugs and appliances under paragraph 2(1) of the chemists' terms of service to provide specified evidence to substantiate specific claims relating to exemptions from or remission of charges due under the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997 and regulation 2(5) places similar requirements on doctors authorised to provide pharmaceutical services to a patient under regulation 12.