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 STATUTORY INSTRUMENTS
 

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1985 No. 955

## NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (General Medical and  
Pharmaceutical Services) Amendment (No. 4) Regulations 1985**

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| <i>Made - - - -</i>           | 25th June 1985    |
| <i>Laid before Parliament</i> | 28th June 1985    |
| <i>Coming into Operation</i>  | 1st December 1985 |

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 41, 42 and 43 of the National Health Service Act 1977 (a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 4) Regulations 1985 and shall come into operation on 1st December 1985.

(2) In these regulations “the principal regulations” means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(b).

*Amendment of principal regulations*

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

(2) In regulation 2(1) (interpretation) after the definition of “relevant service” there shall be inserted the following definition:—

“‘registered pharmaceutical chemist’ means a person whose name is registered in the register of pharmacists established in pursuance of the Pharmacy Act 1852(c) and maintained in pursuance of section 2(1) of the Pharmacy Act 1954(d);”.

(3) In regulation 25 (terms of service), after sub-paragraph (b) there shall be added the words “; and (c) shall include provision for the supply of oxygen concentrator services in accordance with regulation 26D”.

(4) In regulation 26 (pharmaceutical list)—

(a) in paragraph (1) there shall be added at the end the words “and any person who is entitled to provide services to which regulation 26D applies”;

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(a) 1977 c.49; section 41 was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), sections 1, 2 and 20(1) and Schedule 1, paragraphs 53 and 95; section 42 was amended by the 1980 Act, sections 1 and 21(1) and Schedule 1, paragraph 54; section 43 was amended by the 1980 Act, sections 1 and 21(2) and Schedule 1, paragraph 55; and sections 41, 42 and 43 were modified by S.I. 1985/39.

(b) S.I. 1974/160; the relevant amending instruments are S.I. 1975/719, 1982/288, 1983/313, 1985/39.

(c) 1852 c.56.

(d) 1954 c.61.

- (b) for paragraph (2) there shall be substituted the following paragraph:—
- “(2) A person who wishes to be included in the pharmaceutical list for the provision of pharmaceutical services other than those to which regulation 26D applies—
- (a) in the case of a registered pharmaceutical chemist, shall apply to the Committee in the form set out in Part II of Schedule 4 to the regulations;
- (b) in any other case, shall apply to the Committee in the form set out in Part III of Schedule 4 to the regulations.”;
- (c) there shall be added after paragraph (4) the following paragraph:—
- “(5) A person shall not be entitled to be included on the pharmaceutical list for the purpose of the provision of services to which regulation 26D applies, notwithstanding that he is otherwise entitled to be included on that list, unless he is a person with whom the Committee has made arrangements in accordance with that regulation; and such a person shall be entitled to be so included only subject to such arrangements.”.
- (5) After regulation 26C (effect of preliminary consent) there shall be inserted the following regulation:—
- “Provision of oxygen concentrator services*
- 26D.**—(1) The Committee shall make arrangements for the provision of oxygen concentrator services in its locality with such person as the Secretary of State shall approve for that locality, and those arrangements shall—
- (a) incorporate the terms of service; and
- (b) incorporate such other terms as the Secretary of State shall specify for that locality.
- (2) In this regulation “oxygen concentrator” means an electrically driven machine which separates nitrogen and other components from the air and delivers oxygen-enriched gases to the patient; and “oxygen concentrator services” means such services, including the supply, installation and maintenance of such a machine, as may be specified under paragraph (1)(b).”.
- (6) In regulation 28 (standards of and payments for drugs and appliances), there shall be added after paragraph (2) the following paragraph:—
- “(3) Sub-paragraphs (e), (h) and (j) of paragraph (1) shall not apply to the provision of services to which regulation 26D applies, and such prices, fees, arrangements and claims as are there mentioned shall be in accordance with such terms as may be specified by the Secretary of State in accordance with regulation 26D(1)(b).”.
- (7) In regulation 29 (schemes for securing proper pharmaceutical services), there shall be added after paragraph (4) the following paragraph:—
- “(5) This regulation shall not apply to the provision of services to which regulation 26D applies.”.
- (8) In regulation 30 (arrangements for supply by doctors of drugs and appliances), in paragraph (11) there shall be added at the end the words “but shall exclude the provision of services to which regulation 26D applies”.

(9) In regulation 33 (claims and overpayments), in paragraph (1) there shall be added at the end the words “or, in the case of services to which regulation 26D applies, with such terms as may be specified by the Secretary of State in accordance with regulation 26D (1)(b)”.

(10) In Part I of Schedule 4 (terms of service for chemists)—

(a) in paragraph 8 (remuneration of chemists) in sub-paragraph (1) there shall be added at the end the words “or, in the case of a person with whom the Committee enters into arrangements in accordance with regulation 26D (oxygen concentrator services), the requirements of those arrangements”;

(b) after paragraph 12 there shall be added the following paragraph:—

*“Application to persons who provide oxygen concentrator services*

13. Paragraphs 3, 9 and 11 shall not apply to any person with whom the Committee enters into arrangements for the provision of oxygen concentrator services in accordance with regulation 26D.”.

Signed by authority of the Secretary of State for Social Services.

*K. Clarke,*  
Minister of State,  
Department of Health and Social Security.

25th June 1985.

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#### EXPLANATORY NOTE

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

These Regulations amend the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974, which regulate the terms on which doctors and chemists provide such services under the National Health Service Act 1977, so as to introduce arrangements for the provision of oxygen concentrator services under general pharmaceutical services. Those oxygen concentrator services, which include provision and maintenance of the machines, are to be provided only by the person with whom the Family Practitioner Committee has entered into an arrangement for that purpose, that person having been approved for the locality of that Committee by the Secretary of State; the terms under which other pharmaceutical services are provided are modified in respect of the provision of this particular type of service.

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