

1988 No. 866

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The National Health Service (General Medical and
Pharmaceutical Services and Charges for Drugs)
Amendment Regulations 1988**

<i>Made</i> - - - -	<i>10th May 1988</i>
<i>Laid before Parliament</i>	<i>16th May 1988</i>
<i>Coming into force</i> -	<i>6th June 1988</i>

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 29, 41, 42 and 77 of the National Health Service Act 1977(a) and all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services and Charges for Drugs) Amendment Regulations 1988 and shall come into force on 6th June 1988.

Amendment of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974

2.—(1) The National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 26 (Pharmaceutical lists)—

(a) in paragraph (3) after the words “the application shall” there shall be inserted the words “, subject, in a case falling within sub-paragraph (b) of this paragraph, to the provisions of paragraph (4A),”;

(b) after paragraph (4) there shall be inserted the following paragraph:—

“(4A) An application, other than one which shall be granted under paragraph (3) by virtue of paragraph (3)(a), which is made by a person who

(a) 1977 c.49; section 29 was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), section 7 and Schedule 1, paragraph 42 and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 6, paragraph 2; section 41 was amended by the 1980 Act, section 20(1) and Schedule 1, paragraph 53 and Schedule 7; section 42 was substituted by section 3(1) of the National Health Service (Amendment) Act 1986 (c.66) and amended by S.I. 1987/2202, article 4; sections 29 and 41 were each modified by S.I. 1985/39; *see* section 128(1) of the National Health Service Act 1977 for the definition of “prescribed” and “regulations”.

(b) S.I. 1974/160; the relevant amending instruments are S.I. 1975/719, 1985/290 and 1987/401.

qualified to have his name registered under the Pharmacy Act 1954(a) by virtue of section 4A of that Act (qualification by European diploma) shall not be granted unless the applicant satisfies the Committee that he has the knowledge of English which, in the interests of himself and persons making use of the services to which the application relates, is necessary for the provision of pharmaceutical services in the Committee's locality.”; and

(c) in paragraph (6) for “paragraph (3) or (4)” there shall be substituted “paragraph (3), (4) or (4A)”.

(3) In Part I of Schedule 1 (terms of service for doctors), in paragraph 36 there shall be inserted after sub-paragraph (2) the following sub-paragraphs:-

“(2A) Where a doctor orders drugs specified in Schedule 2 to the Misuse of Drugs Regulations 1985(b) (controlled drugs to which regulations 14, 15, 16, 18, 19, 20, 21, 23, 25 and 26 of those Regulations apply) for supply by instalments for treating addiction to any drug specified in that Schedule he shall:-

- (a) use only the prescription form provided by the Committee specially for the purposes of supply by instalments;
- (b) specify the number of instalments to be dispensed and the interval between each instalment; and
- (c) not order more than will provide 14 days treatment.

(2B) The form provided by the Committee specially for the purpose of supply by instalments shall not be used for any purpose other than ordering drugs in accordance with sub-paragraph (2A) of this paragraph.”.

(4) In Part I of Schedule 4 (terms of service for chemists) in paragraph 1(3) after the words “provided by” there shall be inserted “a health authority or”.

Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 1980

3. In regulation 3 of the National Health Service (Charges for Drugs and Appliances) Regulations 1980(c) (supply of drugs and appliances by chemists), after paragraph (1) there shall be inserted the following paragraph:-

“(1A) For the purposes of this regulation only, where a drug ordered on a single prescription form is supplied by instalments, only one charge of £2.60 shall be payable for that drug and it shall be payable upon the supply of the first instalment.”.

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

Tony Newton
Minister of State,

10th May 1988

Department of Health and Social Security

(a) 1954 c.61. Section 4A was inserted by S.I. 1987/2202, article 2(4).

(b) 1985/2066; the relevant amending instrument is S.I. 1986/2330. The 1985 Regulations consolidate and replace the Misuse of Drugs Regulations 1973 (S.I. 1973/797) to which reference is made elsewhere in paragraph 36 of Schedule 1.

(c) S.I. 1980/1503; the relevant amending instruments are S.I. 1985/1671 and 1987/368.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 (the 1974 Regulations) and the National Health Service (Charges for Drugs and Appliances) Regulations 1980 (the 1980 Regulations).

Regulation 2(2) amends regulation 26 of the 1974 Regulations and provides that (except in cases of minor relocation of premises) an application to a Family Practitioner Committee for inclusion in a list of persons providing pharmaceutical services by a person qualified to have his name registered by virtue of section 4A of the Pharmacy Act 1954 (qualification by European diploma) shall not be granted unless the applicant has the necessary knowledge of English.

Regulation 2(3) amends the terms of service for doctors contained in Schedule 1 to the 1974 Regulations so that an order for the supply by instalments of a controlled drug for the treatment of addiction to another controlled drug must be written on a special prescription form supplied by the Family Practitioner Committee and must be for no more than 14 days' supply. It further specifies that the form supplied by the Committee must only be used for the purpose of instalment prescribing for addiction to a controlled drug. It also amends the terms of service for chemists contained in Schedule 4 to the 1974 Regulations, so as to require a chemist to provide drugs or medicines against a prescription supplied by a Health Authority. Regulation 3 amends the 1980 Regulations to provide that where a drug is ordered on a single prescription for supply by instalments one charge for that drug so ordered is made on the supply of the first instalment.