
STATUTORY INSTRUMENTS

1994 No. 2402

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Pharmaceutical
Services and Charges for Drugs and
Appliances) Amendment Regulations 1994**

Made - - - - *12th September 1994*
Laid before Parliament *12th September 1994*
Coming into force - - *3rd October 1994*

The Secretary of State for Health, in exercise of powers conferred upon her by sections 41, 42, 43, 77 and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the National Health Service (Pharmaceutical Services and Charges for Drugs and Appliances) Amendment Regulations 1994 and shall come into force on 3rd October 1994.

Amendment of the National Health Service (Pharmaceutical Services) Regulations 1992

2.—(1) The National Health Service (Pharmaceutical Services) Regulations 1992(2) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

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- (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), for the definitions of “prescribed” and “regulations”. Section 41 was amended by the Health Services Act [1980 \(c. 53\)](#) (“the 1980 Act”), 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; and by the Medicinal Products: Prescription by Nurses etc. Act [1992 \(c. 28\)](#), section 2. Section 42 was substituted by the National Health Service (Amendment) Act [1986 \(c. 66\)](#), section 3(1); extended by the Health and Medicines Act [1988 \(c. 49\)](#), section 17; and amended by [S.I. 1987/2202](#), article 4, and by the 1990 Act, section 12(3). Section 43 was amended by the 1980 Act, Schedule 1, paragraph 55, by [S.I. 1985/39](#), article 7(15), and by the 1990 Act, Schedule 9, paragraph 18(2). Section 126(4) was amended by the 1990 Act, section 65(2).
- (2) [S.I. 1992/662](#), amended by [S.I. 1993/2451](#).

- (a) in the definition of “listed drugs”, after the word “(c)” there shall be inserted the words “and (cc)”.
- (b) after the definition of “non-proprietary name”, there shall be inserted the following—
““nurse prescriber” means a nurse or health visitor of a description specified in paragraph (1A);”; and
- (c) at the end of the definition of “prescription form”, there shall be added the words—
“under section 41(a), (b) or (c) of the Act or a form provided by a health authority or by an FHSA for the purposes of pharmaceutical services under section 41(cc) of the Act and issued by a nurse prescriber to enable a person to obtain such services”; and
- (3) After regulation 2(1), there shall be inserted the following new paragraph—
“(1A) The specified description of nurse or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is—
(a) a person who—
(i) is registered in Part 1 or 12 of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979(3) (referred to below in this paragraph as “the professional register”), and
(ii) has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(4), and
(iii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a District Health Authority or an NHS trust as a district nurse, or employed as a nurse by a fund-holding practice whose recognition as such by virtue of section 14 of the National Health Service and Community Care Act 1990(5) (recognition of fund-holding practices of doctors) has taken effect; or
(b) a person who—
(i) is registered in Part 11 of the professional register as a health visitor, and
(ii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a District Health Authority or an NHS trust as a health visitor, or employed as a nurse by a fund-holding practice whose recognition as such by virtue of section 14 of the National Health Service and Community Care Act 1990 has taken effect;
against whose name (in each case) is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients;”.
- (4) In Part II of Schedule 2 (terms of service for chemists)—
(a) in paragraph 3 (provision of pharmaceutical services)—
(i) in sub-paragraph (1)(c), for the word “assistant,” there shall be substituted the words “assistant; or”,
(ii) at the end of sub-paragraph (1)(c), there shall be added the word “or” and after that sub-paragraph there shall be inserted—
“(d) an order for listed drugs or medicines, or listed appliances, signed by a nurse prescriber,”,

(3) 1979 c. 36; the Parts of the professional register were determined by S.I. 1983/667, amended by S.I. 1989/104 and 1989/1455.

(4) Approved by S.I. 1983/873, to which there are amendments not relevant to these Regulations.

(5) 1990 c. 19; the Regulations governing recognition are S.I. 1993/567, amended by S.I. 1994/640.

- (iii) in sub-paragraph (2), after the words “British National Formulary”, there shall be inserted the words “(including any Appendix published as part of that Formulary),”;
 - (iv) in sub-paragraph (4), for the words “or a dentist”, there shall be substituted the words “, a dentist or a nurse prescriber”;
 - (v) in sub-paragraph (6), for the words “or dentist” there shall be substituted the words “, dentist or nurse prescriber”;
 - (vi) in sub-paragraph (7), for the words “or dentist” there shall be substituted the words “, dentist or nurse prescriber”, and
 - (vii) in sub-paragraph (9), after the word “doctor” in both places where it occurs there shall be inserted the words “or nurse prescriber”; and
- (b) in paragraph 7(2) (charges for drugs), after the word “Regulations” there shall be inserted the words “or by a nurse prescriber”.
- (5) In Part III of Schedule 2 (terms of service for doctors who provide pharmaceutical services)—
- (a) in paragraph 11 at the beginning, there shall be inserted the words “Subject to paragraph 11A,”; and
 - (b) after paragraph 11, there shall be inserted the following new paragraph—
- “**11A.**—(1) Paragraph 11 does not apply to drugs, medicines or appliances ordered on a prescription form by a nurse prescriber.
- (2) Where a patient presents an order on a prescription form for listed drugs or medicines, or listed appliances, signed by a nurse prescriber, to a doctor who is authorised or required by regulation 20 to provide drugs or appliances to that patient, the doctor may provide to the patient such of the drugs, medicines or appliances so ordered as he supplies in the normal course of his practice.
- (3) Listed drugs, medicines, or listed appliances provided under this paragraph shall be provided in a suitable container.”.

Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 1989

- 3.**—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 1989(6) shall be amended in accordance with the following paragraphs of this regulation.
- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “the Medical Services Regulations”, there shall be inserted the following—
- ““nurse prescriber” means a nurse or health visitor of a description specified in paragraph (1A);”;
- (b) in the definition of “prescription form”, at the end of sub-paragraph (b), there shall be added the following—
- “or
- (c) a nurse prescriber in the pursuance of functions of a District Health Authority, NHS trust or on behalf of a doctor providing general medical services,”.
- (3) After regulation 2(1), there shall be inserted the following new paragraph—
- “(1A) The specified description of a nurse or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is—

- (a) a person who—
- (i) is registered in Part 1 or 12 of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979⁽⁷⁾ (referred to below in this paragraph as “the professional register”), and
 - (ii) has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983⁽⁸⁾, and
 - (iii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a District Health Authority or an NHS trust as a district nurse, or employed as a nurse by a fund-holding practice whose recognition as such by virtue of section 14 of the National Health Service and Community Care Act 1990⁽⁹⁾ (recognition of fund-holding practices of doctors) has taken effect; or
- (b) a person who—
- (i) is registered in Part 11 of the professional register as a health visitor, and
 - (ii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a District Health Authority or an NHS trust as a health visitor, or employed as a nurse by a fund-holding practice whose recognition as such by virtue of section 14 of the National Health Service and Community Care Act 1990 has taken effect;

against whose name (in each case) is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients;”.

Signed by authority of the Secretary of State for Health

Department of Health
12th September 1994

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Parliamentary Under Secretary of State

(7) 1979 c. 36; the Parts of the professional register were determined by S.I. 1983/667, amended by S.I. 1989/104 and 1989/1455.
(8) Approved by S.I. 1983/873, to which there are amendments not relevant to these Regulations.
(9) 1990 c. 19; the Regulations governing recognition are S.I. 1993/567, amended by S.I. 1994/640.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Pharmaceutical Services) Regulations 1992 (“the Pharmaceutical Regulations”), which govern the arrangements to be made by Family Health Services Authorities for the provision in their locality of pharmaceutical services under the National Health Service Act 1977. They also amend the National Health Service (Charges for Drugs and Appliances) Regulations 1989 (“the Prescription Charges Regulations”), which provide for the making and recovery of charges for drugs and appliances supplied by doctors and chemists providing pharmaceutical services, and by health authorities and NHS trusts to out-patients.

The Pharmaceutical Regulations are amended by these Regulations to describe the categories of nurse who may prescribe under the National Health Service in England and Wales (regulation 2(2) and (3)), and to require pharmacists and to enable dispensing doctors to dispense listed drugs or medicines, or listed appliances, ordered on prescription forms issued by those nurse prescribers (regulation 2(4) and (5)).

The Prescription Charges Regulations are also amended by these Regulations to provide that prescriptions issued by nurse prescribers are subject to the same charges and benefit from the same exemptions from charges as those issued by doctors (regulation 3(2) and (3)).