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STATUTORY INSTRUMENTS

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**2000 No. 593**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Pharmaceutical Services) Amendment (No. 2) Regulations 2000**

<i>Made</i>	- - - -	<i>6th March 2000</i>
<i>Laid before Parliament</i>		<i>7th March 2000</i>
<i>Coming into force</i>	- -	<i>1st April 2000</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 41 and 42 of the National Health Service Act 1977(1) hereby makes the following Regulations:—

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) Amendment (No. 2) Regulations 2000 and shall come into force on 1st April 2000.

(2) These Regulations extend to England only(2).

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

2.—(1) In the National Health Service (Pharmaceutical Services) Regulations 1992(3), regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1), in the definition of “prescription form”(4), before “or an NHS trust”, insert “a Primary Care Trust”.

(3) In paragraph (1A) (which describes nurse prescribers who may issue prescription forms)(5), in each of sub-head (aa) of sub-paragraph (a)(iii) and sub-head (aa) of sub-paragraph (b)(ii), for

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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); and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”. Section 41 was amended by the Health Services Act 1980 (c. 53), 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; by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 2; by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 29; and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 13. 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; by the 1990 Act, section 12(3); and by the 1995 Act, Schedule 1, paragraph 30.
- (2) As regards Wales, the functions of the Secretary of State under sections 41 and 42 of the 1977 Act were transferred to the National Assembly for Wales under S.I. 1999/672, article 2 and Schedule 1, as amended by the Health Act 1999, section 66.
- (3) S.I. 1992/662. Relevant amending instruments are S.I. 1994/2402, 1996/698, 1998/681, 1999/696 and 2000/121.
- (4) The definition of a “prescription form” was substituted by S.I. 1999/696.
- (5) Paragraph (1A) was inserted by S.I. 1994/2402 and amended by S.I. 1996/698, 1998/681, 1999/696 and 2000/121.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“or an NHS trust”, substitute “, an NHS trust or a Primary Care Trust, or by a local authority in connection with arrangements prescribed under section 31(2)(c) of the Health Act 1999(6)”.

Signed by authority of the Secretary of State for Health

6th March 2000

*Hunt*  
Parliamentary Under-Secretary of State  
Department of Health

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(6) 1999 c. 8. Section 31(2)(c) empowers the Secretary of State to prescribe arrangements for or in connection with the exercise by a local authority on behalf of an NHS body of prescribed functions of that body, in conjunction with prescribed health-related functions of the authority. Section 31 is brought into force from 1st April 2000 by [S.I. 1999/2793](#).

## **EXPLANATORY NOTE**

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

These Regulations amend the National Health Service (Pharmaceutical Services) Regulations 1992 to take account of the role which may be played by Primary Care Trusts (“PCTs”) and local authorities in the provision of primary health care, in consequence of changes made by the Health Act 1999. In particular, they take account of the fact that PCTs may issue prescription forms, and that both PCTs and local authorities may employ nurses who are able to prescribe under the National Health Service. As a result of the transfer of certain functions of the Secretary of State in relation to Wales to the National Assembly for Wales, these amendments apply to England only.