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STATUTORY INSTRUMENTS

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**2000 No. 595**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service Trusts and  
Primary Care Trusts (Pharmaceutical Services  
Remuneration—Special Arrangement) Order 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 by sections 103(3) and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf hereby makes the following Regulations:

**Citation, commencement, interpretation and extent**

1.—(1) This Order may be cited as the National Health Service Trusts and Primary Care Trusts (Pharmaceutical Services Remuneration—Special Arrangement) Order 2000 and shall come into force on 1st April 2000.

(2) In this Order—

“the Act” means the National Health Service Act 1977,

“relevant Health Authority” in relation to an NHS Trust means the Health Authority who is the main commissioner of services provided by that NHS Trust and in relation to a Primary Care Trust means the Health Authority in whose area the area of that Primary Care Trust falls.

(3) This Order extends only to England.

**Payments in respect of pharmaceutical services**

2.—(1) Where pharmaceutical services consisting of the supply of drugs, medicines or listed appliances are ordered by a medical practitioner or a dental practitioner—

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(1) 1977 c. 49; section 103(3) was inserted by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 18(9), and amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 52 and the Health Act 1999 (c. 8), section 4(3) and Schedule 4, paragraph 35. Section 128(1) was amended by section 26(2)(d) of the 1990 Act so as to add a definition of “NHS Trust” and by paragraph 38 of Schedule 4 to the Health Act 1999 (c. 8). As regards Wales, the functions of the Secretary of State under sections 103(3) and 126(4) of the NHS Act are transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672 as amended by section 66(5) of the Health Act 1999 (c. 8); this Order therefore extends only to England.

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- (a) in pursuance of the functions of an NHS Trust, or
  - (b) in pursuance of the functions of a Primary Care Trust providing services under Part I of the Act or in accordance with arrangements made under section 1(1) of the National Health Service (Primary Care) Act 1997<sup>(2)</sup>,
- that NHS Trust or Primary Care Trust respectively shall pay to the relevant Health Authority, a sum equal to the remuneration payable in respect of such pharmaceutical services to the person providing those pharmaceutical services.

### **Revocation**

**3.** The National Health Service Trusts (Pharmaceutical Services Remuneration—Special Arrangement) Order 1991<sup>(3)</sup> is revoked in so far as it relates to England.

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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<sup>(2)</sup> 1997 c. 46.  
<sup>(3)</sup> S.I. 1991/509.

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## **EXPLANATORY NOTE**

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

This Order obliges NHS Trusts and Primary Care Trusts to reimburse Health Authorities for the cost of drugs, medicines or listed appliances which have been ordered by a doctor or a dentist in pursuance of the functions of an NHS Trust or a Primary Care Trust for dispensing in the Community.