

STATUTORY INSTRUMENTS

2005 No. 1015

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Pharmaceutical Services)
Amendment Regulations 2005**

<i>Made</i> - - - -	<i>31st March 2005</i>
<i>Laid before Parliament</i>	<i>31st March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

The Secretary of State, in exercise of the powers conferred upon by sections 41, 42, 43 and 126(4) of the National Health Service Act 1977(a) hereby make the following Order:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) Amendment Regulations 2005 and shall come into force on 1st April 2005.

(2) These Regulations shall apply in relation to England only(b).

Amendment to the Pharmaceutical Services Regulations

2. The following amendments are made the National Health Service (Pharmaceutical Services) Regulations 2005(c)—

(a) in regulation 12 (necessary or desirable test)—

(i) in paragraph (2)(a)(i) and (ii), after “any pharmaceutical services” insert “or directed services”,

(ii) in paragraph (2)(b)(i) and (ii), after “pharmaceutical services” insert “or directed services”, and

(a) 1977 c.49; section 41 was substituted by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), section 42(1), and amended by the National Health Service Reform and Healthcare Professions Act 2002 (c.17) (“the 2002 Act”), Schedule 2, Part 1, paragraphs 1 and 13; and by the Health Professions Order 2001 (Consequential Amendments) Order 2003 (S.I. 2003/1590) article 3, Schedule, Part 1, paragraph 3 and the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771) article 8. 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 National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 12(3); by the Health Authorities Act 1995 (c.17) (“the 1995 Act”), Schedule 1, paragraph 30; by the Pharmacists (Fitness to Practice) Act 1997 (c.19), Schedule, paragraph 6; by the 2001 Act, sections 20(6), 43(2), (3) and (4) and by Schedule 6 Part 1; and by the 2002 Act, Schedule 2, paragraph 16. Section 43 was amended by the 1995 Act, Schedule 1, paragraph 31; by the Health Services Act 1980 (c.53), section 21(2); by the National Health Service (Primary Care) Act 1997 (c.46) (“the 1997 Act”), section 29(1) and Schedule 2, paragraphs 3 and 14; by the 1990 Act, Schedule 9, paragraph 18(2); by the 2001 Act, sections 20(7), 42(2) and 43(5); and by the 2002 Act, Schedule 2, paragraph 17. Section 126(4) was amended by the Health Act 1999 (“the 1999 Act”), section 65(1), Schedule 4, paragraphs 3 and 37. See section 128(1) of the National Health Service Act 1977 as amended by the 1990 Act, section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”.

(b) As regards Wales, the functions of the Secretary of State under sections 41, 42, 43, 43ZA, 49F, 49I, 49N, 49O, 49P, 49Q and 126(4) 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 1999 Act, section 66(5) and as read with section 40(1) of the 2002 Act.

(c) S.I. 2005/641.

- (iii) in paragraph (3), after “any pharmaceutical services” insert “or directed services”;
- (b) in regulation 56 (standards of, and payments, for drugs and appliances)—
 - (i) in paragraph (1)(g), insert at the end “or directed services”,
 - (ii) in paragraphs (1)(h) and (i), after “pharmaceutical services” insert “or directed services”, and
 - (iii) in paragraph (2), after “pharmaceutical services” insert “or directed services”.
- (c) in regulation 60 (arrangements for provision of pharmaceutical services by doctors)—
 - (i) in paragraph (4)(a) and (b), after “listed premises” insert “in the case of a patient falling within paragraph (1)(b) or (c) or practice premises in the case of a patient falling within paragraph (1)(a)”, and
 - (ii) in paragraph (6), after “listed premises” insert “or practice premises”.

Signatory text

31st March 2005

Rosie Winterton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make three changes as a result of errors in the National Health Service (Pharmaceutical Services) Regulations 2005. First, they provide for directed services to be taken into account where the Primary Care Trust is applying the necessary or desirable test when considering choice. Secondly, they provide for the Secretary of State to make a determination as to the remuneration to be paid to chemists in respect of the provision of directed services. Thirdly, they provide for pharmaceutical services to be provided at practice premises where the patient falls within regulation 60(1)(a).

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