

This Statutory Instrument has been made in consequence of a defect in S.I. 2004/291, S.I. 2004/627, S.I. 2004/922 and S.I. 2004/1771 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2005 No. 28

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (General Medical Services Contracts) (Personal Medical Services Agreements) and (Pharmaceutical Services) (Amendment) Regulations 2005

<i>Made</i> - - - -	<i>11th January 2005</i>
<i>Laid before Parliament</i>	<i>12th January 2005</i>
<i>Coming into force</i> - -	<i>13th January 2005</i>

The Secretary of State for Health in exercise of the powers conferred upon him by sections 28E, 28V, 41, 42 and 126(4) and (5) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services Contracts) (Personal Medical Services Agreements) and (Pharmaceutical Services) (Amendment) Regulations 2005 and shall come into force on 13th January 2005.

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

(3) In these Regulations—

“the GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2004(b);

“the PMS Agreements Regulations” means the National Health Service (Personal Medical Services Agreements) Regulations 2004(c);

(a) 1977 c.49. Section 28E was inserted by section 22(1) of the National Health Service (Primary Care) Act 1997 (c.46), and was amended by the Health Act 1999 (c.8) (“the 1999 Act”), section 65(2) and Schedule 5, the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), section 27(5)(a), the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”), section 4(3) and Schedule 3, paragraph 8, and the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (“the 2003 Act”), section 177(7) to (11); section 28V was inserted by section 175(1) of the 2003 Act; section 41 was substituted by section 42(1) of the 2001 Act, and amended by the 2002 Act, Schedule 2 paragraph 13, and by the 2003 Act, Schedule 11 paragraph 18; 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), Schedule 1, paragraph 30, by the Pharmacists (Fitness to Practice) Act 1997 (c.19), Schedule, paragraph 6, by the 2001 Act, sections 20(6), 23(5), 40(3), 43(2), (3) and (4) and by Schedule 6 Part 1, and by the 2002 Act, Schedule 2, paragraph 16; section 126(4) was amended by the 1990 Act, section 65(2), the 1999 Act, Schedule 4 paragraph 37(6) and the 2001 Act, Schedule 5 paragraph 5(13)(b); section 126(5) was inserted by section 65(2) of the 1990 Act, and amended by the 2001 Act, Schedule 5 paragraph 5(13)(d).

(b) S.I. 2004/291 as amended by S.I. 2004/906 and 2694.

(c) S.I. 2004/627 as amended by S.I. 2004/906 and 2694.

“the Pharmaceutical Services Regulations” means the National Health Service (Pharmaceutical Services) Regulations 1992(a).

Amendment of the GMS Contracts Regulations

2. In Schedule 9 to the GMS Contracts Regulations (Primary Care Trusts specified for the purposes of repeatable prescribing), for “Leicester Primary Care Trust” substitute “Leicester City West Primary Care Trust”.

Amendment of the PMS Agreements Regulations

3. In Schedule 9 to the PMS Agreements Regulations (Primary Care Trusts specified for the purposes of repeatable prescribing), for “Leicester Primary Care Trust” substitute “Leicester City West Primary Care Trust”.

Amendment of the Pharmaceutical Services Regulations

4. The Pharmaceutical Services Regulations shall be amended as follows—

(a) in regulation 2(1) (interpretation), for sub-paragraph (a) of the definition of “supplementary prescriber”(b) substitute—

“(a) whose name is registered in—

- (i) the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(c),
- (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954(d), or
- (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(e), and”; and

(b) in Schedule 3A(f) (Primary Care Trusts specified for the purposes of repeat dispensing), for “Leicester Primary Care Trust” substitute “Leicester City West Primary Care Trust”.

Signed by authority of the Secretary of State

11th January 2005

Rosie Winterton
Minister of State,
Department of Health

(a) S.I. 1992/662; relevant amending instruments are S.I. 2003/1084 and 2004/922.
(b) The definition of “supplementary prescriber” was inserted by S.I. 2004/922 and amended by S.I. 2004/1771.
(c) S.I. 2002/253.
(d) 1954 c.61.
(e) S.I. 1976/1213 (NI.22).
(f) Schedule 3A was inserted by S.I. 2003/1084 and substituted by S.I. 2004/922.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) Regulations 2004, the National Health Service (Personal Medical Services Agreements) Regulations 2004 and the National Health Service (Pharmaceutical Services) Regulations 1992.

The Schedules amended by regulations 2, 3 and 4(b) contain lists of Primary Care Trusts which are specified for the purposes of repeatable prescribing or repeat dispensing. These lists wrongly included a reference to “Leicester Primary Care Trust” which does not exist. These Regulations substitute a correct reference to “Leicester City West Primary Care Trust” which is one of two Primary Care Trusts in Leicester.

Regulation 4(a) amends regulation 2(1) of the Pharmaceutical Services Regulations, correcting the definition of “supplementary prescriber”.

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