

2012 No. 1467

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Local Pharmaceutical Services)
Amendment Regulations 2012**

<i>Made</i> - - - -	<i>7th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 272(7) and (8)(a) of, and paragraph 3 of Schedule 12 to, the National Health Service Act 2006(a).

Citation and commencement

1. These Regulations may be cited as the National Health Service (Local Pharmaceutical Services) Amendment Regulations 2012 and come into force on 1st July 2012.

Amendment of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006

2.—(1) The National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(b) are amended as follows.

(2) In paragraph 6 of Schedule 2 (contract terms – providing ordered drugs or appliances)—

(a) in sub-paragraph (6)—

(i) omit “, subject to sub-paragraph (7),”, and

(ii) in paragraph (f), omit “calendar pack or”;

(b) omit sub-paragraph (7);

(c) omit paragraph (a) of sub-paragraph (8); and

(d) after sub-paragraph (8) insert the following sub-paragraph—

“(8A) Where a drug is ordered by a prescriber on a prescription form or repeatable prescription in a quantity that is, or is a multiple of a quantity that is, readily available in a pack size manufactured for a holder of a marketing authorisation for the drug, the contractor must provide the drug in an original pack (or in original packs) of that size which has been assembled by a manufacturer of the drug for such a holder of a marketing authorisation, unless—

(a) 2006 c.41. By virtue of section 271(1) of the 2006 Act, the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England. *See also* section 275(1) of the 2006 Act, which contains definitions of “prescribed” and “regulations” that are relevant to the powers being exercised.

(b) S.I. 2006/552; there have been no relevant amending instruments.

- (a) it is not possible for the contractor to obtain such a pack (or packs) with reasonable promptness in the normal course of business; or
- (b) it is not practicable for the contractor to provide such a pack (or packs) in response to the order (for example, because of patient needs or the method of administration of the drug).”.

Signed by authority of the Secretary of State for Health.

Earl Howe
Parliamentary Under-Secretary of State,
Department of Health

7th June 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 2 to the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006, which sets out terms of service for contractors who provide local pharmaceutical services under arrangements with Primary Care Trusts.

Regulation 2 amends the terms of service so as to remove the obligation to dispense certain drugs, in certain circumstances, in a calendar pack of the size that is nearest to the quantity of the drug specified in the prescription, rather than dispensing the exact quantity of the drug specified in the prescription. A new obligation is instead placed on contractors to dispense drugs in readily available patient pack sizes, unless there are specified problems with doing so.

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£4.00

E3612 06/2012 123612T 19585

ISBN 978-0-11-152512-8



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