SCHEDULE 6

OTHER CONTRACTUAL TERMS

PART 3

PRESCRIBING AND DISPENSING

Prescribing

38. The contractor shall ensure that any prescription form or repeatable prescription for drugs, medicines or appliances issued by a prescriber complies as appropriate with the requirements in paragraphs 39 and 41 to 44.

39.—(1) Subject to paragraphs 42 and 43, a prescriber shall order any drugs, medicines or appliances which are needed for the treatment of any patient who is receiving treatment under the contract by issuing to that patient a prescription form or a repeatable prescription and such a prescription form or repeatable prescription shall not be used in any other circumstances.

(2) A prescriber may order drugs, medicines or appliances on a repeatable prescription only where the drugs, medicines or appliances are to be provided more than once.

(3) In issuing any such prescription form or repeatable prescription the prescriber shall himself or herself sign the prescription form or repeatable prescription in ink with his or her initials, or forenames, and surname in his or her own handwriting and not by means of a stamp and shall so sign only after particulars of the order have been inserted in the prescription form or repeatable prescription, and —

(a) the prescription form or repeatable prescription shall not refer to any previous prescription form or repeatable prescription; and

(b) a separate prescription form or repeatable prescription shall be used for each patient, except where a bulk prescription is issued for a school or institution under paragraph 44.

(4) Where a prescriber orders a drug specified in Schedules 2 to 5 to the Misuse of Drugs Regulations 2001 (controlled drugs to which regulations 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26 and 27 of those Regulations apply)(**1**) for supply by instalments for treating addiction to any drug specified in that Schedule, he or she shall:

(a) use only the prescription form provided specially for the purposes of supply by instalments;

(b) specify the number of instalments to be dispensed and the interval between each instalment; and

(c) order only such quantity of the drug as will provide treatment for a period not exceeding 14 days.

(5) The prescription form provided specially for the purpose of supply by instalments shall not be used for any purpose other than ordering drugs in accordance with sub-paragraph (4).

(6) In a case of urgency a prescriber may request a chemist to dispense a drug or medicine before a prescription form or repeatable prescription is issued, only if:

(a) that drug or medicine is not a Scheduled drug;

(**1**) S.I.2001/3998; Schedule 2 was amended by S.I. 2003/1432.

(b) that drug is not a controlled drug within the meaning of the Misuse of Drugs Act 1971(**2**), other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001(**3**); and

(c) the prescriber undertakes to furnish the chemist, within 72 hours, with a prescription form or repeatable prescription completed in accordance with sub-paragraph (3).

(7) In a case of urgency a prescriber may request a chemist to dispense an appliance before a prescription form or repeatable prescription is issued only if —

(a) that appliance does not contain a Scheduled drug or a controlled drug within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 2001;

(b) in the case of a restricted availability appliance, the patient is a person, or it is for a purpose, specified in the Drug Tariff; and

(c) the prescriber undertakes to furnish the chemist, within 72 hours, with a prescription form or repeatable prescription completed in accordance with sub-paragraph (3).

Repeatable prescribing services

40.—(1) The contractor may only provide repeatable prescribing services to any person on its list of patients if it —

(a) satisfies the conditions in sub-paragraph (2); and

(b) has notified the Local Health Board of its intention to provide repeatable prescribing services in accordance with sub-paragraphs (3) and (4).

(2) The conditions referred to in sub-paragraph (1)(a) are —

(a) the contractor holds a contract with a Local Health Board specified in Schedule 9;

(b) the contractor has access to computer systems and software which enable it to issue repeatable prescriptions and batch issues; and

(c) the practice premises at which the repeatable prescribing services are to be provided are located in an area of the Local Health Board in which there is also located the premises of at least one chemist who has undertaken to provide, or has entered into an arrangement to provide, repeat dispensing services.

(3) The notification referred to in sub-paragraph (1)(b) is a notification, in writing, by the contractor to the Local Health Board that it —

(a) wishes to provide repeatable prescribing services; and

(b) intends to begin to provide those services from a specified date; and

(c) satisfies the conditions in paragraph (2).

(4) The date specified by the contractor pursuant to sub-paragraph (3)(b) must be at least ten days after the date on which the notification specified in sub-paragraph (1) is given.

(5) Nothing in this paragraph requires a contractor or prescriber to provide repeatable prescribing services to any person.

(6) A prescriber may only provide repeatable prescribing services to a person on a particular occasion if —

(a) that person has agreed to receive such services on that occasion; and

(b) the prescriber considers that it is clinically appropriate to provide such services to that person on that occasion.

(**2**) 1971 c. 38.
(**3**) Schedule 4 was amended by S.I. 2003/1432.

(7) The contractor may not provide repeatable prescribing services to any patient of its to whom—

(a) it is authorised or required by the Local Health Board to provide dispensing services under paragraph 47; or

(b) any of the persons specified in sub-paragraph (8) is authorised or required by the Local Health Board under regulation 20 of the Pharmaceutical Regulations to provide pharmaceutical services.

(8) The persons referred to in paragraph (7) are —

(a) in the case of a contract with an individual medical practitioner, that medical practitioner;

(b) in the case of two or more individuals practising in partnership, any medical practitioner who is a partner;

(c) in the case of a contract with a company any medical practitioner who is a legal and beneficial shareholder in that company; or

(d) any medical practitioner employed by the contractor.

Repeatable prescriptions

41.—(1) A prescriber who issues a repeatable prescription must at the same time issue the appropriate number of batch issues.

(2) A prescriber who has provided repeatable prescribing services to a person must, as soon as is practicable, notify that person, and make reasonable efforts to contact the chemist providing repeat dispensing services to that person, if —

(a) the prescriber makes any change to the type, quantity, strength or dosage of drugs, medicines or appliances ordered on that person's repeatable prescription; or

(b) the prescriber considers that it is no longer appropriate or safe for that person to receive the drugs, medicines or appliances ordered on the person's repeatable prescription, or no longer appropriate or safe for the person to continue to receive repeatable prescribing services.

(3) If a prescriber provides repeatable prescribing services to a person in respect of whom the prescriber has previously issued a repeatable prescription which has not yet expired (for example, because that person wishes to obtain the drugs, medicines or appliances from a different chemist), the prescriber must make reasonable efforts to notify the chemist which has in its possession the repeatable prescription which is no longer required.

(4) If a prescriber has issued a repeatable prescription in respect of a person, and (before the expiry of that repeatable prescription) it comes to the prescriber's notice that that person has been removed from the list of patients of the contractor on whose behalf the prescription was issued, that prescriber must —

(a) notify that person; and

(b) make reasonable efforts to notify the chemist who has been providing repeat dispensing services to that person,

that the repeatable prescription should no longer be used to obtain or provide repeat dispensing services.

Restrictions on prescribing by medical practitioners

42.—(1) In the course of treating a patient to whom a medical practitioner is providing treatment under the contract, a medical practitioner shall not order on a prescription form or repeatable prescription a drug, medicine or other substance specified in any directions given by the Assembly

under section 28U of the Act (GMS contracts : prescription of drugs etc)(**4**) as being drugs, medicines or other substances which may not be ordered for patients in the provision of medical services under the contract but may, subject to regulation 24(2)(b), prescribe such a drug medicine or other substance for that patient in the course of that treatment under a private arrangement.

(2) In the course of treating a patient to whom a medical practitioner is providing treatment under the contract, a medical practitioner shall not order on a prescription form or repeatable prescription a drug, medicine or other substance specified in any directions given by the Assembly under section 28U of the Act as being a drug medicine or other substance which can only be ordered for specified patients and specified purposes unless:

(a) that patient is a person of the specified description;

(b) that drug medicine or other substance is prescribed for that patient only for the specified purpose; and

(c) the practitioner endorses the form with the reference "**SLS**",

but may, subject to regulation 24(2)(b), prescribe such a drug for that patient in the course of that treatment under a private arrangement.

(3) In the course of treating a patient to whom a medical practitioner is providing treatment under the contract, a medical practitioner shall not order on a prescription form or repeatable prescription a restricted availability appliance unless —

(a) the patient is a person, or it is for a purpose, specified in the Drug Tariff; and

(b) the practitioner endorses the face of the form with the reference "**SLS**",

but may, subject to regulation 24(2)(b), prescribe such an appliance for that patient in the course of that treatment under a private arrangement.

(4) In the course of treating a patient to whom a medical practitioner is providing treatment under the contract, a medical practitioner shall not order on a repeatable prescription a controlled drug within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001, but may, subject to regulation 24(2)(b), prescribe such a drug for that patient in the course of that treatment under a private arrangement.

Restrictions on prescribing by supplementary prescribers

43.—(1) The contractor shall have arrangements in place to secure that a supplementary prescriber person will —

(a) give a prescription for a prescription only medicine;

(b) administer a prescription only medicine for parenteral administration; or

(c) give directions for the administration of a prescription only medicine for parenteral administration,

as a supplementary prescriber only under the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) are that —

(a) the person satisfies the applicable conditions set out in article 3B(3) of the POM Order (prescribing and administration by supplementary prescribers)(**5**), unless those conditions do not apply by virtue of any of the exemptions set out in the subsequent provisions of that Order;

(b) the medicine is not a controlled drug within the meaning of the Misuse of Drugs Act 1971;

(**4**) Section 284 was inserted by section 175(1) of the 2003 Act.
(**5**) Article 3B was inserted into the POM Order by S.I. 2003/696.

(c) the drug, medicine or other substance is not specified in any directions given by the Assembly under section 28U of the Act(**6**) as being a drug, medicine or other substance which may not be ordered for patients in the provision of medical services under the contract;

(d) the drug, medicine or other substance is not specified in any directions given by the Assembly under section 28U of the Act as being a drug, medicine or other substance which can only be ordered for specified patients and specified purposes unless —

(i) the patient is a person of the specified description,

(ii) the medicine is prescribed for that patient only for the specified purposes, and

(iii) if the supplementary prescriber is giving a prescription, he or she endorses the face of the form with the reference "**SLS**".

(3) Where the functions of a supplementary prescriber include prescribing, the contractor shall have arrangements in place to secure that that person will only give a prescription for —

(a) an appliance; or

(b) a medicine which is not a prescription only medicine,

as a supplementary prescriber under the conditions set out in sub-paragraph (4).

(4) The conditions referred to in sub-paragraph (3) are that —

(a) the supplementary presciber acts in accordance with a clinical management plan which is in effect at the time the supplementary prescriber acts and which contains the following particulars —

(i) the name of the patient to whom the plan relates,

(ii) the illness or conditions which may be treated by the supplementary prescriber,

(iii) the date on which the plan is to take effect, and when it is to be reviewed by the medical practitioner or dentist who is a party to the plan,

(iv) reference to the class or description of medicines or types of appliances which may be prescribed or administered under the plan,

(v) any restrictions or limitations as to the strength or dose of any medicine which may be prescribed or administered under the plan, and any period of administration or use of any medicine or appliance which may be prescribed or administered under the plan,

(vi) relevant warnings about known sensitivities of the patient to, or known difficulties of the patient with, particular medicines or appliances,

(vii) the arrangements for notification of —

(aa) suspected or known adverse reactions to any medicine which may be prescribed or administered under the plan, and suspected or known adverse reactions to any other medicine taken at the same time as any medicine prescribed or administered under the plan,

(bb) incidents occurring with the appliance which might lead, might have led or has led to the death or serious deterioration of state of health of the patient, and

(viii) the circumstances in which the supplementary prescriber should refer to, or seek the advice of, the medical practitioner or dentist who is a party to the plan;

(**6**) The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) (Wales) Regulations 2004 S.I. 2004/— (W.)

(b) the supplementary prescriber has access to the health records of the patient to whom the plan relates which are used by any medical practitioner or dentist who is a party to the plan;

(c) if it is a prescription for a medicine, the medicine is not a controlled drug within the meaning of the Misuse of Drugs Act 1971;

(d) if it is a prescription for a drug, medicine or other substance, that drug, medicine or other substance is not specified in any directions given by the Assembly under section 28U of the Act(**7**) as being a drug, medicine or other substance which may not be ordered for patients in the provision of medical services under the contract;

(e) if it is a prescription for a drug, medicine or other substance, that drug, medicine or other substance is not specified in any directions given by the Assembly under section 28U of the Act as being a drug, medicine or other substance which can only be ordered for specified patients and specified purposes unless —

(i) the patient is a person of the specified description,

(ii) the medicine is prescribed for that patient only for the specified purposes, and

(iii) when giving the prescription, the supplementary prescriber endorses the face of the form with the reference "**SLS**";

(f) if it is a prescription for a medicine —

(i) the medicine is the subject of a product licence, a marketing authorisation or a homeopathic certificate of registration granted by the licensing authority or the European Commission, or

(ii) subject to sub-paragraph (6) the use of the medicine is for the purposes of a clinical trial,

(aa) that the trial is the subject of a clinical trial certificate issued in accordance with the Medicines Act 1968(**8**); or

(bb) a clinical trial certificate is not needed in respect of that trial by virtue of any exemption conferred by or under that Act;

(g) if it is a prescription for an appliance, the appliance is listed in Part IX of the Drug Tariff; and

(h) if it is a prescription for a restricted availability appliance —

(i) the patient is a person of a description mentioned in the entry in Part IX of the Drug Tariff in respect of that appliance,

(ii) the appliance is prescribed only for the purposes specified in respect of that person in that entry, and

(iii) when giving the prescription, the supplementary prescriber endorses the face of the form with the reference **SLS**.

(5) In sub-paragraph (4)(a), "clinical management plan" means a written plan (which may be amended from time to time) relating to the treatment of an individual patient agreed by

(a) the patient to whom the plan relates;

(b) the medical practitioner or dentist who is a party to the plan; and

(c) any supplementary prescriber who is to prescribe, give directions for administration or administer under the plan.

(**7**) insert details of current directions when available.
(**8**) 1968 c. 67.

(6) In relation to any time from the coming into force of any regulations made by the Secretary of State under section 2(2) of the European Communities Act 1972(**9**) to implement Directive 2001/83/EC on the Community Code relating to medicinal products for human use(**10**), sub-paragraph (4)(f)(ii) shall be read as if it referred to a clinical trial which had been authorised, or is treated as having been authorised by the licensing authority for the purposes of those Regulations.

Bulk prescribing

44.—(1) Where

(a) a contractor is responsible under the contract for the treatment of 10 or more persons in a school or other institution in which at least 20 persons normally reside; and

(b) a prescriber orders, for any two or more of those persons for whose treatment the contractor is responsible, drugs, medicines or appliances to which this paragraph applies,

the prescriber may use a single prescription form for the purpose.

(2) Where a prescriber uses a single prescription form for the purpose mentioned in sub-paragraph (1)(b), the prescriber shall (instead of entering on the form the names of the persons for whom the drugs, medicines or appliances are ordered) enter on the form:

(a) the name of the school or institution in which those persons reside; and

(b) the number of persons residing there for whose treatment the contractor is responsible.

(3) This paragraph applies to any drug, medicine or appliance which can be supplied as part of pharmaceutical services or local pharmaceutical services and which—

(a) in the case of a drug or medicine, is not a product of a description or class which is for the time being specified in an order made under section 58(1) of the Medicines Act 1968 (medicinal products on prescription only)(**11**); or

(b) in the case of an appliance, does not contain such a product.

Interpretation of paragraphs 38, 39 and 41 to 44

45. For the purposes of paragraphs 38, 39 and 41 to 44 in their application to a contractor whose contract includes the provision of contraceptive services, drugs includes contraceptive substances and appliances includes contraceptive appliances.

Excessive prescribing

46.—(1) The contractor shall not prescribe drugs, medicines and appliances whose cost or quantity, in relation to any patient, is, by reason of the character of the drug, medicine or appliance in question in excess of that which was reasonably necessary for the proper treatment of that patient.

(2) In considering whether a contractor has breached its obligations under sub-paragraph (1), the Local Health Board shall seek the views of the Local Medical Committee (if any) for its area.

Provision of dispensing services

47.—(1) Without prejudice to any separate right one or more medical practitioners may have under regulation 20 of the Pharmaceutical Regulations, (arrangements for provision of pharmaceutical services by doctors)(**12**) a contractor may secure the provision of dispensing services

(**9**) 1972 c. 68.
(**10**) OJ L311, 28.11.2001 p.67.
(**11**) 1968 c. 67.
(**12**) Regulation 20 was amended by S.I. 1998/681, 1999/696.

to its registered patients under the contract only if it is authorised or required to do so by the Local Health Board in accordance with the following provisions of this paragraph.

(2) A Local Health Board may authorise or require a contractor to provide dispensing services to a registered patient only if that patient

(a) satisfies one of the conditions in sub-paragraph (3); and

(b) has requested the contractor in writing to provide that patient with dispensing services.

(3) The conditions referred to in sub-paragraph (2)(a) are that the patient

(a) satisfies the Local Health Board that the patient would have serious difficulty in obtaining any necessary drugs, medicines or appliances from a pharmacy by reason of distance or inadequacy of means of communication; or

(b) is resident in a controlled locality at a distance of more than 1.6 kilometres from any pharmacy, and both the conditions in sub-paragraph (4) are satisfied in the patient's case.

(4) The conditions referred to in sub-paragraph (3)(b) are that

(a) the contractor has been granted consent to dispense under paragraph 48 in respect of —

(i) the area in which the patient resides, and

(ii) the contract under which the patient receives primary medical services; and

(b) any conditions imposed under regulation 12(15) or 13(13)(b) of the Pharmaceutical Regulations as they apply pursuant to paragraph 48(5) or (6) are such as to permit the provision of dispensing services to be provided under this paragraph by that contractor to the patient.

(5) If a contractor has been requested to provide dispensing services by a patient who satisfies one of the conditions in sub-paragraph (3)—

(a) applies to the Local Health Board for the right to provide dispensing services to that patient, and sends with its application the patient's request to the contractor, the Local Health Board shall grant its application; or

(b) does not so apply, within the period of 30 days beginning with the date on which the patient made that request, a Local Health Board may, subject to sub-paragraph (7), require the contractor to provide dispensing services to that patient, and shall give the contractor notice in writing to that effect.

(6) An application granted by a Local Health Board under sub-paragraph (5)(a) shall, with effect from the date of the patient's request to the contractor or medical practitioner, enable that contractor to secure the provision of dispensing services to that patient, so long as the contract remains in effect.

(7) A Local Health Board shall not, under sub-paragraph (5)(b), require a contractor to secure the provision of dispensing services to a patient if the contractor satisfies the Local Health Board that —

(a) it does not normally provide dispensing services under the contract; or

(b) in the case of a patient to whom sub-paragraph (3)(b) applies, the patient would not have serious difficulty by reason of distance or inadequacy of means of communication in obtaining drugs, medicines or appliances from a pharmacy.

(8) A Local Health Board shall give the contractor reasonable notice —

(a) that it requires it to provide dispensing services to a registered patient in accordance with the contract; or

(b) that, subject to sub-paragraph (9), where a patient no longer satisfies the requirements of sub-paragraph (3), the contractor shall discontinue the provision of dispensing services to that patient.

(9) A notice under sub-paragraph (8)(b) —

(a) shall be subject to any postponement or termination of arrangements to provide dispensing services under this paragraph in accordance with conditions imposed under regulation 12(15) or 13(13) of the Pharmaceutical Regulationsas they apply pursuant to paragraph 48(5) or (6); and —

(b) shall not be given —

(i) pending the outcome of the resolution of any dispute concerning the decision by a Local Health Board to postpone the making or termination of arrangements to provide dispensing services under this paragraph in accordance with conditions referred to in paragraph (a); or

(ii) during the period for bringing an appeal, or pending the determination of any appeal, referred to in regulation 9(10) of the Pharmaceutical Regulations (determination of whether an area is a controlled locality).

(10) A contractor which has been granted the right under this paragraph to provide dispensing services to some or all of its registered patients may provide any necessary dispensing services to a person whom that contractor has accepted as a temporary resident.

(11) In this paragraph, "controlled locality" and "pharmacy" have the same meanings as in the Pharmaceutical Regulations.

Consent to dispense

48.—(1) A contractor which wishes to be granted the right under paragraph 47 to secure the provision of dispensing services to some or all of its registered patients may apply to the Local Health Board in writing for consent to dispense, specifying —

(a) the area; and

(b) the contract,

in relation to which it wishes the consent to dispense to be granted.

(2) An application under sub-paragraph (1) shall be determined by the Local Health Board in accordance with regulations 12 and 13 of the Pharmaceutical Regulations (as modified in accordance with sub-paragraphs (5) and (6)), as though it were an application under regulation 21 of those Regulations.

(3) Consent to dispense, in relation to the specified contract, shall have effect from its final grant but shall cease to have effect if —

(a) no dispensing services have been provided under that contract within 12 months from the final grant of the consent to dispense; or

(b) more than 12 months has elapsed since the last provision of dispensing services under that contract pursuant to the grant of consent.

(4) In sub-paragraph (3), "final grant" shall be construed in accordance with regulation 12(16) of the Pharmaceutical Regulations.

(5) Regulation 12 of the Pharmaceutical Regulations shall apply as if modified as follows —

(a) all references to provisions being "subject to regulation 6A" were omitted;

(b) for all references to regulation 21, there were substituted references to this paragraph; and

(c) in paragraph (14), the reference to "regulation 4(4)" were omitted; and

(d) in paragraph (15), for "regulation 20" there were substituted a reference to paragraph 47, and for the reference to "provision by a doctor of pharmaceutical services" there were substituted a reference to dispensing services.

(6) Regulation 13 of the Pharmaceutical Regulations shall apply as if modified as follows —

(a) in paragraph (2), for "regulation 20" there were substituted a reference to paragraph 47; and

(b) in paragraph (13)(b), for "regulation 20" there were substituted a reference to paragraph 47, and for the reference to "provision by a doctor of pharmaceutical services" there were substituted a reference to dispensing services.

Terms relating to the provision of dispensing services

49.—(1) A contractor which has been granted the right to provide dispensing services under paragraph 47 shall ensure that dispensing services are provided in accordance with the following sub-paragraphs.

(2) Subject to sub-paragraphs (3) and (4), a contractor providing dispensing services shall —

(a) record an order for the provision of any drugs, medicines or appliances which are needed for the treatment of the patient on a prescription form completed in accordance with paragraph 39(3);

(b) provide those drugs, medicines or appliances in a suitable container;

(c) provide for the patient a drug or medicine specified in any directions given by the Assembly under section 28U of the Act (GMS contracts : prescription of drugs etc)(**13**)as being a drug or medicine which can only be ordered for specified patients and specified purposes only if —

(i) that patient is a person of the specified description, and

(ii) the drug or medicine is supplied for that patient only for the specified purpose; and

(d) provide for the patient a restricted availability appliance only if the patient is a person, or it is for a purpose, specified in the Drug Tariff.

(3) Sub-paragraph (2) does not apply to drugs, medicines or appliances ordered on a prescription form by an independent nurse prescriber.

(4) Where a patient presents an order on a prescription form for drugs, medicines or appliances signed by an independent nurse prescriber, or an order for a restricted availability appliance signed by and endorsed on its face with the reference "**SLS**" by an independent nurse prescriber, to a contractor who may provide dispensing services, the contractor may provide to the patient such of the drugs, medicines or appliances so ordered as it supplies in the normal course of its practice.

(5) Drugs, medicines or appliances provided under sub-paragraph (4) shall be provided in a suitable container.

(6) A contractor providing dispensing services shall not provide for a patient a drug or medicine specified in any directions given by the Assembly under section 28U of the Act as being drugs or medicines which may not be ordered for patients in the provision of medical services under the contract, except that, where it has ordered a drug or medicine which has an appropriate non-proprietary name either by the name or by its formula, it may provide a drug or medicine which has the same specification notwithstanding that it is a drug or medicine specified in such directions (but, in the case of a drug or medicine which combines more than one drug, only if the combination has an appropriate non-proprietary name).

(7) Subject to sub-paragraph (10), nothing in this paragraph shall prevent the contractor providing a Scheduled drug or a restricted availability appliance in the course of treating a patient under a private arrangement.

(8) A contractor providing dispensing services shall comply with paragraph 11B of Schedule 2 to the Pharmaceutical Regulations, as if modified as follows —

(**13**) The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) (Wales) Regulations 2004 S.I. 2004/.. (W&..)

(a) for "paragraph 11(a)", substitute "sub-paragraph (2)(a)";

(b) for "paragraph 11A(2)", substitute "sub-paragraph (5)";

(c) for "a doctor who is authorised or required by the Health Authority or Primary Care Trust under regulation 20 to provide drugs and appliances to a patient", substitute "a contractor providing dispensing services to a patient"; and

(d) for "doctor", substitute "medical practitioner".

(9) The provisions of regulation 24 (fees and charges) apply in respect of the provision of any drugs, medicines or appliances by a contractor providing dispensing services as they apply in respect of prescriptions for drugs, medicines or appliances.

(10) A contractor who is entitled to provide dispensing services may, with the consent of the patient, order a drug, medicine or appliance for a patient on a prescription form or a repeatable prescription, rather than providing it itself.

Dispensing contractor list

50.—(1) Where the contractor is authorised or required by the Local Health Board under paragraph 47 to provide dispensing services to its patients and is actually doing so, the Local Health Board shall include —

(a) the contractor's name; and

(b) the address of the practice premises from which it is authorised or required to dispense,

on a list of such contractors (to be called the dispensing contractors list) which it shall prepare, maintain and publish.

(2) The Local Health Board shall remove the name of the contractor from the list referred to in sub-paragraph (1) where —

(a) the contractor's consent to dispense ceases to have effect pursuant to paragraph 48(3); or

(b) the contractor ceases to provide dispensing services to its patients for any other reason.

Provision of drugs, medicines and appliances for immediate treatment or personal administration

51.—(1) Subject to sub-paragraph (2), a contractor —

(a) shall provide to a patient any drug, medicine or appliance, not being a Scheduled drug, where such provision is needed for the immediate treatment of that patient before a provision can otherwise be obtained; and

(b) may provide to a patient any drug, medicine or appliance, not being a Scheduled drug, which the contractor personally administers or applies to that patient,

but shall, in either case, provide a restricted availability appliance only if it is for a person or a purpose specified in the Drug Tariff.

(2) Nothing in sub-paragraph (1) authorises a person to supply any drug or medicine to a patient otherwise than in accordance with the Medicines Act 1968(**14**) or any regulations or orders made thereunder.

(**14**) Paragraph 11B was inserted by S.I. 1999/696 and amended by S.I. 1999/2563; 2001/288812002/551 and 2469, 2003/999 and 1084.