

## SCHEDULE 8

Regulation 104

### Amendments and revocations

#### **Revocation of the National Health Service (Service Committees and Tribunal) Regulations 1992, and of amendments to and measures relating to those Regulations**

- 1.—(1) The following Regulations are revoked, in so far as they apply in relation to England—
  - (a) the National Health Service (Service Committees and Tribunal) Regulations 1992(1);
  - (b) the National Health Service (Service Committees and Tribunal) Amendment Regulations 1995(2);
  - (c) the National Health Service (Service Committees and Tribunal) Amendment Regulations 1996(3); and
  - (d) the National Health Service (Service Committees and Tribunal) Amendment Regulations 1998(4).
- (2) In the Health Authorities (Membership and Procedure Regulations) 1996(5), in so far as they apply in relation to England—
  - (a) in regulation 1(2) (citation, commencement and interpretation), omit the definitions of “discipline committee” and “service committee”; and
  - (b) in regulation 14(3) (appointment of committees and sub-committees), omit “a discipline committee, a service committee,”.
- (3) The following provisions are revoked, in so far as they apply in relation to England—
  - (a) paragraph 58 of Schedule 1 and Part 2 of Schedule 12 to the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002(6);
  - (b) paragraphs 3 and 4 of the Schedule to the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2003(7);
  - (c) Part 7 of, and paragraph 10 of Schedule 1 to, the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004(8);
  - (d) paragraph 44 of the Schedule to the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery Order) 2004(9);
  - (e) paragraph 24 of Schedule 1 to the Opticians Act 1989 (Amendment) Order 2005(10);
  - (f) paragraph 3 of Schedule 1 to the General Dental Services, Personal Dental Services and Abolition of Dental Practice Board Transitional and Consequential Provisions Order 2006(11);
  - (g) in the table in regulation 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007(12)—

---

(1) S.I. 1992/664.  
(2) S.I. 1995/3091.  
(3) S.I. 1996/703.  
(4) S.I. 1998/674.  
(5) S.I. 1996/707.  
(6) S.I. 2002/2469.  
(7) S.I. 2003/1937.  
(8) S.I. 2004/865.  
(9) S.I. 2004/1771.  
(10) S.I. 2005/848.  
(11) S.I. 2006/562.  
(12) S.I. 2007/2951.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (i) in the column headed “Tribunal”, the entry for “Committees of Primary Care Trusts in England”, and
- (ii) the corresponding entry in the column headed “Legislation”;
- (h) regulation 195 of the European Qualifications (Health and Social Care Professions) Order 2007(13);
- (i) regulation 3.A.14 of the National Health Service Pension Scheme Regulations 2008(14);
- (j) Part 3 of, and paragraph 3 of Schedule 1 to, the Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008(15);
- (k) paragraphs 51 to 55 of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008(16); and
- (l) paragraph 25 of Schedule 4 to the Pharmacy Order 2010(17).

#### **Amendment to the National Health Service (Indicative Amounts) Regulations 1997**

2. In regulation 1(2) of the National Health Service (Indicative Amounts) Regulations 1997(18) (citation, commencement and interpretation), for the definition of “Drug Tariff” substitute the following definition—

““Drug Tariff” has the same meaning as in the National Health Service (Pharmaceutical Services) Regulations 2012;”.

#### **Amendment to the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000**

3. In regulation 2(2)(d) of the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000(19) (prescribed functions of relevant NHS bodies), for “regulation 56(f) (provisions relating to determinations) of the National Health Service (Pharmaceutical Services) Regulations 2005” substitute “regulation 89(1) (the Drug Tariff: general provisions) of the National Health Service (Pharmaceutical Services) Regulations 2012”.

#### **Amendments to the National Health Service (Charges for Drugs and Appliances) Regulations 2000**

4. In the Charges Regulations(20)—

- (a) in regulation 2(1)(21) (interpretation)—
  - (i) for the definition of “Drug Tariff” substitute the following definition—

““Drug Tariff” has the same meaning as in the National Health Service (Pharmaceutical Services) Regulations 2012;”, and
  - (ii) in the definition of “repeatable prescriber” for “2005” substitute “2012”; and
- (b) in regulation 7C(1)(22) (exemption from charges in respect of listed medicines), after sub-paragraph (b) insert the following sub-paragraph—

---

(13) S.I. 2007/3101.

(14) S.I. 2008/653.

(15) S.I. 2008/1700.

(16) S.I. 2008/2683.

(17) S.I. 2010/231.

(18) S.I. 1997/980; relevant amendments were made by S.I. 2007/1112 and 674.

(19) S.I. 2000/618; regulation 2 has been amended by S.I. 2004/865, 2007/674 and 2008/2828.

(20) S.I. 2000/620.

(21) Relevant amendments were made to regulation 2 by S.I. 2003/699, 2004/865, 2006/913 and 2007/674.

(22) Regulations 7C was inserted by S.I. 2009/2230.

- “(c) medicines for the prevention or treatment of a condition arising from an emergency that threatens, is causing or has caused serious damage to public health in England or any part of England,”  
and in the heading of that regulation after “listed” insert “or emergency”.

#### **Amendments to the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) Regulations 2002**

5. In the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) Regulations 2002(23)—

- (a) in regulation 1(3)(24) (citation, commencement and interpretation), in the definition of “the principal Regulations”, for “2005” substitute “2012”; and
- (b) in regulation 3(7)(25) (designation of priority neighbourhoods or premises)—
  - (i) in sub-paragraph (c), for “regulation 4” substitute “regulation 10”, and
  - (ii) in sub-paragraph (d), for “regulation 68” substitute “regulation 46”.

#### **Amendments to the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) (No. 2) Regulations 2002**

6. In the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) (No. 2) Regulations 2002(26)—

- (a) in regulation 1(3)(27) (interpretation), in the definition of “the principal Regulations”, for “2005” substitute “2012”; and
- (b) in regulation 4(1)(28) (right of return to pharmaceutical lists), for “regulation 10(2)” substitute “regulation 28(3)”.

#### **Amendments to the National Health Service (General Medical Services Contracts) Regulations 2004**

7.—(1) The GMS Regulations(29) are amended as follows.

(2) In regulation 2(1)(30) (interpretation)—

- (a) in the definition of “dispensing services”, for “regulation 60” substitute “regulation 48”;
- (b) in the definition of “Drug Tariff”, for “regulation 56” substitute “regulation 89(1)”; and
- (c) in the definition of “Pharmaceutical Regulations” for “2005” substitute “2012”.

(3) In paragraph 1(k) of Schedule 5(31) (fees and charges)—

- (a) for “regulation 60” substitute “regulation 48”; and
- (b) omit “or paragraphs 47 or 49 of Schedule 6”.

(4) In Part 3 of Schedule 6(32) (other contractual terms – prescribing and dispensing)—

- (a) in paragraph 40(7)—

---

(23) S.I. 2002/888.

(24) Regulation 1(3) has been amended by S.I. 2002/2469 and 2005/641.

(25) Regulation 3 has been amended by S.I. 2002/2469, 2005/641 and 2006/552.

(26) S.I. 2002/2016.

(27) Regulation 1(3) has been amended by S.I. 2002/2469 and 2005/641.

(28) Regulation 4(1) was substituted by S.I. 2006/552.

(29) S.I. 2004/291.

(30) Relevant amendments were made to regulation 2 by S.I. 2005/893.

(31) Amended by S.I. 2005/893.

(32) Part 3 has been amended by S.I. 2005/893 and 3315, 2006/1501, 2007/3491, 2008/528 and 2009/2230.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (i) omit paragraph (a), and
  - (ii) in paragraph (b), for “regulation 60” substitute “regulation 48”; and
- (b) omit paragraphs 47 to 51.

#### **Amendments to the National Health Service (Personal Medical Services Agreements) Regulations 2004**

- 8.**—(1) The PMS Regulations(**33**) are amended as follows.
- (2) In regulation 2(**34**) (interpretation)—
- (a) in the definition of “dispensing services”, for “regulation 60” substitute “regulation 48”,
  - (b) in the definition of “Drug Tariff”, for “regulation 56” substitute “regulation 89(1)”, and
  - (c) in the definition of “Pharmaceutical Regulations” for “2005” substitute “2012”; and
- (3) In paragraph (k) of Schedule 3(**35**) (fees and charges)—
- (a) for “regulation 60” substitute “regulation 48”; and
  - (b) omit “or paragraph 46, 48 or 49 of Schedule 5”.
- (4) In Part 3 of Schedule 5(**36**) (other contractual terms – prescribing and dispensing)—
- (a) in paragraph 39(7)—
    - (i) omit paragraph (a), and
    - (ii) in paragraph (b), for “regulation 60” substitute “regulation 48”; and
  - (b) omit paragraphs 45 to 51.

#### **Revocation of the National Health Service (Pharmaceutical Services) Regulations 2005 and of amendments to those Regulations**

- 9.**—(1) The following Regulations are revoked—
- (a) National Health Service (Pharmaceutical Services) Regulations 2005(**37**);
  - (b) the National Health Service (Pharmaceutical Services) (Amendment No. 2) Regulations 2005(**38**);
  - (c) the National Health Service (Pharmaceutical Services) (Amendment) Regulations 2008(**39**);
  - (d) the National Health Service (Pharmaceutical Services) (Appliances) (Amendment) Regulations 2009(**40**);
  - (e) the National Health Service (Pharmaceutical Services) Amendment Regulations 2011(**41**); and
  - (f) the National Health Service (Pharmaceutical Services) Amendment Regulations 2012(**42**).
- (2) The following provisions are revoked—

---

(33) S.I. 2004/627.

(34) Relevant amendments were made to regulation 2 by S.I. 2005/893.

(35) Amended by S.I. 2005/893.

(36) Part 3 has been amended by S.I. 2004/2694, 2005/893 and 3315, 2006/1501, 2007/3491, 2008/528, 2009/2230 and 2010/578.

(37) S.I. 2005/641.

(38) S.I. 2005/1501.

(39) S.I. 2008/683.

(40) S.I. 2009/3340.

(41) S.I. 2011/2136.

(42) S.I. 2012/1399.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) regulation 2 of the National Health Service (Pharmaceutical Services) Amendment Regulations 2005(43);
- (b) Part 4 of the National Health Service (Primary Medical Services) (Miscellaneous Amendments) (No. 2) Regulations 2005(44);
- (c) regulation 12(11) of the National Health Service (Performers Lists) Amendment Regulations 2005(45);
- (d) Part 1 of Schedule 3 to the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(46);
- (e) paragraph 23 of Schedule 1 to the General Dental Services, Personal Dental Services and Abolition of the Dental Practice Board Transitional and Consequential Provisions Order 2006(47);
- (f) regulation 3 of the National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006(48);
- (g) paragraph 12 of the Schedule to the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006(49);
- (h) Part 4 of the National Health Service (Primary Medical Services and Pharmaceutical Services) (Miscellaneous Amendments) Regulations 2006(50);
- (i) Part 3 of the National Health Service (Pharmaceutical Services) (Amendment) Regulations 2006(51);
- (j) regulations 3 to 7 of the National Health Service (Pharmaceutical Services) (Remuneration for Persons Providing Pharmaceutical Services) (Amendment) Regulations 2007(52);
- (k) regulation 5 of the Local Involvement Networks (Miscellaneous Amendments) Regulations 2008(53);
- (l) paragraph 1 of the Schedule to the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009(54);
- (m) regulation 2 of the National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) Amendment Regulations 2009(55);
- (n) Part 1 of the National Health Service (Miscellaneous Amendments Relating to Community Pharmaceutical Services and Optometrist Prescribing) Regulations 2009(56);
- (o) paragraphs 77 to 89 of Schedule 3 to the Transfer of Tribunal Functions Order 2010(57);
- (p) in the Pharmacy Order 2010(58)—
  - (i) paragraph 47 of Schedule 4, and
  - (ii) paragraph 6 of Schedule 6; and

---

(43) S.I. 2005/1015.  
(44) S.I. 2005/3315.  
(45) S.I. 2005/3491.  
(46) S.I. 2006/552.  
(47) S.I. 2006/562.  
(48) S.I. 2006/913.  
(49) S.I. 2006/1056.  
(50) S.I. 2006/1501.  
(51) S.I. 2006/3373.  
(52) S.I. 2007/674.  
(53) S.I. 2008/1514.  
(54) S.I. 2009/309.  
(55) S.I. 2009/599.  
(56) S.I. 2009/2205.  
(57) S.I. 2010/22.  
(58) S.I. 2010/231.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(q) regulations 2 to 10 of the National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) (Amendment) Regulations 2010<sup>(59)</sup>.

(3) In regulation 2 of the National Health Service (Pharmaceutical Services) (Remuneration for Persons Providing Pharmaceutical Services) (Amendment) Regulations 2007 (interpretation), omit the definition of “the principal Regulations”.

### **Amendments to the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006**

**10.** In the LPS Regulations<sup>(60)</sup>—

(a) in regulation 2(1)<sup>(61)</sup> (interpretation)—

(i) in the definition of “Drug Tariff”, for “regulation 56(f)” substitute “regulation 89(1)”,

(ii) in the definition of “emergency requiring the flexible provision of pharmaceutical services”, for “regulation 2(5)” substitute “regulation 29(4)”,

(iii) in the definition of “non-electronic repeatable prescription” for “has the same meaning as in” substitute “means a repeatable prescription that is not an “electronic repeatable prescription” for the purposes of”,

(iv) in the definition of “Pharmaceutical Services Regulations” for “2005” substitute “2012”, and

(v) in the definition of “pharmaceutical list”, for “regulation 4” substitute “regulation 10”;

(b) in regulation 15(1)<sup>(62)</sup> (right of return to pharmaceutical lists), for “regulation 10(2)” substitute “regulation 28(1)”;

(c) regulation 17 (duty to provide information about suitability etc.) is revoked; and

(d) Part 1 of Schedule 3 (amendments to secondary legislation – amendments to the Pharmaceutical Services Regulations) is revoked.

### **Amendments to the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009**

**11.** In the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009<sup>(63)</sup>, in the definition of “relevant complaints procedure” in regulation 2 (interpretation), for paragraphs (i) and (ii) of sub-paragraph (a) substitute the following paragraphs—

“(i) paragraph 34 of Schedule 4 to the National Health Service (Pharmaceutical Services) Regulations 2012;

(ia) paragraph 24 of Schedule 5 to the National Health Service (Pharmaceutical Services) Regulations 2012;

(ii) paragraph 8 of Schedule 6 to the National Health Service (Pharmaceutical Services) Regulations 2012; or”.

---

<sup>(59)</sup> S.I. 2010/914.

<sup>(60)</sup> S.I. 2006/552.

<sup>(61)</sup> Relevant amendments were made to regulation 2 by S.I. 2007/674 and 2009/2205.

<sup>(62)</sup> Amended by S.I. 2006/3373, 2008/528 and 2009/599 and 2205.

<sup>(63)</sup> S.I. 2009/309.