
WELSH STATUTORY INSTRUMENTS

2009 No. 1491

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2009

Amendment of regulation 2 of the principal Regulations

- 2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended as follows.
- (2) Omit the definitions of—
- “personal medical services;”
 - “pilot scheme;”
 - “pilot scheme provider;”.
- (3) In the appropriate place in the alphabetical order, insert the following definitions—
- ““APMS” means primary medical services provided in accordance with an APMS contract;
 - “APMS contract” means an arrangement to provide primary medical services made under section 41(2)(b) of the 2006 Act;
 - “APMS contractor” means a party to an APMS contract other than a Local Health Board;
 - “bank holiday” means any day that is specified or proclaimed as bank holiday in Wales pursuant to section 1 of the Banking and Financial Dealings Act 1971(1);
 - “director” means—
 - (a) a director of a body corporate; or
 - (b) a member of the body of persons controlling a body corporate (whether or not a limited liability partnership);
 - “dispensing doctor” means a doctor who provides pharmaceutical services under arrangements with a Local Health Board under Part III;
 - “dispensing doctor list” is to be construed in accordance with regulation 21G;
 - “Health and Social Services Board” means a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972(2);
 - “Health Board” means a Health Board established under section 2 of the National Health Service (Scotland) Act 1978(3);
 - “LHBMS” means primary medical services provided by a Local Health Board under section 41(2)(a) of the 2006 Act;
 - “LHBMS practice” means a practice established by a Local Health Board to provide LHBMS;
 - “listed premises” means premises in relation to which premises approval has been granted and has effect from which a doctor is able to dispense, being premises specified in relation to the doctor in the dispensing doctors' list pursuant to regulation 21G(4);
 - “notice” means a notice in writing and “notify” is to be construed accordingly;

(1) 1971 c. 80.

(2) S.I. 1972/1265 (N.I. 14).

(3) 1978 c. 29.

“outstanding application” except where the context otherwise requires has the meaning given to it in regulation 21A(5);

“patient list” means a list of patients kept by a Local Health Board—

- (a) in respect of a GMS contractor, in accordance with paragraph 14 (list of patients) of Schedule 6 to the GMS Regulations; or
- (b) in respect of an APMS contractor or an LHBMS practice, in accordance with directions given by the Welsh Ministers under section 12(3) of the 2006 Act in respect of an APMS contract or an LHBMS practice;

“practice amalgamation” has the meaning given to it in regulation 21E(1);

“practice premises”, in relation to a provider of primary medical services, means the address specified in the contract (in the case of a GMS or APMS contractor) or practice statement (in the case of an LHBMS practice) as one at which services are to be provided under the contract or practice statement;

“premises approval” has the meaning given to it in regulation 21(1)(b) and includes temporary premises approval granted under regulation 21D(9) or 21E(4) and residual premises approval under regulation 21E(9);

“provider of primary medical services” means a GMS contractor, APMS contractor, or an LHBMS practice;

“provisional date” is to be interpreted in accordance with regulation 21A(6) to (8);

“relevant APMS contractor”, in relation to any doctor, means the APMS contractor, where the doctor is an APMS contractor, or where he or she is not, the APMS contractor by whom the doctor is employed or engaged;

“relevant GMS contractor”, in relation to any doctor, means the GMS contractor, where the doctor is a GMS contractor or, where he or she is not, the GMS contractor by whom the doctor is employed or engaged;

“relevant LHBMS practice”, in relation to any doctor, means the LHBMS practice within which the doctor provides primary medical services;

“relevant local authority”, in relation to a Primary Care Trust, means a local authority whose area falls, wholly or partly, within the area of the Primary Care Trust;

“relevant local involvement network” means a person who in pursuance of arrangements made by a relevant local authority under section 221(1) of the Local Government and Public Involvement in Health Act 2007(4) is to carry on activities specified in section 221(2) of that Act;

“relevant patient list” means, in relation to a doctor who is (or is a legal and beneficial shareholder in a company which is) a GMS contractor or APMS contractor, the patient list for that contractor or, where the doctor is not a contractor, means the patient list for the GMS contractor or APMS contractor by whom the doctor is employed or engaged or for the LHBMS practice within which the doctor provides primary medical services;

“reserved location” has the meaning given to it in regulation 11ZA;

“superintendent” has the same meaning as in section 71 (bodies corporate) of the Medicines Act 1968(5).”.

(4) For the definition of “prescriber” substitute—

““prescriber” means a doctor, dentist, pharmacist independent prescriber, independent nurse prescriber, nurse independent prescriber or a supplementary prescriber;”.

(4) 2007 c. 28.

(5) 1968 c. 67.

- (5) For the definition of “prescription form” substitute—
- ““prescription form” means a form provided by a Health Board, a Health and Social Services Board, a Local Health Board, a Primary Care Trust, an NHS Trust, or NHS Foundation Trust and issued by a prescriber to enable a person to obtain pharmaceutical services and does not include a repeatable prescription;”.
- (6) For the definition of “Remission of Charges Regulations” substitute—
- ““Remission of Charges Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(6);”.
- (7) For the definition of “repeatable prescriber” substitute—
- ““repeatable prescriber means a prescriber who is—
- (a) a GMS contractor who provides repeatable prescribing services under the terms of its contract which gives effect to paragraph 40 of Schedule 6 to the GMS Regulations;
 - (b) an APMS contractor who provides repeatable prescribing services under the terms of its agreement which give effect to a provision in directions made by the Welsh Ministers under section 12(3) of the 2006 Act in relation to APMS contracts;
 - (c) employed or engaged by —
 - (i) a GMS contractor who provides repeatable prescribing services under the terms of a contract which gives effect to paragraph 40 of Schedule 6 to the GMS Regulations,
 - (ii) an APMS contractor who provides repeatable prescribing services under the terms of an agreement which gives effect to a provision in directions made by the Welsh Ministers under section 12(3) of the 2006 Act in relation to APMS contractors, or
 - (iii) a Local Health Board for the purposes of providing primary medical services within an LHBMS practice which provides repeatable prescribing services in accordance with a provision in directions made by the Welsh Ministers under section 12(3) of the 2006 Act in relation to LHBMS;”.