

WELSH STATUTORY INSTRUMENTS

2020 No. 1073

The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020

PART 11

Miscellaneous

Home Local Health Board

60.—(1) An applicant which is a body corporate that is required to provide the information specified in Part 2 of Schedule 2 may make a request to a Local Health Board for that Local Health Board to act as its home Local Health Board.

(2) Where a Local Health Board has agreed to a request made under paragraph (1), an applicant required to provide as part of an application the information specified in Part 2 of Schedule 2 may instead provide that information to its home Local Health Board and inform the Local Health Board to which the application is made that the home Local Health Board already has the information.

(3) The home Local Health Board must pass the information it has received from an applicant under this regulation to any Local Health Board to which the applicant makes a subsequent application and must do so within 30 days of a request for that information from the other Local Health Board.

(4) The applicant must either—

- (a) confirm to the Local Health Board to which the application is made that the information is up to date, or
- (b) update the information by sending it to the home Local Health Board.

Commencement Information

II Reg. 60 in force at 1.10.2020, see [reg. 1\(2\)\(c\)](#)

Publication of particulars

61.—(1) A Local Health Board must publish in such manner as it sees fit and make available for inspection at its offices copies of—

- (a) its pharmaceutical needs assessment,
- (b) its pharmaceutical list,
- (c) its dispensing doctor list,
- (d) a map delineating the boundaries of any controlled localities and reserved locations that have been determined,
- (e) details of any determinations made by the Local Health Board under these Regulations in the previous 3 years,

- (f) the terms of service for NHS pharmacists in Schedule 5,
 - (g) the terms of service for NHS appliance contractors in Schedule 6,
 - (h) the terms of service for doctors providing pharmaceutical services in Schedule 7, and
 - (i) the Drug Tariff.
- (2) A Local Health Board may—
- (a) make such of the documents referred to in paragraph (1) available for inspection at such other places in the area for which it is established as appear to it convenient for informing all persons interested, or
 - (b) publish at such places in the area for which it is established a notice of the places and times at which copies of such documents may be seen.
- (3) A Local Health Board must send a copy of its pharmaceutical needs assessment, pharmaceutical lists and of its dispensing doctor list to the Welsh Ministers, the Local Medical Committee and the Local Pharmaceutical Committee, and must, within 14 days of any alteration to those lists, inform them in writing of those alterations.

Commencement Information

I2 Reg. 61 in force at 1.10.2020, see [reg. 1\(2\)\(c\)](#)

Exercise of choice in certain cases

- 62.** An application to an NHS pharmacist or an NHS appliance contractor for pharmaceutical services may be made—
- (a) on behalf of any child by either parent, or in the absence of both parents, the guardian or other person who has the care of the child,
 - (b) on behalf of any person under 18 years of age who is—
 - (i) in the care of an authority to whose care the person has been committed under the provisions of the Children Act 1989(1), by a person duly authorised by that authority, or
 - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them,
 - (c) on behalf of any adult who is incapable of making such an application or authorising such an application to be made on their behalf, by a relative or the primary carer of that person, or
 - (d) on behalf of any other person by any duly authorised person.

Commencement Information

I3 Reg. 62 in force at 1.10.2020, see [reg. 1\(2\)\(c\)](#)

Transitional provisions

- 63.—(1)** Any application made under the 2013 Regulations that has been received by a Local Health Board on or before 30 September 2021 must be determined in accordance with the provisions of the 2013 Regulations until that application is finally determined.

(1) 1989 c. 41.

(2) Any proposed determination by a Local Health Board under regulation 6(2) of the 2013 Regulations (areas that are controlled localities) on or before 30 September 2020, must be determined in accordance with the provisions of the 2013 Regulations until that application has been finally determined.

(3) Any appeal under the 2013 Regulations that is—

(a) received by the Welsh Ministers on or before 30 September 2020, or

(b) made after the coming into force of these Regulations in respect of an application determined in accordance with paragraph (1) or a determination made under paragraph (2),

must be determined in accordance with the provisions of the 2013 Regulations.

(4) Where, before 30 September 2020 or as a consequence of paragraph (1) or (3), a person is entitled on the basis of a decision (whether by a Local Health Board or on appeal)—

(a) to be included in a pharmaceutical list or a dispensing doctor list but has not been included in that list, or

(b) to have listed in relation to their entry in a pharmaceutical list or dispensing doctor list premises that have not been listed in relation to them,

the arrangements for the listing of that person or those premises, and the circumstances in which that decision lapses, are as set out in the 2013 Regulations.

(5) In respect of a determination made under paragraph (2), the procedure that must be followed is that in regulation 6(4) of, and Parts 1 and 2 of Schedule 2 to, the 2013 Regulations.

(6) Where preliminary consent was granted under regulation 12 of the 2013 Regulations (applications for preliminary consent and effect of preliminary consent) and no application had been made under regulation 12(6) of the 2013 Regulations before 30 September 2020, regulation 18 (applications for preliminary consent and effect of preliminary consent) will apply as if the preliminary consent had been granted under that regulation.

(7) Where paragraph (6) applies, regulation 12(6) of the 2013 Regulations is substituted for regulation 18(5).

(8) If a determination under regulation 6 of the 2013 Regulations has not been finally determined before 30 September 2020 (“an outstanding determination”) a Local Health Board must defer consideration of any application submitted to it under Parts 5 and 6 of these Regulations if the application could be affected by an outstanding determination until such time as the outstanding determination is finally determined.

(9) For the purposes of this regulation, an application or a determination is not to be treated as finally determined until the end of the period for bringing an appeal against that application or determination, or until the determination of any such appeal, whichever is later.

Commencement Information

I4 Reg. 63 in force at 1.10.2020, see [reg. 1\(2\)\(c\)](#)

Minor and consequential amendments

64. The Regulations listed in Schedule 8 are amended as set out in that Schedule.

Commencement Information

I5 Reg. 64 in force at 1.10.2020, see [reg. 1\(2\)\(c\)](#)

Revocation

65.—(1) The National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 are revoked in accordance with paragraphs (2) to (5).

(2) On 1 October 2020—

- (a) Parts 1 to 3, and
- (b) Parts 7 and 8.

(3) On 31 March 2021—

- (a) in Part 4, regulation 8(1)(a), and
- (b) in Part 5, regulation 20.

(4) On 1 October 2021—

- (a) in Part 4, regulation 8(1)(b) to (7), and regulations 9 to 19,
- (b) in Part 5, regulations 21 to 30, and
- (c) Part 6.

(5) So far as they have not been revoked by paragraphs (2) to (4), the 2013 Regulations are revoked on 1 October 2021.

Commencement Information

I6 Reg. 65 in force at 1.10.2020, see [reg. 1\(2\)\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, PART 11.