STATUTORY INSTRUMENTS

1999 No. 2563

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Pharmaceutical Services) Amendment (No. 2) Regulations 1999

Made - - - - -	*13th September 1999*
Laid before Parliament	*14th September 1999*
Coming into force - -	*5th October 1999*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 41, 42, 43 and 126(4) of the National Health Service Act 1977(**a**), and of all other powers enabling him in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) Amendment (No. 2) Regulations 1999 and shall come into force on 5th October 1999.

(2) In these Regulations—

"the principal Regulations" means the National Health Service (Pharmaceutical Services) Regulations 1992(**b**); and

"the Remission of Charges Amendment Regulations" means the National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999(**c**).

Amendment of Schedule 2 to the principal Regulations

2.—(1) Part II of Schedule 2 to the principal Regulations (terms of service for chemists), is amended as follows

(**a**) 1977 c. 49; see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 26(2)(g) and (i), and by the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 38(2), for the definitions of "prescribed" and "regulations". Section 41 was amended by the Health Services Act 1980 (c. 53) ("the 1980 Act"), sections 1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7, by S.I. 1985/39, article 7(13); by the 1990 Act, Schedule 9, paragraph 18(1) and Schedule 10; by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 2; by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), Schedule 1, paragraph 29; and by the National Health Service (Primary Care) Act (c. 46) ("the 1997 Act"), Schedule 2, paragraph 13. Section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(1); extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by S.I. 1987/2202, article 4; by the 1990 Act, section 12(3); and by the 1995 Act, Schedule 1, paragraph 30. Section 43 was amended by the 1980 Act, section 1 and 21(2) and Schedule 1, paragraph 55; by S.I. 1985/39, article 7(15); by the 1990 Act, Schedule 9, paragraph 18(2); by the 1995 Act, Schedule 1, paragraph 31; and by the 1997 Act, section 29(1) and Schedule 2, paragraph 14. Section 126(4) was amended by the 1990 Act, section 65(2). As regards Wales, the functions of the Secretary of State under sections 41, 42, 43 and 126(4) of the 1977 Act as transferred to the National Assembly for Wales under article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); these regulations therefore extend only to England.

(**b**) S.I. 1992/662; the relevant amending instruments are S.I. 1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681, 1998/2224 and 1999/696.

(**c**) S.I. 1999/2507.

(2) In paragraph 3 (provision of pharmaceutical services)—

(a) in sub-paragraph (1C)(a)(i)(**a**) delete the words "any of sub-paragraphs (d) to (g) of";

(b) at the end of sub-paragraph (1C)(a)(ii) insert the words "or under regulation 5 of the Remission of Charges Amendment Regulations,"; and

(c) in sub-paragraph (1C)(a) after the words "by virtue of sub-paragraph" insert "(a), (b), (c),".

3.—(1) Part III of Schedule 2 to the principal Regulations (terms of service for doctors who provide pharmaceutical services) is amended as follows.

(2) In paragraph 11B(**b**)—

(a) in sub-paragraph (a)(i) delete the words "any of sub-paragraphs (d) to (g) of";

(b) at the end of sub-paragraph (a)(ii) insert the words "or under regulation 5 of the Remission of Charges Amendment Regulations,"; and

(c) in sub-paragraph 11B(a) after the words "by virtue of sub-paragraph" insert "(a), (b), (c),".

Signed by authority of the Secretary of State for Health

John Denham
Minister of State,
Department of Health

13th September 1999

(**a**) Sub-paragraph (1C) was inserted by S.I. 1996/696.
(**b**) Paragraph 11B was inserted by S.I. 1999/696.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations futher amend the National Health Service (Pharmaceutical Services) Regulations 1992 which govern the arrangements to be made by Health Authorities for the provision in their area of pharmaceutical services under the National Health Service Act 1977.

Regulation 2 extends the circumstances in which a chemist is required to ask a person presenting an order for drugs and appliances under paragraph 3(1) of the chemist's terms of service to provide specified evidence to substantiate specific claims relating to exemptions from or remission of charges due under the NHS (Charges for Drugs and Appliances) Regulations 1989 and regulation 3 similarly amends the requirements on doctors authorised to provide pharmaceutical services for a patient under regulation 20.

These Regulations impose no cost on business.

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