

1989 No. 1360

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1989**

<i>Made</i> - - - -	<i>3rd August 1989</i>
<i>Laid before Parliament</i>	<i>4th August 1989</i>
<i>Coming into force</i>	<i>25th August 1989</i>

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

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1989 and shall come into force on 25th August 1989.

**Amendment of Regulations**

2.—(1) The National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(b) shall be amended in accordance with the following paragraphs of this regulation.

(2) For regulation 25 there shall be substituted the following regulation:—

**“Terms of service**

25.—(1) The arrangements made by a Committee under section 41 of the National Health Service Act 1977 shall include arrangements for—

- (a) the supply of contraceptive substances and appliances;
- (b) the provision of oxygen concentrator services in accordance with regulation 26D;
- (c) the provision of supplemental services.

(2) The arrangements referred to in paragraph (1) shall incorporate the terms of service.

(3) In this Part of these Regulations “supplemental services” means—

- (a) where a pharmacist regularly supplies drugs to persons resident in a home registered under the Registered Homes Act 1984(c), the giving of advice by him following a visit to that home in connection with procedures there for the safe keeping and correct administration of those drugs;

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(a) 1977 c.49; see section 128(1) for the definition of “regulations”; section 41 was amended by the Health Services Act 1980 (c.53), section 20(1) and Schedule 1, paragraph 53 and Schedule 7, and modified by S.I. 1985/39; section 42 was substituted by the National Health Service (Amendment) Act 1986 (c.66), section 3(1) and amended by S.I. 1987/2202.

(b) S.I. 1974/160; regulation 25 was substituted by S.I. 1985/39 and amended by S.I. 1985/955, regulation 26 was substituted by S.I. 1987/401 and amended by S.I. 1988/866, and regulation 26D was inserted by S.I. 1985/955.

(c) 1984 c.23.

- (b) the keeping of records of visits made to the homes referred to in sub-paragraph (a) above;
- (c) the keeping of records in connection with drugs supplied to any person—
  - (i) who claims exemption under regulation 6(1)(c) of the National Health Service (Charges for Drugs and Appliances) Regulations 1989(a) (remission from charges for drugs and appliances), or
  - (ii) who, in the opinion of the pharmacist supplying the drug, is likely to have difficulty understanding the nature and dosage of the drug supplied and the times at which it is to be taken, in circumstances where the nature of the drug is such that, in the opinion of the pharmacist supplying it, the same or a similar drug is likely to be prescribed for that person regularly on future occasions.

(4) In this regulation—

- (a) “pharmacist” means a registered pharmaceutical chemist who—
  - (i) is included in a pharmaceutical list prepared by the Committee under regulation 26(1)(a); or
  - (ii) is employed by a person (including a body corporate) who is so included;
- (b) “records” shall include—
  - (i) in the case of those kept for the purposes of paragraph (3)(b), a record of the name and address of the home, of the date of each visit by the pharmacist, and of the nature of any advice given by him in the course of the visit,
  - (ii) in the case of those kept for the purposes of paragraph (3)(c), a record of the name and address of the person to whom the drug is supplied, of the name, quantity and dosage of the drug supplied, and of the date on which it is supplied.”.

(3) In regulation 26(1), after sub-paragraph (c) there shall be added the following sub-paragraph—

“(d) who have undertaken to provide supplemental services.”.

(4) In Schedule 3 (list of prescribed medical certificates) after item 13 there shall be added the following item:—

“14. To support a claim by or on behalf of a severely mentally impaired person for exemption from liability to pay the personal community charge.	Local Government Finance Act 1988 (c.41)”
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(5) In Part I of Schedule 4 (terms of service for chemists), after paragraph 7 there shall be inserted the following paragraph—

“7A. A chemist who has undertaken to provide supplemental services within the meaning of paragraph (3) of regulation 25 shall on request make available to the Committee all records kept in accordance with sub-paragraphs (b) and (c) of that paragraph.”.

(6) In Part II of Schedule 4 (form of application pursuant to regulation 26(2)) for the words in brackets in paragraph 7 there shall be substituted the following words:

*“(To be completed by all applicants except those applying under paragraph 1(c) above for approval of a minor relocation and those proposing to provide services from premises from which the services listed in paragraph 6 above are already provided.)”.*

(7) In paragraph 14 of Schedule 4C(b) (determination of appeals by Appeal Panel)—

- (a) in sub-paragraph (1) for the words “paragraph (2) and (4)” there shall be substituted the words “paragraph 2(2), (3) and (4)”;
- (b) in sub-paragraph (4), for the words “paragraph (1) of this Schedule” there shall be substituted the words “paragraph 1(1) of this Schedule”.

(a) S.I. 1989/419.

(b) Schedule 4C was inserted by S.I. 1987/401 and amended by S.I. 1987/1425.

Signed by authority of the Secretary of State for Health.

3rd August 1989

*Roger Freeman*  
Parliamentary Under Secretary of State,  
Department of Health

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 ("the principal Regulations") which govern the arrangements to be made by Family Practitioner Committees for the provision for their locality of general medical services and pharmaceutical services.

The principal Regulations are amended by the substitution of a new regulation 25 so as to enable a Family Practitioner Committee to make arrangements for the provision of advice by a registered pharmaceutical chemist, and for the keeping by him of records, about drugs supplied by him to certain categories of person. The principal Regulations are also amended to provide for the inclusion in a pharmaceutical list of any chemist who has undertaken to provide these new services, and to require such a chemist to make his records available to the Family Practitioner Committee.

These Regulations also amend Schedule 3 to the principal Regulations to include among the certificates which a doctor must, under his terms of service, issue free of charge, a certificate in support of a claim by a severely mentally impaired patient for exemption from liability to pay the personal community charge. A number of minor amendments are also made in Schedules 4 and 4C of the principal Regulations.