
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 Health Services Authorities for the provision in their locality of general medical services and pharmaceutical services under the National Health Service Act 1977 (“the Act”).

These Regulations amend regulations 26 and 26C of the principal Regulations to enable an application by a chemist for preliminary consent to provide pharmaceutical services, which may be made in respect of any locality whether determined to be rural in character or not, to be determined by the Family Health Services Authority concurrently with an application to be included in the pharmaceutical list (regulations 3 and 4), and regulation 29 of the principal Regulations, is amended to make provision for appeals to the Secretary of State in relation to the preparation of schemes by Family Health Services Authorities for securing proper pharmaceutical services (regulation 5).

Amendments are also made to the principal Regulations by regulation 6 to enable Family Health Services Authorities to take steps to reduce adverse consequences to a doctor or a pharmacist where it has been determined that an area is or is not rural in character.

These Regulations also amend the principal Regulations to provide for appeals to the Secretary of State from determinations of Family Health Services Authorities in respect of the question whether an area is rural in character and to make further provision for appeals to the Secretary of State from the determination of those Authorities of applications by chemists and doctors relating to the provision of pharmaceutical services in an area which is determined to be rural in character (regulation 7).

A new regulation 33C is inserted in the principal Regulations to provide in particular for the determination by Family Health Services Authorities, and on appeal by the Secretary of State, of any question whether a substance which has been prescribed by a doctor is a drug forming part of pharmaceutical services (regulation 8).

Regulation 9 includes certain substances in Schedule 3A to the principal Regulations, which contains a list of drugs and other substances which may not be prescribed for supply, and which may not be dispensed, in the course of pharmaceutical services under the Act, and removes certain substances presently included in the list.

Regulation 10 amends Schedule 4B to the principal Regulations to allow any person entitled to be heard at an oral hearing of an application of preliminary consent or outline consent before Family Health Services Authorities to be represented.

Regulation 11 amends Schedule 4C to the principal Regulations to make provision for appeals to the Secretary of State from determinations of Family Health Services Authorities of applications made by chemists to be included in pharmaceutical lists, and abolishes the appeal panel which hitherto has determined such appeals.

Regulation 12 revokes regulation 20 of the National Health Service (Service Committees and Tribunal) Regulations 1974 which made provision for the determination by the Local Medical Committee, and on appeal by the Secretary of State, of the question whether a substance is a drug, and makes a consequential amendment in regulation 53 of those Regulations.

These Regulations also make transitional provision in connection with the determination of questions and appeals (regulation 13), and make other amendments which are either of a minor or consequential nature.