STATUTORY INSTRUMENTS

1992 No. 662

The National Health Service (Pharmaceutical Services) Regulations 1992

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the National Health Service (Pharmaceutical Services) Regulations 1992 and shall come into force on 1st April 1992.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"the Act" means the National Health Service Act 1977(**1**);

"appliance" means an appliance which is included in a list for the time being approved by the Secretary of State for the purposes of section 41 of the Act(**2**);

"appropriate non-proprietary name" means a non-proprietary name which is not mentioned in Schedule 10 to the Medical Regulations or, except where the conditions in paragraph 44(2) of the doctors' terms of service are satisfied, in Schedule 11 to those Regulations;

"Community Health Council" means a body of that name established in accordance with section 20 of the Act(**3**);

"chemical reagent" means a chemical reagent included in a list for the time being approved by the Secretary of State for the purposes of section 41 of the Act;

"chemist" means—

(a) a registered pharmacist;

(b) a person lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968(**4**); or

(c) a supplier of appliances; who is included in the list of an FHSA under section 42 of the Act;

"child" means a person who has not attained the age of 16 years;

"controlled locality" means an area which an FHSA or, on appeal, the Secretary of State has determined is rural in character in accordance with regulation 9 or, as the case may be, 10;

"dentist" means a dental practitioner;

(**1**) 1977 c. 49.
(**2**) Section 41 was amended by the Health Service Act 1980 (c. 53), section 20(1), Schedule 1, paragraph 53, and Schedule 7 and by Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) and by S.I. 1985/39, article 7(13).
(**3**) Section 20 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 40.
(**4**) 1968 c. 67.

"doctor" means a medical practitioner;

"doctors' terms of service" means the terms of service contained in Schedule 2 to the Medical Regulations;

"drugs" includes medicines;

"Drug Tariff" has the meaning given to it in regulation 18;

"FHSA" means a Family Health Services Authority;

"Family Health Services Authority" means a body of that name established by the Secretary of State under section 10(1) of the Act(**5**);

"finally granted" and "final grant" have the meaning given to them in regulation 12(16) and "finally refused" and "finally determined" shall be construed accord ingly;

"joint services committee" shall have the same meaning as in the National Health Service (Service Committees and Tribunal) Regulations 1992(**6**);

"listed drugs" means the drugs included in a list for the time being approved by the Secretary of State for the purposes of section 41(c) of the Act;

"Local Dental Committee" means a committee recognised under section 44 of the Act(**7**) as being representative of persons providing general dental services in a locality;

"Local Medical Committee" means a committee recognised under section 44 of the Act as being representative of persons providing general medical services in a locality;

"Local Pharmaceutical Committee" means a committee recognised under section 44 of the Act as being representative of persons providing pharmaceutical services in a locality;

"locality", except in the expression "controlled locality", means the locality for which an FHSA is established;

"medical list" means a list, prepared under section 29 of the Act, of medical practitioners who have undertaken to provide general medical services(**8**);

"Medical Regulations" means the National Health Service (General Medical Services) Regulations 1992(**9**);

"non-proprietary name", in relation to a drug, means—

(a) where the drug is described in a monograph in the current edition (as defined in section 103(5) of the Medicines Act 1968(**10**)), as in force at the time of the supply of the drug, of the European Pharmacopoeia, the British Pharmacopoeia, the British Pharmaceutical Codex, the British National Formulary, the International Pharmacopoeia, the Cumulative List of Recommended International Non-proprietary Names or the Dental Practi tioners' Formulary, any name, or abbreviation of such name, at the head of that monograph or, where such name consists of two or more words, any name derived from a suitable inversion of such words which is permitted by that publication; or

(b) where the drug is not so described but has an approved name, being the name which appears in the current edition (as defined in section 103(5) of the Medicines Act 1968) of the list of names prepared and published under section 100 of that Act, as in force at the time of the supply of the drug, such approved name;

(**5**) Section 10 was substituted by section 5(1) of the Health and Social Security Act 1984 (c. 48) and amended by section 2(3) of the National Health Service and Community Care Act 1990 (c. 19). By virtue of section 2(1)(b) of the National Health Service and Community Care Act 1990, references in any Act to a Family Practitioners Committee fall to be construed as references to Family Health Services Authority.
(**6**) S.I. 1992/664.
(**7**) Section 44 was amended by section 12(4) of the National Health Service and Community Care Act 1990 (c. 19).
(**8**) See S.I. 1992/635, regulation 4.
(**9**) S.I. 1992/635.
(**10**) Section 103(5) was amended by the Health and Medicines Act 1988, section 22(4).

"outline consent" has the meaning given to it in regulation 21(1);

"patient" has the same meaning as in paragraph 4 of Schedule 2 to the Medical Regulations;

"pharmaceutical list" shall be construed in accordance with regulation 4;

"pharmaceutical service committee" shall have the same meaning as in the National Health Service (Service Committees and Tribunal) Regulations 1992(**11**);

"pharmacist" means a registered pharmacist, other than a supplier of appliances only, whose name is included in the list of an FHSA under section 42 of the Act or who is employed by a person (including a body corporate) whose name is so included;

"pharmacy" means any premises where drugs are provided by a pharmacist pursuant to arrangements made under section 41 of the Act;

"preliminary consent" has the meaning given to it in regulation 14(1);

"prescription form" means a form provided by a health authority or by an FHSA, and issued by a doctor or dentist to enable a person to obtain pharmaceutical services;

"relevant service" means—

(a) whole-time service in the armed forces of the Crown in a national emergency, whether as a volunteer or otherwise;

(b) compulsory whole-time service in those forces, including service resulting from any reserve liability; or

(c) any equivalent service by a person liable for compulsory whole-time service in those forces;

"Scheduled drug" means a drug or other substance specified in Schedule 10 to the Medical Regulations or, except where the conditions in paragraph 44(2) of the doctors' terms of service are satisfied, Schedule 11 to those Regulations;

"terms of service" means the terms of service contained or referred to—

(a) in relation to chemists, in Parts I and II of Schedule 2,

(b) in relation to doctors who provide pharmaceutical services, in Parts I and III of Schedule 2.

(2) Except where expressly provided to the contrary, any document which is required or authorised to be given or sent to a person or body under these Regulations may be given or sent by delivering it to the person or, in the case of a body, to the secretary or general manager of that body, or by sending it in a pre-paid letter addressed to that person or, in the case of a body, to the secretary or general manager of that body at his usual or last known address.

(3) Unless the context otherwise requires—

(a) any reference in these Regulations—

(i) to a numbered regulation is a reference to the regulation bearing that number in these Regulations,

(ii) to a numbered Part or Schedule is a reference to the Part of, or the Schedule to, these Regulations bearing that number,

(iii) to a form thereby prescribed includes a form substantially the same;

(b) any reference in a regulation in, or in a Schedule to, these Regulations to a numbered paragraph is a reference to the paragraph bearing that number in that regulation or Schedule.

(**11**) S.I. 1992/664.

(4) Where, by virtue of directions given under section 13 of the Act, or by virtue of any arrangements made pursuant to Regulations made under the Act, a function of the Secretary of State is exercisable by some other person or body, a reference in these Regulations to the Secretary of State in relation to that function includes a reference to the person or body exercising that function on behalf of the Secretary of State(**12**).

Terms of service

3. The arrangements for the provision of pharmaceutical services which it is the duty of an FHSA, under sections 41 to 43 of the Act(**13**), to make and, under section 15(1) of the Act(**14**), to administer shall incorporate the terms of service.

(**12**) See S.I. 1992/660.

(**13**) Section 41 was amended by section 20(1) of, and by paragraph 53 of Schedule 1 and by Schedule 7 to the Health Services Act 1980 (c. 53) and by S.I. 1985/39, article 7(13); section 42 was substituted by section 3(1) of the National Health Service (Amendment) Act 1986 (c. 66) and amended by S.I. 1987/2202, article 4; section 43 was amended by S.I. 1987/39, article 7(15). Sections 41 and 43 were amended by paragraph 18 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19).

(**14**) Section 15(1) was amended by the Health Services Act 1980 (c. 53). Schedule 1, paragraphs 35 and 90, and by the Health and Social Security Act 1984 (c. 48), section 5(2) and Schedule 8, Part I.