
STATUTORY INSTRUMENTS

1992 No. 662

**The National Health Service
(Pharmaceutical Services) Regulations 1992**

PART IV

MISCELLANEOUS

Publication of particulars

22.—(1) An FHSA shall make available for inspection at its offices copies of—

- (a) its pharmaceutical lists;
- (b) the terms of service for chemists;
- (c) the terms of service for doctors who provide pharmaceutical services; and
- (d) the Drug Tariff;

and shall keep them up to date.

(2) The FHSA may—

- (a) make such documents available for inspection at such other places in its locality as appear to it convenient for informing all persons interested; or
- (b) publish at such places a notice of the places and times at which copies of such documents may be seen.

(3) The FHSA shall send a copy of its pharmaceutical list to the Secretary of State, the Local Medical Committee, the Local Dental Committee, and the Local Pharmaceutical Committee, and shall, within 14 days of any alteration in the pharmaceutical lists, so inform them in writing.

Exercise of choice of chemist in certain cases

23. An application to a chemist for pharmaceutical services may be made (other than by the chemist concerned)—

- (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; or
- (b) on behalf of any person under 18 years of age who is—
 - (i) in the care of an authority to whose care he has been committed under the provisions of the Children Act 1989(1), by a person duly authorised by that authority,
 - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them.
- (c) on behalf of any other person by any duly authorised person.

Claims and overpayments

24.—(1) Any claim for fees, allowances or other remuneration by chemists or doctors shall be made in accordance with the provisions of the Drug Tariff.

(2) Where it considers that a payment has been made to a chemist, or to a doctor who provides pharmaceutical services in circumstances when it was not due, the FHSA, except to the extent that the Secretary of State, on the application of the FHSA, directs otherwise, shall draw the overpayment to the attention of the chemist or the doctor, and—

- (a) where the overpayment is admitted by him; or
- (b) where the overpayment is not so admitted but, the matter having been referred under regulation 7(1) of the National Health Service (Service Committees and Tribunal) Regulations 1992⁽²⁾ for investigation, the FHSA, or the Secretary of State on appeal under regulation 10(1)(c) of those Regulations, decides that there has been an overpayment,

the amount overpaid shall be recoverable either by deduction from the remuneration of the doctor or chemist or in some other manner.

(3) Recovery of an overpayment under this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

Transitional provisions

25. Where, before 1st April 1992, an appeal has been made under—

- (a) regulation 29(4A) of the National Health Service (General Medical and Pharmaceutical Services) Regulations⁽³⁾ or
- (b) paragraph 4 of Schedule 4C to those Regulations, by an FHSA or by a Local Medical Committee or a Local Pharmaceutical Committee,

the provisions of those regulations shall, notwithstanding regulation 26, continue to apply on and after that date as respects that appeal.

Revocations

26. The Regulations specified in column (1) of Schedule 4 are revoked to the extent specified in column (3) of that Schedule.

(2) S.I. 1992/664.

(3) S.I. 1974/160, as amended by S.I. 1987/401, 1987/1425, 1989/1360, 1990/1757 and 1991/555.