
STATUTORY INSTRUMENTS

2002 No. 2861

**The National Health Service (Local
Pharmaceutical Services Etc.) Regulations 2002**

PART III

**FURTHER CONSEQUENTIAL AMENDMENTS
AND MISCELLANEOUS PROVISIONS**

Amendment of the National Health Service (Payment of Remuneration—Special Arrangement) Order 1988

28. In the National Health Service (Payment of Remuneration—Special Arrangement) Order 1988(1), in article 2 (functions conferred on District and Special Health Authorities), after “pharmaceutical services” insert “or local pharmaceutical services”.

Amendment of the Prescription Pricing Authority Constitution Order 1990

29. In the Prescription Pricing Authority Constitution Order 1990(2)—

- (a) in article 4 (functions of the Pricing Authority), in paragraph (2), after “pharmaceutical services” insert “or local pharmaceutical services.”; and
- (b) in article 5 (constitution of the Pricing Authority)—
 - (i) in paragraph (b), after “general medical services” insert “or personal medical services.”; and
 - (ii) in paragraph (c), after “pharmaceutical services” insert “or local pharmaceutical services.”.

Amendment of the National Health Service Trusts (Membership and Procedure) Regulations 1990

30. In the National Health Service Trusts (Membership and Procedure) Regulations 1990(3), in regulation 1(2) (interpretation), in the definition of “health service body”, at the end of paragraph (a) insert—

“or a PHS body as defined in section 33(6) of the Health and Social Care Act 2001;”.

Amendment of the National Health Service (General Medical Services) Regulations 1992

31.—(1) The National Health Service (General Medical Services) Regulations 1992(4) are amended as follows.

(1) S.I. 1988/865, as amended by S.I. 1996/971 and 2002/2469.
(2) S.I. 1990/1718; relevant amending instruments are S.I. 1996/971 and 2002/2469.
(3) S.I. 1990/2024. Relevant amending instruments are S.I. 1996/1755, 1998/646, 2000/2434, 2001/3786 and 2002/2469.
(4) S.I. 1992/635; relevant amending instruments are S.I. 1995/3093, 1996/702, 1997/730, 1997/2468, 1998/682, 1998/2838, 1999/326, 2001/2890 and 2002/2469.

- (2) In regulation 2 (interpretation), for the definition of “chemist” substitute—
- ““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; or
 - (c) a supplier of appliances,
who is included in the list of a Primary Care Trust or Health Authority under section 42 of the Act, or who provides local pharmaceutical services in accordance with LPS arrangements;”.
- (3) In regulation 36 (determination of question whether a substance is a drug, and recovery of cost), in paragraphs (1), (7)(b), (8) and (17), after “pharmaceutical services” insert “or local pharmaceutical services”.
- (4) In Schedule 2 (terms of service for doctors)—
- (a) in paragraph 1 (interpretation), in the definition of “prescription form”, after “pharmaceutical services” insert “or local pharmaceutical services”;
 - (b) in paragraph 44—
 - (i) in sub-paragraph (1), after “Schedule 10 to these Regulations” insert “(whether for supply as part of pharmaceutical services or local pharmaceutical services)”, and
 - (ii) in sub-paragraph (2), after “Schedule 11 to these Regulations” insert “(whether for supply as part of pharmaceutical services or local pharmaceutical services)”; and
 - (c) in paragraph 45(3), after “pharmaceutical services” insert “or local pharmaceutical services”.

Amendment of the National Health Service Litigation Authority Regulations 1995

- 32.** In the National Health Service Litigation Authority Regulations 1995(5), in regulation 1(2) (interpretation), in the definition of “health service body”, at the end insert—
“or a PHS body as defined in section 33(6) of the Health and Social Care Act 2001;”.

Amendment of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

- 33.** In the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(6)—
- (a) in regulation 1(2) (interpretation), in the definition of “health service body”, at the end of paragraph (a) insert—
“or a PHS body as defined in section 33(6) of the Health and Social Care Act 2001;”; and
 - (b) in regulation 5 (disqualification for appointment: chairman and non-officer members), in paragraph (1)—
 - (i) in sub-paragraph (g), after paragraph (i) insert—
“(ia) providing, or assisting in the provision of, local pharmaceutical services in accordance with LPS arrangements;”, and
 - (ii) in sub-paragraph (i), after “pilot scheme health service body” insert “or a PHS body as defined in section 33(6) of the Health and Social Care Act 2001”.

(5) S.I. 1995/2801; relevant amending instruments are S.I. 1998/646, 2000/696 and 2002/2469.

(6) S.I. 2000/89; relevant amending instruments are S.I. 2001/3787, 2002/557 and 2002/2469.

Amendment of the Commission for Health Improvement (Functions) Regulations 2000

34. In the Commission for Health Improvement (Functions) Regulations 2000(7), in regulation 1(4) (interpretation), in the definition of “service provider”, after sub-paragraph (b) insert—

“or

(c) provides local pharmaceutical services in accordance with a pilot scheme established under section 28 of the Health and Social Care Act 2001.”.

Amendment of the Health Service Medicines (Control of Prices of Specified Generic Medicines) Regulations 2000

35. In the Health Service Medicines (Control of Prices of Specified Generic Medicines) Regulations 2000(8), in regulation 2 (interpretation), in paragraph (1), in the definition of “supply”, after sub-paragraph (c) insert—

“or to enable that person to provide local pharmaceutical services (services of a kind which may be provided under section 41 of the National Health Service Act 1977 or by virtue of section 41A of that Act, except such services provided by a medical practitioner or dental practitioner to a patient of his pursuant to arrangements made by virtue of section 43(1) of that Act), provided under a pilot scheme established under section 28 of the Health and Social Care Act 2001.”.

Amendment of the Health Service Medicines (Information on the Prices of Specified Generic Medicines) Regulations 2001

36. In the Health Service Medicines (Information on the Prices of Specified Generic Medicines) Regulations 2001(9), in regulation 2 (interpretation), in paragraph (1), in the definition of “supply”, after sub-paragraph (c) insert—

“or to enable that person to provide local pharmaceutical services (services of a kind which may be provided under section 41 of the National Health Service Act 1977 or by virtue of section 41A of that Act, except such services provided by a medical practitioner or dental practitioner to a patient of his pursuant to arrangements made by virtue of section 43(1) of that Act), provided under a pilot scheme established under section 28 of the Health and Social Care Act 2001.”.

Amendment of the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) Regulations 2002

37. In the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) Regulations 2002(10), after regulation 7 (requests to Health Authorities for preparation of proposals), insert—

“Consultation on proposals

7A. Where, pursuant to directions given by the Secretary of State under paragraph 2(4) of Schedule 2 to the Act, a Local Pharmaceutical Committee is, prior to submission of proposals for a pilot scheme, consulted by the Primary Care Trust for whose area the Committee was formed, it shall be a function of the Committee to—

(a) consider the effect of the proposals on the provision of pharmaceutical services in that area; and

(7) S.I. 2000/662, amended by S.I. 2002/2469.

(8) S.I. 2000/1763.

(9) S.I. 2001/3798.

(10) S.I. 2002/888, amended by S.I. 2002/2469.

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- (b) in the light of the conclusions which the Committee reaches as a result of that consideration, give advice to the Primary Care Trust about that effect.”.