
WELSH STATUTORY INSTRUMENTS

2005 No. 1013

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2005

Amendment of Regulation 2 of the principal Regulations

2.—(1) Regulation 2(1) of the principal Regulations is amended in accordance with the following provisions of this regulation.

(2) For the definition of “supplementary prescriber” substitute—

““supplementary prescriber” means a person—

(a) whose name is registered in—

- (i) the Nursing and Midwifery Register,
- (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of (the registers and registration) of the Pharmacy Act 1954(1), or
- (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(2), or
- (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(3) relating to —
 - (aa) chiropodists and podiatrists,
 - (bb) physiotherapists,
- (v) radiographers: diagnostic or therapeutic; and

(b) against whose name is recorded in the relevant register an annotation signifying that he is qualified to order drugs and appliances as a supplementary prescriber;”.

(3) For the definition of “terms of service” substitute—

““terms of service” means the terms of service contained in or referred to—

- (a) in relation to chemists, in Parts 1 to 5 of Schedule 2,
- (b) in relation to doctors who provide pharmaceutical services, in Parts 1 and 6 of Schedule 2.”.

(4) In the appropriate places in the alphabetical order, insert the following definitions—

““essential services” has the meaning given in paragraph 3 of Schedule 2;

“NHS services” means services provided as part of the health service continued under section 1(1) of the Act;

“suspended” means—

(1) c.61

(2) SI 1976/1213 (NI 22)

(3) The register is maintained by the Health Professions Council in accordance with Article 6 of the Health Professions Order 2002 (SI 2002/254)

- (a) suspended by a Primary Care Trust or equivalent body under sections 49I (suspension)(4) or 49J(suspension pending appeal) of the Act, regulations made under section 28DA (5)(lists of persons who may perform personal medical services or personal dental services) or 43D (6)supplementary lists) of the Act, or under section 8ZA (list of persons who may perform personal medical services or personal dental services) of the 1997 Act; or
- (b) in relation to Scotland or Northern Ireland, suspended under provisions in force corresponding to those in or made under sections 28DA, 43D, 49I or 49J of the Act or under section 8ZA(7) of the 1997 Act,

and shall be treated as including a case where a person is treated as suspended by a Local Health Board, or prior to 1 April 2003, a Health Authority by virtue of regulation 6(2) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2002(8), or, in England by a Primary Care Trust or, prior to 1 October 2002, by a Health Authority by virtue of regulation 6(2) of the Abolition of the National Health Service Tribunal (Consequential Provision) Regulations 2001(9), and “suspends” and “suspension” shall be construed accordingly;”.

- (5) Omit the following definition—
““repeat dispensing chemist””.

(4) Sections 49I and 49J of the National Health Service Act 1977 (c. 49) (“the Act”) were inserted by the Health and Social Care Act 2001 (c. 15) (“the 2001 Act”), section 25; and amended by the National Health Service Reform and Healthcare Professions Act 2002 (c. 17) (“the 2002 Act”), section 2(5) and Schedule 2. Section 49I was also amended by the 2003 Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”), section 196 and Schedule 14.

(5) Section 28DA was inserted into the Act by the National Health Service (Primary Care) Act 1997, section 21(1); and was amended by the 2002 Act, section 42 and Schedule 3; and by the 2003 Act, section 184 and Schedule 11.

(6) Section 43D was inserted by section 24 of the 2001 Act; was amended by section 2(5) of and Schedule 2 to the 2002 Act and by section 196 of and Schedule 14 to the 2003 Act.

(7) Inserted by the 2001 Act, section 26(2), repealed in relation to personal medical services by the 2003 Act, sections 178, 196 and Schedule 14.

(8) [SI 2002/1920](#)

(9) [SI 2001/3744](#)