STATUTORY INSTRUMENTS

1985 No. 803

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 3) Regulations 1985

Made - - - -	23*rd May* 1985
Laid before Parliament	23*rd May* 1985
Coming into Operation	1*st June* 1985

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 29, 41, 42 and 43 of the National Health Service Act 1977 (**a**) and section 103(3) of the Medicines Act 1968 (**b**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 3) Regulations 1985 and shall come into operation on 1st June 1985.

(2) In these regulations "the principal regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 (**c**).

Amendment to principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation), in paragraph (1) after the definitions of "appliance" and "medical officer" respectively there shall be inserted the following definitions:—

"appropriate non-proprietary name" means a non-proprietary name which is not mentioned in Schedule 3A or, except where the conditions in paragraph 36A(2) of the terms of service for doctors are satisfied, in Schedule 3B to the regulations;";

"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 (**d**)), as in force at the time of the supply of the drug, of the European Pharmacopoeia, the British Pharmacopoeia, the British Phar-

(a) 1977 c.49; section 29 was amended by the Health Services Act 1980 (c.53) ("the 1980 Act"), sections 1, 2 and 7 and Schedule 1, paragraphs 42 and 93 and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 14 and Schedule 6; section 41 was amended by the 1980 Act, sections 1, 2 and 20(1) and Schedule 1, paragraphs 53 and 95; section 42 was amended by the 1980 Act, sections 1 and 21(1) and Schedule 1, paragraph 54; and sections 29, 41 and 42 were modified by S.I. 1985/39.
(b) 1968 c.67.
(c) S.I. 1974/160; the relevant amending instruments are S.I. 1976/690 and 1985/290, 540.
(d) 1968 c.67.

maceutical Codex or the Dental Practitioners' 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 the said section 103(5)) 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;".

(3) In Schedule 1 (terms of service for doctors), in paragraph 38 (doctors authorised or required to supply drugs and appliances)(**a**), in paragraph *(b)*(i)—

(a) for the words "by a non-proprietary name" there shall be substituted the words "which has an appropriate non-proprietary name either by that name or by its formula";

(b) after the words "it is a Scheduled drug" there shall be inserted the words "(but, in the case of a drug which combines more than one drug, only if the combination has an appropriate non-proprietary name)".

(4) In Schedule 3A (drugs and other substances not to be prescribed for supply under pharmaceutical services)(**b**) —

(a) for the entries "Expulin Paediatric Decongestant" and "Vitamin C Tablets Effervescent 1 gramme (Boots)" there shall be substituted respectively the entries "Expurhin Paediatric Decongestant" and "Vitamin C Tablets Effervescent 1 gramme";

(b) the entry "Biotin Tablets 50 microgram" shall be omitted;

(c) the following entries shall be inserted at the appropriate point in the alphabetical order:—

Acetylcysteine Granules

Carbocisteine Capsules

Dextropropoxyphene and Paracetamol Soluble Tablets

Dextropropoxyphene and Paracetamol Dispersible Tablets

Panadeine Co. Tablets

Paracetamol Dispersible Tablets

Paracetamol Soluble Tablets.

(5) In Schedule 4 (terms of service for chemists), in paragraph 2 (provision of pharmaceutical services), for sub-paragraph (2)(**c**) there shall be substituted the following sub-paragraphs:—

"(2) A chemist shall provide pharmaceutical services only in response to and, subject to paragraphs (1A) and (1B)(**d**), in accordance with an order on a prescription form signed as specified in sub-paragraph (1), except that in a case of urgency where a doctor personally known to a registered pharmaceutical chemist requests him to dispense a drug, the chemist may supply that drug before receiving such a prescription form, only if—

(a) that drug is not a Scheduled drug; and

(**a**) *See* S.I. 1985/290, regulation 2(4)*(f)*.
(**b**) *See* S.I. 1985/290, regulation 2(5).
(**c**) *See* S.I. 1985/290, regulation 2(6)*(b)*(ii).
(**d**) *See* S.I. 1976/690, regulation 2.

(b) that drug is not a controlled drug within the meaning of the Misuse of Drugs Act 1971 (a), other than a drug which is for the time being specified in Schedule 1 to the Misuse of Drugs Regulations 1973 (b) ; and

(c) the doctor undertakes to furnish the chemist, within 72 hours, with such a prescription form.

(2A) Except as provided in paragraph (2B), a chemist shall not supply a Scheduled drug, by way of pharmaceutical services or otherwise, in response to an order by name, formula or other description on a prescription form.

(2B) Where a drug has an appropriate non-proprietary name and it is ordered on a prescription form either by that name or by its formula a chemist may supply a drug which has the same specification notwithstanding that it is a Scheduled drug.

(2C) Where a drug which is ordered as specified in paragraph (2B) combines more than one drug, that paragraph shall apply only if the combination has an appropriate non-proprietary name, whether the individual drugs which it combines do so or not.".

Revocation of amending regulations

3. Regulation 2(6)*(b)*(ii) of the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1985 (c) (which substituted a new paragraph 2(2) in Schedule 4 to the principal regulations) is hereby revoked.

Signed by authority of the Secretary of State for Social Services.

K. Clarke,
Minister of State,
Department of Health and Social Security.

23rd May 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 so as to restate and clarify the circumstances in which a drug which is specified in Schedule 3A or 3B to those regulations, as inserted by the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1985, can or cannot be supplied as part of general pharmaceutical services under the National Health Service Act 1977. Some additions are made to that Schedule 3A in consequence; errors in that Schedule have also been corrected.

(a) 1971 c.38. (b) S.I. 1973/797. (c) S.I. 1985/290.

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