
STATUTORY INSTRUMENTS

2002 No. 2861

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

PART II

**MODIFICATION OF THE NATIONAL HEALTH
SERVICE ACT 1977 AND OTHER ENACTMENTS**

Duty of Primary Care Trust in relation to local pharmaceutical services

16. In section 15(1) of the Act (duty of Primary Care Trust and Health Authority in relation to family health services), after subsection (1ZB) insert—

“(1ZC) It is the duty of each Primary Care Trust—

- (a) in making LPS arrangements to establish and operate, in accordance with directions given by the Secretary of State under section 17(2) by virtue of section 36(2) of the Health and Social Care Act 2001, procedures for dealing with complaints about the provision of local pharmaceutical services in accordance with those arrangements, and
- (b) in accordance with regulations, to perform such other functions in relation to those arrangements as may be prescribed.

(1ZD) Regulations under subsection (1ZC)(b) may, in particular, prescribe functions in relation to training.”.

Supply of goods and services by the Secretary of State

17. In section 26(3) of the Act (supply of goods and services by Secretary of State)—

(a) in subsection (2), after paragraph (b) insert—

“or

- (c) providing, in accordance with LPS arrangements, local pharmaceutical services or other services of a kind that may be provided under this Part,”; and

(b) in subsection (4)—

- (i) at the end of paragraph (aa), repeal “and”, and
- (ii) after paragraph (aa) insert—

(1) Section 15 was amended by the Health and Social Security Act 1984 (c. 48), sections 5(2) and 24; the 1990 Act, section 12(1)(b); the 1995 Act, Schedule 1, paragraph 6; the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 4; the 1999 Act, section 65 and Schedule 4, paragraphs 4 and 8; and the 2002 Act, Schedule 2, paragraph 2 and Schedule 3, paragraph 11.

(2) Section 17 was substituted by the 1999 Act, section 12(1), and amended by the 2002 Act, Schedule 1, paragraph 7.

(3) Relevant amendments to section 26 were made by the 1980 Act, section 3(1); the 1995 Act, section 2 and Schedule 1, paragraph 14; the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 5; the 1999 Act, section 65 and Schedule 4, paragraphs 4 and 11; and the 2002 Act, Schedule 1, paragraph 12.

“(ab) persons providing, in accordance with LPS arrangements, local pharmaceutical services or other services of a kind that may be provided under this Part, and”.

Use of accommodation

18. In section 28I(4) of the Act (use of accommodation), for the words from “the provision” to “he may”, substitute—

- “(a) the provision of personal medical services or personal dental services in accordance with section 28C arrangements, or
- (b) the provision of local pharmaceutical services in accordance with LPS arrangements, he may”.

Recognition of Local Pharmaceutical Committees

19. In section 44(5) of the Act (recognition of local representative committees)—

- (a) in subsection (B2), for paragraph (b) substitute—
 - “(b) of—
 - (i) the persons providing pharmaceutical services from premises in the Primary Care Trust’s area, or
 - (ii) the persons mentioned in sub-paragraph (i) above and the persons providing local pharmaceutical services in the Primary Care Trust’s area.”; and
- (b) in subsection (3), after paragraph (d) insert—
 - “(e) is a person providing local pharmaceutical services in the area of a Primary Care Trust if he provides such services in accordance with LPS arrangements made by the Primary Care Trust (whether with himself or another).”.

Functions of Local Pharmaceutical Committees

20. In section 45(6) of the Act (functions of local representative committees)—

- (a) in subsection (1ZA), after paragraph (a) insert—
 - “or
 - (aa) Primary Care Trusts, in the exercise of any of their functions which relate to LPS arrangements, to consult committees recognised by them under section 44(B2)(b)(ii) above, or”;
- (b) in subsection (1C)—
 - (i) for “or (B1)(b) or (c)”, substitute “, (B1)(b) or (c) or (B2)(b)(ii)”, and
 - (ii) after paragraph (d) insert—
 - “(e) in the case of a committee recognised under subsection (B2)(b)(ii) of that section, to the persons providing local pharmaceutical services in the Primary Care Trust’s area.”; and

(4) Section 281 was inserted by the 1997 Act, section 41(10), Schedule 2, paragraphs 3 and 7.

(5) In section 44, subsection (B2) was inserted by the 2002 Act, section 5(4); subsection (3) was inserted by the 1999 Act, section 11(1) and (4), and amended by the 2001 Act, Schedule 5, paragraph 5(7), and the 2002 Act, section 5(6).

(6) In section 45, subsection (1ZA) was inserted by the 2002 Act, section 5(9); subsection (1C) was inserted by the 1999 Act, section 11(6), and amended by the 2002 Act, section 5(11); subsection (4) was inserted by the 1999 Act, section 11(8).

- (c) in subsection (4), for “or section 28C dental practitioners,”, substitute “, section 28C dental practitioners or persons providing local pharmaceutical services,”.

Default powers

21. In section 85(1)(7) of the Act, references to functions conferred or imposed by or under the Act are to be construed as including references to functions conferred or imposed by or under the 2001 Act in relation to pilot schemes established under section 28 of that Act; and references to regulations and directions are accordingly to be construed as including regulations or directions under the 2001 Act.

Emergency powers

22. In section 86(8) of the Act, the reference to a function conferred by virtue of the Act is to be construed as including a reference to a function conferred by virtue of the 2001 Act in relation to pilot schemes established under section 28 of that Act.

Special arrangement as to payment of remuneration

23. In section 103(9) of the Act (special arrangement as to payment of remuneration), in subsection (1)(a), after “section 28C arrangements” insert “or LPS arrangements”.

Insertion of definitions of “local pharmaceutical services” and “LPS arrangements”

24. In section 128(1) of the Act (interpretation and construction), after the definition of “local education authority”, insert—

““local pharmaceutical services” means such services of a kind which may be provided under section 41 or by virtue of section 41A(10) (except the provision of drugs, medicines or listed appliances by a medical practitioner or dental practitioner to a patient of his pursuant to arrangements made by virtue of section 43(1)) as are prescribed by regulations under section 28 of the Health and Social Care Act 2001(11);

“LPS arrangements” means arrangements made under a pilot scheme established under section 28 of the Health and Social Care Act 2001;”.

Charges for the supply of drugs to treat venereal disease

25. In Schedule 12(12) to the Act (additional provisions as to regulations for the making and recovery of charges), in paragraph 1(1)(b), after “section 28C arrangements” insert “or LPS arrangements”.

Health Service Commissioner for England

26. In the Health Service Commissioners Act 1993(13), in section 2A(14), in subsection (1)—

(7) Section 85 was amended by the 1990 Act, section 66(1) and Schedule 9, paragraph 18(7); the 1995 Act, section 2(1) and Schedule 1, paragraph 41; the 1999 Act, section 65(1) and Schedule 4, paragraphs 4 and 25; S.I. 1999/2795, article 2; the 2001 Act, Schedule 5, paragraph 5(9); and the 2002 Act, Schedule 1, paragraph 23; and modified by the 1997 Act, Schedule 2, paragraph 20.

(8) Section 86 was amended by the 1990 Act, section 66(1) and Schedule 9, paragraph 18(8); and the 1999 Act, section 65 and Schedule 4, paragraphs 4 and 26; and modified by the 1997 Act, Schedule 2, paragraph 21.

(9) Section 103(1) was amended by the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 25.

(10) Section 41A was inserted by the 1997 Act, section 27(1), and amended by the 2002 Act, Schedule 2, paragraph 14.

(11) See regulation 2 of S.I. 2002/888.

(12) Schedule 12, paragraph 1(1)(b) was amended by the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 31.

(13) c. 46.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) at the end of paragraph (b), repeal “or”; and
- (b) after paragraph (c) insert—

“or

- (d) individuals providing in England local pharmaceutical services in accordance with arrangements made under a pilot scheme established under section 28 of the Health and Social Care Act 2001 (except as employees of, or otherwise on behalf of, a health service body or an independent provider).”

Commission for Health Improvement

27. In the Health Act 1999⁽¹⁵⁾, in section 20⁽¹⁶⁾ (functions of the Commission for Health Improvement), in subsection (7), in the definition of “service provider”, after paragraph (b) insert—

“or

- (c) in accordance with arrangements under section 28 of the Health and Social Care Act 2001,”.

⁽¹⁴⁾ Section 2A was inserted by the Health Service Commissioners (Amendment) Act 1996 (c. 5), section 1; and amended by the 1997 Act, section 41(10) and Schedule 2, paragraph 68, and the Health Service Commissioners (Amendment) Act 2000 (c. 28), section 1.

⁽¹⁵⁾ c. 8.

⁽¹⁶⁾ Section 20 was amended by the 2002 Act, Schedule 1, paragraph 49.