
STATUTORY INSTRUMENTS

2005 No. 641

The National Health Service
(Pharmaceutical Services) Regulations 2005

PART 6

Miscellaneous

Publication of particulars

70.—(1) A Primary Care Trust shall make available for inspection at its offices copies of—

- (a) its pharmaceutical lists;
- (b) the terms of service for pharmacists;
- (c) the terms of service for doctors who provide pharmaceutical services;
- (d) the terms of service for suppliers of appliances;
- (e) the Drug Tariff;
- (f) determinations made by the Primary Care Trust by virtue of regulation 56(2);
- (g) its dispensing doctor list; and
- (h) its ETP list,

and shall keep them up to date.

(2) The Primary Care Trust 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 Primary Care Trust shall send a copy of its pharmaceutical list and of its dispensing doctor list to the Local Medical Committee, the Local Dental Committee and the Local Pharmaceutical Committee, and shall, within 14 days of any alteration in either of those lists, so inform them in writing.

List of chemists providing an ETP service

71.—(1) A Primary Care Trust shall prepare, maintain and publish a list (to be called the ETP list) of all chemists in its area who participate in the ETP service.

(2) The list referred to in paragraph (1) shall include—

- (a) the name of the chemist; and
- (b) the address of the premises at which the ETP service is provided.

Exercise of choice of chemist in certain cases

72. 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;
- (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, or
 - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them;
- (c) on behalf of any adult who is incapable of making such an application or authorising such an application to be made on their behalf, by a relative or the primary carer of that person; or
- (d) on behalf of any other person by any duly authorised person.

Transitional provisions

73.—(1) Any application under the 1992 Regulations for inclusion in the pharmaceutical list or outline consent that has been received by a Primary Care Trust on or before 31st March 2005 shall be determined in accordance with the provisions of the 1992 Regulations until that application is finally determined.

(2) Any appeal under the 1992 Regulations that is—

- (a) received by the Secretary of State on or before 31st March 2005; or
- (b) made after the coming into force of these Regulations in respect of an application determined in accordance with paragraph (1),

shall be determined in accordance with the provisions of the 1992 Regulations.

(3) Any application granted under the 1992 Regulations (whether or not pursuant to paragraph (1) or (2)) shall be treated as granted under these Regulations for the purposes of regulation 39 unless notice was given under regulation 4(9) of the 1992 Regulations before the coming into force of these Regulations in which case regulation 4(9) and (11) of the 1992 Regulations shall continue to apply.

(4) Where by virtue of paragraph (3) regulation 39 applies, regulation 39 shall be read as if any reference to—

- (a) regulation 5(1)(a) were a reference to regulation 4(2)(a) of the 1992 Regulations;
- (b) regulation 5(1)(b) were a reference to regulation 4(2)(b) of the 1992 Regulations;
- (c) regulation 22(3) were a reference to regulation 12 of the 1992 Regulations;
- (d) regulation 27(1) were a reference to regulation 11(1) of the 1992 Regulations;
- (e) regulations 33 to 36 were a reference to regulation 12 of the 1992 Regulations;
- (f) regulation 37(1) were a reference to regulation 12(11) of the 1992 Regulations; and
- (g) regulation 38 were a reference to regulation 13 of the 1992 Regulations.

(5) Where preliminary consent was granted under regulation 14 of the 1992 Regulations (whether or not pursuant to paragraph (1) or (2)) and no application has been made under regulation 15 of the 1992 Regulations on the date of the coming into force of these Regulations, regulation 41 shall apply as if the preliminary consent had been granted under regulation 40.

(1) 1989 c. 41.

(6) Where, pursuant to paragraph (1), an application for outline consent falls to be determined under the 1992 Regulations, the Primary Care Trust shall determine at the same time whether or not to grant premises approval in respect of relevant premises within the meaning of regulation 67(2), and any appeal relating to the Primary Care Trust's determination under this paragraph shall be dealt with as if it were a refusal of outline consent.

Transitional arrangements in respect of terms of service

74.—(1) A pharmacist who is providing pharmaceutical services on 31st March 2005 by virtue of a particular entry on a pharmaceutical list (or who is included in a pharmaceutical list subsequent to that date by virtue of regulation 73), when providing pharmaceutical services pursuant to that entry, need not comply with the terms of service set out in Schedule 1, apart from—

- (a) paragraph 11(1), Part 3 and paragraphs 29 to 31 of that Schedule, until 1st October 2005, provided that until that date he complies with the terms of service set out in Parts I and II of Schedule 2 to the 1992 Regulations, apart from paragraph 4 of that Schedule; and
- (b) if he provides an ETP service, the requirements of that Schedule in respect of electronic prescriptions and otherwise in connection with the ETP service.

(2) A supplier of appliances who is providing pharmaceutical services on 31st March 2005 by virtue of a particular entry on a pharmaceutical list (or who is included in a pharmaceutical list subsequent to that date by virtue of regulation 73), when providing pharmaceutical services pursuant to that entry, need not comply with the terms of service set out in Schedule 3, apart from—

- (a) paragraphs 9(1), 10 to 13 and 16 to 18 of that Schedule, until 1st October 2005, provided that until that date he complies with the terms of service set out in Parts I and II of Schedule 2 to the 1992 Regulations, apart from paragraph 4 of that Schedule; and
- (b) if he provides an ETP service, the requirements of that Schedule in respect of electronic prescriptions and otherwise in connection with an ETP service.

(3) Where, before this article comes into force or by virtue of this article, a complaint is being investigated under a complaints procedure mentioned in paragraph 10A or 10B of Schedule 2 to the 1992 Regulations, a pharmacist or supplier of appliances shall—

- (a) in the case of a complaint being investigated under a complaints procedure mentioned in the said paragraph 10A, dispose of the matter in accordance with that paragraph; and
- (b) in the case of a complaint being investigated under a complaints procedure mentioned in the said paragraph 10B, co-operate with the investigation in the manner set out in that paragraph.

(4) Where, before this article comes into force, a chemist is the subject of proceedings under paragraph 4 of Schedule 2 to the 1992 Regulations in respect of issuing of a direction as to the days on which or hours at which he is to provide pharmaceutical services—

- (a) those proceedings shall be disposed of in accordance with paragraph 4 of Schedule 2 to the 1992 Regulations; and
- (b) any direction issued as a result of those proceedings is a direction issued under paragraph 4 of Schedule 2 to the 1992 Regulations for the purposes of these Regulations.

(5) A dispensing doctor who is providing pharmaceutical services on 31st March 2005 by virtue of a particular entry on a dispensing doctor list (or who is included in a dispensing doctor list subsequent to that date by virtue of regulation 73), when he provides pharmaceutical services pursuant to that entry, need not comply with the terms of service set out in Schedule 2 until 1st October 2005, provided that—

- (a) until that date he complies with the terms of service set out in Parts I and III of Schedule 2 to the 1992 Regulations; and

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- (b) if he provides an ETP service, he complies with the requirements of Schedule 2 in respect of electronic prescriptions and otherwise in connection with an ETP service.

Minor and consequential amendments and revocations

- 75.—(1) The enactments listed in Schedule 5 are amended as there specified.
- (2) The enactments listed in Schedule 6 are revoked to the extent there specified.