

SCHEDULE 3

Amendments to secondary legislation

PART 1

Amendment of the Pharmaceutical Services Regulations

Amendment of the Pharmaceutical Services Regulations

1. The Pharmaceutical Services Regulations are amended in accordance with this Part.

Amendment of regulation 2

2. In regulation 2(1) (interpretation), in paragraph (1)—
 - (a) in the definition of “batch issue” for from “set out” to “June 2004,” substitute “required by the NHS Business Services Authority,”;
 - (b) after the definition of “equivalent lists”, insert the following definition—

““ESP pilot scheme” means an Essential Small Pharmacies Local Pharmaceutical Services pilot scheme;”;
 - (c) for the definition of “local pharmaceutical services”, substitute the following definition—

““local pharmaceutical services” means local pharmaceutical services under—

 - (a) an LPS scheme established under paragraph 1(1) of Schedule 8A to the Act; or
 - (b) an ESP pilot scheme;”;
 - (d) in the definition of “LPS chemist”, after “a pharmacy pilot scheme”, insert “or an LPS scheme”;
 - (e) after the definition of “LPS chemist”, insert the following definition—

““LPS scheme” has the same meaning as in paragraph 1(2) of Schedule 8A of the Act;”;
 - (f) in the definition of “National Health Service Counter Fraud and Security Management Service”, after “in the National Health Service” add “, which was replaced on 1st April 2006 by the NHS Business Services Authority”;
 - (g) after the definition of “National Health Service Counter Fraud and Security Management Service” insert the following definition—

““NHS Business Services Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(2);”;
 - (h) in the definition of “pharmacy”, at the end of paragraph (a) omit “or” and after paragraph (b)(ii) add—

“; or

 - (c) in accordance with an LPS scheme.”;
 - (i) in the definition of “repeatable prescription” for from “set out” to “June 2004,” substitute “required by the NHS Business Services Authority,”; and

(1) Amended by S.I. 2005/1051 and 3315.

(2) S.I. 2005/2414.

Status: This is the original version (as it was originally made).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

- (j) in the definition of “supplementary prescriber”—
 - (i) substitute a comma for “. or” at the end of paragraph (a)(iii),
 - (ii) substitute “, or” for “; and” at the end of paragraph (a)(iv)(cc), and
 - (iii) in paragraph (a), after sub-paragraph (iv) add the following sub-paragraph—
 - “(v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989⁽³⁾; and”.

Amendment of regulation 5

3. In regulation 5 (applications in respect of pharmaceutical lists), in paragraph (3)(a) omit “or” and after sub-paragraph (a) insert the following sub-paragraph—

- “(aa) pursuant to a determination made by the Secretary of State under regulation 15 of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006; or”.

Amendment of regulation 10

4. In regulation 10⁽⁴⁾ (right to return)—

- (a) for paragraph (1), substitute the following paragraph—

“(1) Subject to regulation 69A, this regulation applies if the Secretary of State makes a determination—

- (a) under regulation 4 of the National Health Service (Local Pharmaceutical Services) (No. 2) Regulations 2002; or
- (b) under regulation 15 of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006,

that a person is to be given the right of return to a Primary Care Trust’s pharmaceutical list on making an application for his name to be included in that list after ceasing to provide local pharmaceutical services, subject to the conditions referred to in paragraph (2) being satisfied.”; and

- (b) in paragraph (3), after “a pharmacy pilot scheme” insert “or an LPS scheme”.

Amendment of regulation 12

5. In regulation 12⁽⁵⁾ (necessary or desirable test), in paragraph (2)(a)(ii), after “a pharmacy pilot scheme” insert “or an LPS scheme”.

Amendment of Regulation 19

6. In regulation 19 (refusal: fitness to practise grounds), after “Security Management Service” insert “or the NHS Business Services Authority”.

Amendment of regulation 20

7. In regulation 20 (imposition of conditions), in paragraph (3), after “a pharmacy pilot scheme” insert “or an LPS scheme”.

⁽³⁾ 1989 c. 44.

⁽⁴⁾ As amended by S.I. 2005/1015.

⁽⁵⁾ As amended by S.I. 2005/1015.

Amendment of regulation 24

8. In regulation 24 (determination of applications)—
- (a) in paragraph (2)(b), for “National Health Service Counter Fraud and Security Management Service” substitute “NHS Business Services Authority”; and
 - (b) in paragraph (6), in sub-paragraph (f) omit “or” and after sub-paragraph (g) insert—
 - “; or
 - (h) who is a party (other than a Primary Care Trust) to an LPS scheme, or an officer or an employee of such a person who provides or assists in providing local pharmaceutical services under an LPS scheme,”.

Amendment of regulation 25

9. In regulation 25 (deferral of applications), at the end of paragraph (5) insert “or under regulation 4 of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006”.

Amendment of regulation 26

10. In regulation 26 (deferral of consideration of applications on fitness to practise grounds), in paragraph (1)(h) and (i), for “National Health Service Counter Fraud and Security Management Service” substitute “NHS Business Services Authority”.

Amendment of regulation 28

11. In regulation 28 (notifications by Primary Care Trusts to other persons), in paragraph (2)(i), for “National Health Service Counter Fraud and Security Management Service” substitute “NHS Business Services Authority”.

Amendment of regulation 36

12. In regulation 36 (determination of applications in respect of controlled localities)—
- (a) in paragraph (3)(b), for “National Health Service Counter Fraud and Security Management Service” substitute “NHS Business Services Authority”; and
 - (b) in paragraph (8), in sub-paragraph (f) omit “or” and after sub-paragraph (g) insert—
 - “; or
 - (h) who is a party (other than a Primary Care Trust) to an LPS scheme, or an officer or an employee of such a person who assists in providing local pharmaceutical services under an LPS scheme,”.

Amendment of regulation 38

13. In regulation 38 (appeals in connection with determinations of controlled localities), in paragraph (3)(a)(iii), after “a pharmacy pilot scheme” insert “or an LPS scheme”.

Amendment of regulation 45

14. In regulation 45 (removal from pharmaceutical lists), in paragraph (3), after “a pharmacy pilot scheme” insert “or an LPS scheme”.

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

Amendment of regulation 54

15. In regulation 54 (temporary provision of services during a period of suspension), in paragraph (7)(b), after “Security Management Service” insert “or the NHS Business Services Authority”.

Amendment of Schedule 1

16. In Schedule 1 (terms of service of pharmacists), in paragraph 30 (duty to provide information about fitness to practise matters as they arise), in paragraphs (1)(k) and (2)(f), for “National Health Service Counter Fraud and Security Management Service” substitute “NHS Business Services Authority”.

Amendment of Schedule 3

17. In Schedule 3 (terms of service of suppliers of appliances), in paragraph 17 (duty to provide information about fitness to practise matters as they arise), in paragraphs (1)(k) and (2)(f), for “National Health Service Counter Fraud and Security Management Service” substitute “NHS Business Services Authority”.

Amendment of Schedule 4

18. In paragraph 4 of Part 3 of Schedule 4 (which relates to the information to be provided by applicants for inclusion, or temporary inclusion, in a pharmaceutical list), after “Security Management Service” insert “or the NHS Business Services Authority”.