

2008 No. 1514

NATIONAL HEALTH SERVICE, ENGLAND

**The Local Involvement Networks (Miscellaneous Amendments)
Regulations 2008**

<i>Made</i> - - - -	<i>11th June 2008</i>
<i>Laid before Parliament</i>	<i>16th June 2008</i>
<i>Coming into force</i> - -	<i>14th July 2008</i>

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 89(1) and (2), 94(1), 104(1) and (2), 109(1), 121(1) and (2), 126(1) and (2) and 272(7) and (8) of, and paragraph 3 of Schedule 12 to the National Health Service Act 2006(a).

Citation, application and commencement

1.—(1) These Regulations may be cited as the Local Involvement Networks (Miscellaneous Amendments) Regulations 2008.

(2) These Regulations apply in relation to England.

(3) These Regulations shall come into force on 14th July 2008.

Amendment of the National Health Service (General Ophthalmic Services) Regulations 1986

2. In the National Health Service (General Ophthalmic Services) Regulations 1986(b), in Schedule 1 (terms of service), at the end of paragraph 2 add—

“(f) regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008(c) in so far as it applies to the contractor.”.

Amendment of the National Health Service (General Medical Services Contracts) Regulations 2004

3. In the National Health Service (General Medical Services Contracts) Regulations 2004(d), in Schedule 6 (other contractual terms), in Part 5 (records, information, notifications and rights of entry), after paragraph 91 (entry and inspection by the Commission for Healthcare Audit and Inspection) insert—

(a) 2006 c.41.

(b) S.I. 1986/975; the relevant amending instruments are S.I. 2003/2863 and 2008/528.

(c) S.I. 2008/915.

(d) S.I. 2004/291; the relevant amending instrument is S.I. 2008/528.

“Entry and viewing by local involvement network representatives

91A. The contractor must comply with regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the contractor.”.

Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2004

4. In the National Health Service (Personal Medical Services Agreements) Regulations 2004(a), in Schedule 5 (other contractual terms), in Part 5 (records, information, notifications and rights of entry), after paragraph 85 (entry and inspection by the Commission for Healthcare Audit and Inspection) insert—

“Entry and viewing by local involvement network representatives

85A. The contractor (other than a Primary Care Trust) must comply with regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the contractor.”.

Amendment of the National Health Service (Pharmaceutical Services) Regulations 2005

5.—(1) The National Health Service (Pharmaceutical Services) Regulations 2005(b) are amended as follows.

(2) In Schedule 1 (terms of service of pharmacists), at the end of paragraph 1 (incorporation of provisions) add—

“(e) regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the pharmacist.”.

(3) In Schedule 2 (terms of service of dispensing doctors), at the end of paragraph 1 (incorporation of provisions) add—

“(e) regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the dispensing doctor.”.

(4) In Schedule 3 (terms of service of suppliers of appliances), at the end of paragraph 1 (incorporation of provisions) add—

“(e) regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the supplier of appliances.”

Amendment of the National Health Service (General Dental Services Contracts) Regulations 2005

6. In the National Health Service (General Dental Services Contracts) Regulations 2005(c), in Schedule 3 (other contractual terms), in Part 5 (records, information, notifications and rights of entry), after paragraph 46 (entry and inspection by the Commission for Healthcare Audit and Inspection) insert—

“Entry and viewing by local involvement network representatives

46A. The contractor must comply with regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the contractor.”.

(a) S.I. 2004/627; the relevant amending instrument is S.I. 2008/528.

(b) S.I. 2005/64; the relevant amending instrument is S.I. 2008/528.

(c) S.I. 2005/3361; the relevant amending instrument is S.I. 2008/528.

Amendment of the National Health Service (Personal Dental Services Agreements) Regulations 2005

7. In the National Health Service (Personal Dental Services Agreements) Regulations 2005(a), in Schedule 3 (other contractual terms), Part 5 (records, information, notifications and rights of entry), after paragraph 46 (entry and inspection by the Commission for Healthcare Audit and Inspection) insert—

“Entry and viewing by local involvement network representatives

46A. The contractor must comply with regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the contractor.”.

Amendment of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006

8. In the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(b), in Schedule 2 (contract terms), in paragraph 1 (general provisions), at the end of sub-paragraph (1) add—

“(c) regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 in so far as it applies to the contractor.”.

Signed on behalf of the Secretary of State for Health.

11th June 2008

Ann Keen
Parliamentary Under-Secretary of State,
Department of Health

(a) S.I. 2005/3373; the relevant amending instrument is S.I. 2008/528.
(b) S.I. 2006/552; the relevant amending instrument is S.I. 2008/528.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various regulations which govern the provision of NHS primary care services. The amendments relate to the duty of persons providing such services to allow entry under regulation 3 of the Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 (S.I. 2008/915) (“the Entry Regulations”). Regulation 3 of the Entry Regulations imposes a duty on certain providers of health or social care (services-providers) to allow local involvement networks to enter and view certain premises owned or controlled by them.

Regulation 2 amends the National Health Service (General Ophthalmic Services) Regulations 1986 (S.I. 1986/975) to provide that regulation 3 of the Entry Regulations forms part of the terms of service of an ophthalmic services contractor where that regulation applies to the contractor.

Regulation 5 amends the National Health Service (Pharmaceutical Services) Regulations 2005 (S.I. 2005/641) to provide that regulation 3 of the Entry Regulations forms part of the terms of service of a pharmacist, dispensing doctor or supplier of appliances where that regulation applies to any of those persons.

Regulations 3, 4, 6, 7 and 8 amend the following Regulations—

the National Health Service (General Medical Services Contracts) Regulations 2004 (S.I. 2004/291),

the National Health Service (Personal Medical Services Agreements) Regulations 2004 (S.I. 2004/627),

the National Health Service (General Dental Services Contracts) Regulations 2005 (S.I. 2005/3361),

the National Health Service (Personal Dental Services Agreements) Regulations 2005 (S.I. 2005/3373),

the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006 (S.I. 2006/552),

to provide that a contract, agreement or scheme governed by those regulations must include a term which requires the relevant contractor to comply with regulation 3 of the Entry Regulations, in so far as it applies to the contractor.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the PPI Policy Team, Room 502A, Skipton House, 80 London Road, London SE1 6LH (email – ppimailbox@dh.gsi.gov.uk).

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