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STATUTORY INSTRUMENTS

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**2008 No. 683**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Pharmaceutical Services) (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>6th March 2008</i>
<i>Laid before Parliament</i>		<i>14th March 2008</i>
<i>Coming into force</i>	- -	<i>21st April 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 126, 129, 164(6) and (7) and 272(7) and (8) of the National Health Service Act 2006<sup>(1)</sup>.

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Amendment) Regulations 2008 and come into force on 21st April 2008.

(2) These Regulations apply in relation to England.

(3) In these Regulations, the “principal Regulations” means the National Health Service (Pharmaceutical Services) Regulations 2005<sup>(2)</sup>.

**Insertion of new regulation 56A in the principal Regulations**

2. After regulation 56 (provisions relating to determinations under section 164 of the 2006 Act) of the principal Regulations, insert—

**“Information to be provided in respect of remuneration for persons providing pharmaceutical services**

**56A.**—(1) For the purpose of regulation 56(b)(iv) (determinations may be made by reference to specified data), the data to which reference may be made may include information obtained pursuant to paragraph (2) by the Secretary of State or a person nominated by the Secretary of State (“the nominee”).

(2) A pharmacist shall, on request, provide the Secretary of State or the nominee within 30 days with information (for example invoices) which the Secretary of State considers

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<sup>(1)</sup> 2006 c.41. See section 275(1) for the definition of “prescribed” and “regulations”.

<sup>(2)</sup> S.I. 2005/641; relevant amending instruments are 2005/1015, 1501, 3315 and 3491 and 2006/552, 562, 913, 1501 and 3373 and 2007/289 and 674.

to be relevant to matters the Secretary of State may take into account for the purposes of making the Secretary of State's determination under section 164 of the 2006 Act.

(3) For the purposes of paragraph (2), the Secretary of State may appoint any person to—

(a) act as the Secretary of State's nominee; and

(b) handle and process the information obtained,

and the Secretary of State may require that such information be obtained, handled or processed in such manner as he may specify.

(4) Before appointing any person to act as the Secretary of State's nominee and handle and process information, the Secretary of State must consult such organisations as he considers appropriate that appear to him to represent persons providing pharmaceutical services.”.

#### **Amendment of Schedule 1 to the principal Regulations**

3. In Schedule 1 to the principal Regulations (terms of service of pharmacists)—

(a) in sub-paragraph (2)(a)(i) of paragraph 26 (clinical governance), omit the words “, and make available in an appropriate manner”, and insert after “practice leaflet”, the words “containing approved particulars”; and

(b) in sub-paragraph (1)(a) of paragraph 28 (inducements etc.), for the words “non-electronic prescription form or non-electronic repeatable prescription” substitute “prescription form or repeatable prescription”.

#### **Amendment of Schedule 4 to the principal Regulations**

4. In paragraph 2 (details of applicant) of Part 1 of Schedule 4 to the principal Regulations (information to be included in an application for inclusion in a Pharmaceutical List or inclusion in a List in respect of different services or premises), after the word “superintendent” omit “(where known)”.

Signed by authority of the Secretary of State for Health.

6th March 2008

*Dawn Primarolo*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the National Health Service (Pharmaceutical Services) Regulations 2005 (“the principal Regulations”).

Regulation 2 inserts a new regulation into the principal Regulations. The new regulation enables the Secretary of State to request information from pharmacists for the purpose of making determinations in respect of the remuneration to be paid to persons who provide pharmaceutical services.

Regulation 3 amends Schedule 1 to the principal Regulations in respect of the terms of service of pharmacists which are incorporated into the arrangements with the Primary Care Trust for the provision of pharmaceutical services. Paragraph 26 of Schedule 1 is amended to provide that an acceptable system of clinical governance comprises a requirement to produce a practice leaflet which contains approved particulars and is made available in a manner approved by the Secretary of State. Paragraph 28 of Schedule 1 is amended to provide that the requirement that a pharmacist or his staff shall not give, promise or offer an inducement to or in consideration of a person presenting a prescription applies also in respect of an electronic prescription or repeatable electronic prescription.

Regulation 4 amends paragraph 2 of Part 1 of Schedule 4 to the principal Regulations to provide that an application for inclusion in a pharmaceutical or other list from a corporate body cannot be considered unless the name and registration number of the superintendent is given.

A full Impact Assessment has not been produced for this Instrument as it has no impact on the cost of business, charities or voluntary bodies.