
WELSH STATUTORY INSTRUMENTS

2001 No. 1396 (W.91)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) 2001

Made - - - - *29th March 2001*

Coming into force - - *1st April 2001*

The National Assembly for Wales in exercise of the powers conferred upon it by sections 41, 42, 43 and 126(4) of the National Health Service Act 1977(1) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2001 and shall come into force on 1st April 2001.

(2) In these Regulations —

“the principal Regulations” means the National Health Service (Pharmaceutical Services) Regulations 1992(2);

(3) These Regulations apply to Wales only.

(1) 1977 c. 49 (“the 1977 Act”); see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”.

Section 41 was amended by the Health Services Act 1980 (c. 53), (“the 1980 Act”), sections 1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7, by S.I.1985/39, article 7(13); by the 1990 Act, Schedule 9, paragraph 18(1) and Schedule 10; by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 2; by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 29; and by the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), Schedule 2, paragraph 13.

Section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(1); extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by S.I.1987/2202, article 4; by the 1990 Act, section 12(3); and by the 1995 Act, Schedule 1, paragraph 30.

Section 43 was amended by the 1980 Act, Schedule 9, paragraph 18(2); by the 1995 Act, Schedule 1, paragraph 31; and by the 1997 Act, section 29(1) and Schedule 2, paragraph 14.

Section 126(4) was amended by the 1990 Act, section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6).

The functions of the Secretary of State under sections 41, 42, 43 and 126(4) of the 1977 Act are transferred to the National Assembly for Wales by The National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by section 66(5) of the 1999 Act.

(2) S.I.1992/662; the relevant amending instruments are S.I.1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681 and 2224 and 1999/696.

Amendment of regulation 2 of the principal Regulations

2 In Regulation 2(1) of the principal Regulations (interpretation) for the definition of “Charges Regulations” there shall be substituted in the appropriate place the following definition—

““Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001**(3)**;

Amendment of Part II of Schedule 2 to the principal Regulations

3.—(1) Part II of Schedule 2 to the principal Regulations (terms of service for chemists), shall be amended in accordance with the following provisions.

(2) In paragraph 3 (provision of pharmaceutical services)—

- (a) in sub-paragraph (1C)(a)(i)**(4)** delete the words “any of sub-paragraphs (d) to (g) of regulation 6(1)” and insert the words “regulation 8(1)”;
- (b) in sub-paragraph (1C)(a) delete the words “(d), (e) or (f) of regulation 6(1)” and insert the words “(a), (b), (c), (d) or (e) of regulation 8(1)”.

Amendment of Part III of Schedule 2 to the principal Regulations

4.—(1) Part III of Schedule 2 to the principal Regulations (terms of service for doctors who provide pharmaceutical services) shall be amended in accordance with the following provisions.

(2) In paragraph 11B**(5)**—

- (a) in sub-paragraph (a)(i) delete words “any of sub-paragraphs (d) to (g) of regulation 6(1)” and insert the words “regulation 8(1)”;
- (b) in sub-paragraph 11B(a) delete the words “(d), (e) or (f) of regulation 6(1)” and insert the words “(a), (b), (c), (d) or (e) of regulation 8(1)”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(6)**

29th March 2001

D Elis Thomas
The Presiding Officer of the National Assembly

(3) [S.I.2001/1358 \(W.86\)](#)
(4) Sub-paragraph (1C) was inserted by [S.I.1996/696](#).
(5) Paragraph 11B was inserted by [S.I.1999/696](#).
(6) [1998 c. 38](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Pharmaceutical Services) Regulations 1992 (“the principal Regulations”) which govern arrangements to be made by Health Authorities for the provision, in respect of their areas, of pharmaceutical services under the National Health Service Act 1977.

Regulation 2 inserts a new definition of “Charges Regulations” into regulation 2(1) (interpretation) of the principal Regulations.

Regulation 3 extends the circumstances in which a chemist is required to ask a person presenting an order for drugs and appliances under paragraph 3(1) of the chemist’s terms of service to provide specified evidence to substantiate specific claims relating to exemptions from charges due under the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001.

Regulation 4 similarly amends the requirements for doctors authorised to provide pharmaceutical services for a patient under regulation 20 of the principal Regulations.