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WELSH STATUTORY INSTRUMENTS

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**2002 No. 3189**

**The National Health Service (Pharmaceutical Services) and (General Medical Services) (Amendment) (Wales) Regulations 2002**

**Amendment of the Pharmaceutical Services Regulations 1992**

2.—(1) The Pharmaceutical Services Regulations 1992 shall be amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) in the definition of “dispensing doctor list”, for “regulation 11” substitute “regulation 21B”(1);

(b) omit the definition of “listed drugs”(2);

(c) for the definition of “nurse prescriber”(3) substitute—

““ nurse prescriber” means a person who is registered in Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(4) and against whose name is recorded in that register an annotation signifying that he or she is qualified to order drugs, medicines and appliances for patients;” ; and

(d) after the definition of “Remission of Charges Regulations” insert—

““ restricted availability appliance” means an appliance which is approved for particular categories of persons or particular purposes only;”.

(3) Omit paragraphs (1A)(5) and (1C)(6) of regulation 2.

(4) In regulation 18(1) (standards of, and payments for, drugs and appliances), in sub-paragraph (a), at the end, insert “and, in the case of a restricted availability appliance, the categories of persons for whom or purposes for which the appliance is approved”.

(5) In regulation 19 (provision of pharmaceutical services for immediate treatment or personal administration)(7), at the end add “ but shall, in either case, provide a restricted availability appliance only if it is for a person or a purpose specified in the Drug Tariff.”.

(6) In Part II of Schedule 2 (terms of service for chemists)—

(a) in paragraph 3(1)(8)—

(i) in sub-paragraph (a), after “or appliances,” insert “not being restricted availability appliances,”;

(ii) after sub-paragraph (b), insert.—

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(1) Regulation 21B was inserted by [S.I. 1998/681](#).  
(2) The definition of “listed drugs” was inserted by [S.I. 1994/2402](#).  
(3) The definition of “nurse prescriber” was inserted by [S.I. 1994/2402](#).  
(4) [S.I. 2002/253](#).  
(5) Paragraph (1A) was inserted by [S.I. 1994/2402](#).  
(6) Paragraph (1C) was inserted by [S.I. 1998/2224](#).  
(7) Regulation 19 was amended by [S.I. 1998/681](#).  
(8) Paragraph 3(1) was amended by [S.I. 1994/2402](#).

- “(bb) an order for a restricted availability appliance, signed by and endorsed on its face with the reference “SLS” by a doctor; or”;
- (iii) for sub-paragraph (d), substitute.—
  - “(d) an order for drugs or medicines, or listed appliances, not being restricted availability appliances, signed by a nurse prescriber”;
- (iv) after sub-paragraph (d), insert.—
  - “or
  - (e) an order for a restricted availability appliance, signed by and endorsed on its face with the reference “SLS” by a nurse prescriber,”;
- (b) in paragraph 11(9).—
  - (i) in sub-paragraph (b), delete “and”;
  - (ii) in sub-paragraph (c), at the end, insert “; and”;
  - (iii) after sub-paragraph (c), add—
    - “(d) he shall provide the for patient a restricted availability appliance only if the patient is a person, or it is for a purpose, specified in the Drug Tariff.”;
- (c) in paragraph 11A(10).—
  - (i) for sub-paragraph (2), substitute—
    - “(2) Where a patient presents an order on a prescription form for drugs or medicines or listed appliances signed by a nurse prescriber, or an order for a restricted availability appliance signed by and endorsed on its face with the reference “SLS” by a nurse prescriber, to a doctor who is authorised or required by regulation 20 to provide drugs or appliances to that patient, the doctor may provide to the patient such of the drugs, medicines or appliances so ordered as he supplies in the normal course of his practice.”;
  - (ii) in sub-paragraph (3), omit the word “listed” the first time it occurs;
- (d) in paragraph 11B(11), omit the word “listed” the second time it occurs;
- (e) in paragraph 12(2), after “in this paragraph”, insert “or paragraph 11” and after “a scheduled drug”, insert “or a restricted availability appliance”.

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(9) Paragraph 11 was amended by [S.I. 1994/2402](#).

(10) Paragraph 11A was inserted by [S.I. 1994/2402](#) and amended by [S.I. 1995/644](#).

(11) Paragraph 11B was inserted by [S.I. 1999/696](#) and amended by [S.I. 2001/1396](#).