WELSH STATUTORY INSTRUMENTS

2010 No. 1648 (W.156)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) (No. 2) Regulations 2010

Made - - - -	*21 June 2010*
Laid before the National Assembly for Wales - -	*23 June 2010*
Coming into force - -	*14 July 2010*

The Welsh Ministers, in exercise of the powers conferred by sections 80, 83, 86, 121 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**) hereby make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is The National Health Service (Pharmaceutical Services) (Amendment) (Wales) (No 2) Regulations 2010 and they come into force on 14 July 2010.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Pharmaceutical Services) Regulations 1992(**2**).

Amendment of regulation 2 of the principal Regulation

2. In regulation 2 (interpretation) of the principal Regulations—

(a) in the definition of "terms of service"—

(i) in sub-paragraph (b) after the words "Schedule 2" omit "." and insert ", and", and

(ii) insert as sub-paragraph (c) the words "in relation to suppliers of appliances, in Schedule 2A."; and

(b) in paragraph (1C) after the words "where these words occur" insert "except in the definition of "equivalent body"".

(**1**) 2006 c. 42.
(**2**) S.I. 1992/662. Relevant amending instruments are S.I. 2007/205 (W.19), S.I. 2009/1491 (W.144) and S.I. 2010/868 (W.90).

Amendments to Schedule 2 to the principal Regulations

3.—(1) Schedule 2 to the principal Regulations is amended in accordance with the following provisions of this regulation.

(2) In paragraph 10A (additional requirements in relation to specified appliances), in sub-paragraph (6)(a) for "25(A)(1)" substitute "24A(1)".

(3) In paragraph 24A, before the words "24A" insert as the title to the paragraph "Temporary opening hours and closures during an emergency requiring the flexible provision of pharmaceutical services".

Amendments to Schedule 2A to the principal Regulations

4.—(1) Schedule 2A to the principal Regulations is amended in accordance with the following provisions of this regulation.

(2) In paragraph 6 (preliminary matters before providing appliances)—

(a) for sub-paragraph (3)(a) substitute—

"(a) the supplier of appliances must ask any person who makes a declaration that the person named on the prescription form or repeatable prescription does not have to pay the charges specified in regulation 3 of the Charges Regulations by virtue of either—

(i) entitlement to exemption under regulation 8 of the Charges Regulations, or

(ii) entitlement to remission of charges under regulation 5 of the Remission of Charges Regulations,

to produce satisfactory evidence of such entitlement unless the declaration is in respect of entitlement to exemption by virtue of regulation 8 of the Charges Regulations or in respect of entitlement to remission by virtue of regulation 5(1)(e) or (2) of the Remission of Charges Regulations and at the time of the declaration the supplier of appliances already has such evidence available to him;"; and

(b) for sub-paragraph (3)(c) substitute—

"(c) in the case of an electronic prescription form or an electronic repeatable prescription, the supplier of appliances must comply with any requirements of the ETP service to provide—

(i) a record of the exemption from or remission of charges claimed and whether satisfactory evidence was produced, as referred to in sub-paragraph (a), and

(ii) in any case where a charge is due, confirmation that the relevant charge was paid.".

(3) In paragraph 12 (opening hours: general)—

(a) in sub-paragraphs (1)(b) and (c) for "paragraph 4 of Schedule 2" substitute "Part 3 of Schedule 2"; and

(b) in sub-paragraph (5) after the words "obligations under sub-paragraph (1) the supplier of appliances" insert "must".

(4) In paragraph 14 (determination of opening hours instigated by the Local Health Board)—

(a) in sub-paragraphs (3)(b) and (c) for "paragraph 4 of Schedule 2" substitute "Part 3 of Schedule 2"; and

(b) in sub-paragraph (3)(c) for "paragraph 13(1)(a)" substitute "paragraph 12(1)(a)".

(5) In paragraph 15 (determination of opening hours instigated by the supplier of appliances)—

(a) in sub-paragraphs (4)(b) and (c) for "paragraph 4 of Schedule 2" substitute "Part 3 of Schedule 2"; and

(b) in sub-paragraph (4)(c) for "paragraph 13(1)(a)" substitute "paragraph 12(1)(a)".

(6) In paragraph 18 (inducements)—

(a) in sub-paragraph (3)(a) for "11(1)(4) or 12(1)(a)" substitute "10(4) or 11(1)(b)"; and

(b) in sub-paragraph (3)(b) for "12(1)(a)" substitute "11(1)(a)".

(7) The first paragraph 20 (duty to provide information about fitness to practise matters: suppliers of appliances on pharmaceutical lists on 1 April 2010) is amended as follows—

(a) renumbered as paragraph 19;

(b) in sub-paragraph (1) for "paragraph 22" substitute "paragraph 21"; and

(c) in sub-paragraph (2) for "paragraph 26" substitute "paragraph 21".

(8) Paragraph 19 (duty to provide information about fitness to practise matters as they arise) is amended as follows—

(a) renumbered as paragraph 20;

(b) in sub-paragraph (1) for "paragraph 26" substitute "paragraph 21"; and

(c) in sub-paragraph (2) for "paragraph 22" substitute "paragraph 21".

(9) The second paragraph 20 (home Local Health Board of bodies corporate) is amended as follows—

(a) renumbered as paragraph 21; and

(b) for "paragraphs 20 and 21 and 25(4)(a) and (b)" substitute "paragraphs 19, 20 and 24(3) and (4)".

(10) Paragraph 21 (complaints) is amended as follows—

(a) renumbered as paragraph 22; and

(b) substitute for the paragraph the paragraph set out in the Schedule to these Regulations.

(11) Paragraph 22 (directed services) is renumbered as paragraph 23.

(12) Paragraph 23 (information to be supplied) is amended as follows—

(a) renumbered as paragraph 24; and

(b) in sub-paragraphs (3) and (5) for "sub-paragraph (9)" substitute "sub-paragraph (7)".

(13) Paragraph 24 (withdrawal from pharmaceutical lists) is renumbered as paragraph 25.

(14) Paragraph 25 (charges for appliances) is renumbered as paragraph 26.

(15) Paragraph 26 (inspections and access to information) is renumbered as paragraph 27.

Amendments to the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010

5.—(1) Regulation 16 (transitional arrangement) of the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010(**3**) is amended in accordance with the following provisions of this regulation.

(**3**) S.I. 2010/868 (W.90).