STATUTORY INSTRUMENTS

2016 No. 296

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2016

Made - - - - *3rd March 2016*

Laid before Parliament *10th March 2016*

Coming into force in accordance with regulation 1(1)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 126, 129 and 272(7) and (8) of, and paragraph 3 of Schedule 12 to, the National Health Service Act 2006(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2016 and—

(a) apart from regulations 4(2) and 5(2), come into force on 1st April 2016;

(b) regulations 4(2) and 5(2) come into force on 1st July 2016.

(2) In these Regulations, "the principal Regulations" means the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013(**2**).

Amendment of regulation 75 of the principal Regulations

2.—(1) Regulation 75 of the principal Regulations (voluntary and automatic removal of listings: change of ownership, relocation, temporary provision and voluntary closure) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (a), for "regulation 67(4)(b)" substitute "regulation 67(4)"; and

(**1**) 2006 c.41. Section 126 of the National Health Service Act 2006 ("the 2006 Act") has been amended by the Health and Social Care Act 2012 (c. 7) ("the 2012 Act"), sections 213(7)(k) and 220(7), and Schedule 4, paragraph 63. Section 129 of the 2006 Act has been amended by: the Health Act 2009 (c. 21) ("the 2009 Act"), sections 26 and 27, and Schedule 6; the 2012 Act, section 207(1) to (9), and Schedule 4, paragraph 66; the Protection of Freedoms Act 2012 (c. 9), Schedule 9, paragraph 121; and S.I. 2010/231. Paragraph 3 of Schedule 12 to the 2006 Act has been amended by: the 2009 Act, section 29(14) and (15); and the 2012 Act, Schedule 4, paragraph 93(4). By virtue of section 271(1) of the 2006 Act, the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England. *See also* section 275(1) of the 2006 Act, which contains definitions of "prescribed" and "regulations" that are relevant to the powers being exercised.

(**2**) S.I. 2013/349.

(b) in sub-paragraph (b)(ii), for regulation 67(4)(a)(ii), substitute "regulation 67(4)".

Substitution of regulation 121 of the principal Regulations

3. For regulation 121 of the principal Regulations (review of these Regulations) substitute the following—

"**Review of these Regulations**

121.—(1) The Secretary of State must, in accordance with paragraphs (2) to (4)—

(a) carry out reviews of these Regulations;

(b) set out the conclusions of each review in a report; and

(c) publish each report.

(2) Each report must in particular—

(a) set out the objectives intended to be achieved by these Regulations;

(b) assess the extent to which those objectives have been achieved;

(c) assess whether those objectives remain appropriate; and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(3) The first report under this regulation must be published before the end of 31st August 2017.

(4) Each subsequent report must be published before the end of the period of five years beginning on the day on which the previous report was published.".

Amendment of Schedule 4 to the principal Regulations

4.—(1) Schedule 4 to the principal Regulations(**3**) (terms of service of NHS pharmacists) is amended as follows.

(2) In paragraph 7 (preliminary matters before providing ordered drugs or appliances), after sub-paragraph (3) insert the following sub-paragraph—

"(3A) In any case where no satisfactory evidence, as required by sub-paragraph (3), is produced to P, P must ensure before the drugs or appliances are provided that the person who was asked to produce that evidence is advised, in appropriate terms, that checks are routinely undertaken to ascertain entitlement to—

(a) exemption under the Charges Regulations(**4**); or

(b) remission of charges under the Remission of Charges Regulations(**5**),

where such entitlement has been claimed, as part of the arrangements for preventing or detecting fraud or error in relation to such claims.".

(3) After paragraph 29 (professional standards), insert the following paragraph—

"**Accessing summary care records**

29A.—(1) If an NHS pharmacist (P) is providing pharmaceutical services to or in respect of a patient and has access to the summary information that comprises a summary care record of

(**3**) Relevant amendments have been made by S.I. 2015/570.
(**4**) These are the National Health Service (Charges for Drugs and Appliances) Regulations 2015 (S.I. 2015/570).
(**5**) These are the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (S.I. 2003/2382).