WELSH STATUTORY INSTRUMENTS

2007 No. 1112 (W.117)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Pharmaceutical Services) (Remuneration for Persons providing Pharmaceutical Services) (Amendment) (Wales) Regulations 2007

Made - - - - 27 March 2007
Coming into force in accordance with regulation 1(2) of these Regulations

The National Assembly for Wales, in exercise of the powers conferred by sections 88 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**) hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Pharmaceutical Services) (Remuneration for persons providing Pharmaceutical Services) (Amendment) (Wales) Regulations 2007.

(2) These Regulations come into force immediately following the coming into force of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(**2**) on 1 April 2007.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

(**1**) The National Health Service (Wales) Act 2006 (c. 42) ("the 2006 Act") is a consolidation Act which repeals and re-enacts in its entirety the National Health Service Act 1977 (c. 49) ("the 1977 Act") and incorporates some of the provisions from the National Health Service and Community Care Act 1990 (c. 19), the Health Act 1999 (c. 8), the Health and Social Care Act 2001 (c. 15), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and the Health Act 2006 (c. 8).
Sections 88 and 203(9) and (10) are equivalent to sections 43A and 126(4) of the 1977 Act.
The references to and the functions of "Welsh Ministers" in the 2006 Act are treated as references to and functions of the National Assembly for Wales as constituted by the Government of Wales Act 1998 (c. 38) in accordance with the modifications contained in the National Health Service (Consequential Provisions) Act 2006 (c. 43), section 5 and paragraph 10 of Schedule 3.
References to and functions of the National Assembly for Wales will transfer to Welsh Ministers immediately after the end of the "initial period" (as defined in section 161(5)) in accordance with sections 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) S.I.2007/121 (W.11).

"the Charges for Drugs and Appliances Regulations" means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007;

"the Indicative Amounts Regulations" means the National Health Service (Indicative Amounts) Regulations 1997(**3**);

"the Prescribed Functions Regulations" means the National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001(**4**);

"the principal Regulations" means the National Health Service (Pharmaceutical Services) Regulations 1992(**5**).

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(1) of the principal Regulations (interpretation), in the appropriate place in the alphabetical order, insert—

""the 2006 Act" means the National Health Service (Wales) Act 2006(**6**);".

Substitution of regulation 18 of the principal Regulations

4. For regulation 18 of the principal Regulations (standards of, and payments for, drugs and appliances) substitute—

"**Provisions relating to determinations under section 88 of the 2006 Act**

18. With regard to determining remuneration under section 88 of the 2006 Act—

(a) determinations under that section by the National Assembly for Wales (the aggregate of the determinations made by the National Assembly for Wales, acting as a determining authority, is known as "the Drug Tariff") may be made by reference to rates or conditions of remuneration of any persons or any description of persons which are fixed or determined, or will be fixed or determined, otherwise than by way of a determination under that section;

(b) determinations under that section by the National Assembly for Wales may be made by reference to scales, indices or formula of any kind, and where a determination falls to be made by reference to any such scale, index or formula, the determination may provide that the relevant price calculation is to be made by reference to the scale, index or formula which is—

(i) in the form current at the time of the determination, and

(ii) in any subsequent form taking effect after that time;

(c) determining authorities may make determinations which take effect in relation to remuneration in respect of a period beginning on or after the date specified in the determination, which may be the date of the determination or an earlier or later date, but it may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates;

(d) where a determination included in the Drug Tariff does not specify a date as mentioned in paragraph (c), it will have effect in relation to remuneration in respect of the period beginning on the date on which the change to the Drug Tariff is published;

(**3**) S.I.1997/980; relevant amending instrument is S.I.2005/641.
(**4**) S.I.2001/1543 (W.108).
(**5**) S.I.1992/662.
(**6**) 2006 c. 42.