WELSH STATUTORY INSTRUMENTS

2003 No. 139 (W.11)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Medical Services) and (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003

Made - - - -	*28th January 2003*
Coming into force - -	*1st February 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 29, 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 (General Medical Services) and (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003 and shall come into force on 1st February 2003.

(2) In these Regulations—

"the General Medical Services Regulations" means the National Health Service (General Medical Services) Regulations 1992(**2**);

(**1**) 1977 c. 49; 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)(b), for the definitions of "prescribed" and "regulations".
Section 29 was extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by the Health Services Act 1980 (c. 53), sections 1 and 7 and Schedule 2, paragraph 16(a); by S.I.1985/39, article 7(3); by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 18 and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 8.
Section 126(4) was amended by the 1990 Act, section 65(2) and the 1999 Act , Schedule 4, paragraph 37(6).
Section 41 was amended by the Act 1980, sections1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7; by SI 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 1995 Act, Schedule 1, paragraph 29 and by 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 1988 Act, section 17 and amended by SI 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.
The functions of the Secretary of State under sections 29 and 126(4) of the National Health Service Act 1977 were 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 the 1999 Act, section 66(5).

(**2**) S.I.1992/635 to which there are amendments not relevant to this instrument.

"the Pharmaceutical Services Regulations" means the National Health Service (Pharmaceutical Services) Regulations 1992(**3**).

(3) These Regulations apply to Wales only.

Amendment of the Schedule 2 to the General Medical Services Regulations

2.—(1) Schedule 2 to the General Medical Services Regulations (Terms of Service for Doctors) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 43 (prescribing)—

(a) for the opening wording of sub-paragraph (3), substitute—

"(3) Where a doctor orders drugs specified in Schedules 2 to 5 to the Misuse of Drugs Regulations 2001(**4**) (controlled drugs to which regulations, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26 and 27 of those Regulations apply) for supply by instalments for treating addiction to any drug specified in those Schedules, he shall—";

(b) in sub-paragraph (5) (b), for "other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 1985(**5**);" substitute "other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001;";

(c) in sub-paragraph (6) (a), for "other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 1985" substitute "other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001;".

Amendment to Schedule 2 to the Pharmaceutical Services Regulations

3.—(1) Part II to Schedule 2 to the Pharmaceutical Services Regulations (Terms of Service for Chemists) shall be amended in accordance with the following provisions of this regulation.

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

(a) in sub-paragraph (4), for "the Misuse of Drugs Regulations 1985" substitute "the Misuse of Drugs Regulations 2001";

(b) in sub-paragraph (6), for "the Misuse of Drugs Regulations 1985", substitute "the Misuse of Drugs Regulations 2001";

(c) in sub-paragraph (9) (b), for "other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 1985", substitute "other than a drug which is for the time being specified in Schedules 4 or 5 to the Misuse of Drugs Regulations 2001;".

(**3**) S.I. 1992/662; the relevant amending instrument is 1993/2451.
(**4**) S.I. 2001/3998, which revoked and re-enacted with amendments the provisions of the Misuse of Drugs Regulations 1985 (S.I. 1985/2066).
(**5**) S.I.1985/2066; which was revoked and re-enacted with amendments by S.I. 2001/3998.