WELSH STATUTORY INSTRUMENTS

2002 No. 3189 (W.305)

NATIONAL HEALTH SERVICE, WALES

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

Made - - - - 18th December 2002

Coming into force - - 1st January 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 (Pharmaceutical Services) and (General Medical Services) (Amendment) (Wales) Regulations 2002 and shall come into force on 1st January 2003.

(2) In these Regulations—

"the Pharmaceutical Services Regulations" ("*Rheoliadau'r Gwasanaethau Fferyllol*") means the National Health Service (Pharmaceutical 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) ("the 1988 Act"), section 17; and amended by the Health Services Act 1980 (c. 53) ("the 1980 Act"), 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) ("the 1995 Act"), Schedule 1, paragraph 18 and by the National Health Service (Primary Care) Act 1997 (c. 46) ("the 1997 Act"), Schedule 2, paragraph 8.
Section 41 was amended by the Act 1980, sections 1 and 20(1) and Schedule 1, paragraph 53 and Schedule 7; by S.I. 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 S.I. 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.
Section 126(4) was amended by the 1990 Act, section 65(2) and the 1999 Act, Schedule 4, paragraph 37(6).
The functions of the Secretary of State under sections 29, 41, 42, 43 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. 1992/662; the relevant amending instruments are S.I. 1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681 and 2224, 1999/696 and 2001/1396.

"the General Medical Services Regulations 1992" ("*Rheoliadau'r Gwasanaethau Meddygol*") means the National Health Service (General Medical Services) Regulations 1992(**3**).

(3) These Regulations apply to Wales only.

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"(**4**);

(b) omit the definition of "listed drugs"(**5**);

(c) for the definition of "nurse prescriber"(**6**) 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(**7**) 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)(**8**) and (1C)(**9**) 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)(**10**), 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)(**11**)—

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

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

> "(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"; and

(iv) after sub-paragraph (d), insert.—

(**3**) S.I.1992/635; relevant amending instruments are S.I.1992/2412, 1993/2421, 1994/2620, 1997/981, 1999/1627 and 2000/1887
(**4**) Regulation 21B was inserted by S.I. 1998/681.
(**5**) The definition of "listed drugs" was inserted by S.I. 1994/2402.
(**6**) The definition of "nurse prescriber" was inserted by S.I. 1994/2402.
(**7**) S.I. 2002/253.
(**8**) Paragraph (1A) was inserted by S.I. 1994/2402.
(**9**) Paragraph (1C) was inserted by S.I. 1998/2224.
(**10**) Regulation 19 was amended by S.I. 1998/681.
(**11**) Paragraph 3(1) was amended by S.I. 1994/2402.