STATUTORY RULES OF NORTHERN IRELAND

1999 No. 254

HEALTH AND PERSONAL SOCIAL SERVICES

Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*4th June 1999*
Coming into operation	*1st July 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 63(1), (2), (2A) to (2D), 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appear to the Department of Health and Social Services to be representative of the pharmaceutical profession as required by Article 63(3) of that Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st July 1999.

(2) In these Regulations, "the principal Regulations" means the Pharmaceutical Services Regulations (Northern Ireland) 1997(**2**).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), at the appropriate place in alphabetical order, insert—

> ""the 1997 Order" means the Health Services (Primary Care) (Northern Ireland) Order 1997;";
>
> ""the Charges Regulations" means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997(**3**);";

(**1**) S.I. 1972/1265 (N.I. 14); relevant amending instruments are S.I. 1978/1907 (N.I. 26), Art. 5(1) of S.I. 1986/2023 (N.I. 20), S.R. 1987 No. 457, Art 31(1) of S.I. 1991/194 (N.I. 1) and Art. 3 of S.I. 1992/2671 (N.I. 18)
(**2**) S.R. 1997 No. 381; relevant amending regulations are S.R. 1998 No. 95 and S.R. 1999 No. 100
(**3**) S.R. 1997 No. 382; as amended by S.R. 1998 No. 135 and S.R. 1999 Nos. 100 and 166

""personal dental services" has the meaning assigned to it in Article 3(7) of the 1997 Order;";

""personal medical services" has the meaning assigned to it in Article 3(7) of the 1997 Order;";

""pilot scheme" has the meaning assigned to it in Article 3(1) of the 1997 Order;";

""the Remission of Charges Regulations" means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(**4**);";

(b) in paragraph (1), for the definition of "prescription form", substitute—

""prescription form" means a form provided by the Agency, a Health Authority constituted under section 8 of the National Health Service Act 1977(**5**) or a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**6**), and issued by—

(a) a doctor or dentist under the provisions of his terms of service; or

(b) a doctor performing personal medical services or a dentist performing personal dental services in connection with a pilot scheme; or

(c) a nurse prescriber,

to enable a person to obtain pharmaceutical services;"; and

(c) in paragraph (2) (specified description of nurse or health visitor), in sub-paragraphs (a)(iii) and (b)(ii), after "medical list" insert "or who, at that time, is assisting in the performance of personal medical services under a pilot scheme under the 1997 Order".

(3) After regulation 10, insert—

"**Reward Scheme**

10A.—(1) A chemist who is presented with an order under paragraph 2(1) of the terms of service shall be eligible to claim a payment from the Board in such manner as is specified in the Drug Tariff if—

(a) in accordance with paragraph 2(2A) of the terms of service he refused to provide the drugs or medicines or listed appliances ordered and immediately informed the Board of this action; or

(b) he provided the drugs and medicines or listed appliances pursuant to paragraph 2(1) but subsequently came to have reason to believe that the order was not a genuine order for the person named on the prescription form and informed the Board of this belief within the period of 14 days beginning with the date the order was presented,

and in either case he has sent the order referred to in this paragraph to the Board.

(2) The Board shall in respect of any claim under paragraph (1) make such payment as is due to the chemist calculated in the manner specified in the Drug Tariff.

(3) In this paragraph "order" includes a purported order.".

(4) In Part II of Schedule 2 (terms of service for chemists), in paragraph 2 (Provision of pharmaceutical services) after sub-paragraph (2), insert—

"(2A) Where a chemist reasonably believes that a form presented to him as a prescription form in accordance with paragraph 2(1) is not a genuine order for the person named on the form (for example because he reasonably believes the form has been stolen or forged),

(**4**) S.R. 1989 No. 348; relevant amending regulations are S.R. 1993 No. 161, S.R. 1995 No. 138 and S.R. 1999 No. 16
(**5**) 1977 c. 49
(**6**) 1978 c. 29