1985 No. 69

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1985

Made . . . . . *29th March 1985*

Coming into operation . . . *1st April 1985*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 56(2), 63(2), 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf and in conjunction with the Department of Finance and Personnel(**b**) and after consultation with such organisations as appeared to the Department to be representative of the Medical and Pharmaceutical professions as required by Articles 56(5) and 63(3) of the said Order hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1985, and shall come into operation on 1st April 1985.

Amendment of regulations

2. The Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**c**) shall be further amended as follows:

(1) In regulation 2 (interpretation), in paragraph (1) after the definition of "relevant service" there shall be inserted the following definition:—

"Scheduled drug" means a drug or other substance specified in Schedule 3A or, except where the conditions in paragraph 11(3)(*b*) of Schedule 1 (terms of service for doctors) are satisfied, in Schedule 3B;".

(2) In regulation 41 (arrangements for supply by doctors of drugs and appliances) after the word "drugs" where it first occurs there shall be inserted the words "not being Scheduled drugs".

(3) After Schedule 3 there shall be inserted Schedule 3A and Schedule 3B as set out in the Schedule.

Amendment of Schedule 1

3. In Schedule 1 (Terms of Service for Doctors)—

(1) After the definition of "patient" in paragraph 1 there shall be inserted the following definition:—

"prescription form" means a form provided by the Agency and issued by a doctor to enable a person to obtain pharmaceutical services as defined by Article 63(1) of the Order;

(**a**) S.I. 1972/1265 (N.I. 14)

(**b**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

(**c**) S.R. & O. (N.I.) 1973 No. 421. The relevant amending regulations are S.R. 1975 No. 180, S.R. 1976 Nos. 199, 285, S.R. 1981 No. 229 and S.R. 1983 No. 182

(2) In paragraph 7(1) (range of service) before the words "A doctor is required" there shall be inserted the words "Subject to paragraph 11(3)";

(3) In paragraph 11(1)(*a*) and (*b*) (drugs and appliances) after the words "drugs" and "drug" there shall be inserted the words "not being a Scheduled drug";

(4) Paragraph 11(1)(*c*) and (*d*) shall be deleted and the following substituted—

"(*c*) A doctor who is required by the Board to supply drugs and appliances under Regulation 41 to a patient to whom he is providing treatment under these terms of service shall, subject to paragraph 11(3) order on a prescription form, completed in accordance with paragraph 11(2) any drugs or appliances which are needed for the treatment of that patient but shall not be required to issue that form to that patient.

(*d*) A drug supplied by a doctor, unless administered in person shall be supplied in a suitable container, properly labelled with the patient's name, the dose and frequency of the dosage, but

(i) A doctor shall not supply, under Regulation 41, for that patient any Scheduled drug except that where he has ordered a drug by a non-proprietary name, he may supply a drug which has the same specification notwithstanding that it is a Scheduled drug.

(ii) A doctor shall supply under Regulation 41 for that patient a drug specified in Schedule 3B only where the conditions in paragraph 11(3)(*b*) are satisfied.

(iii) A doctor may supply for that patient in respect of that treatment but otherwise than under Regulation 41, any Scheduled drug.".

(5) Paragraph 11(2) shall be deleted and the following inserted—

"(2)(*a*) Subject to paragraphs 11(1) and (3) a doctor shall order any drugs or appliances which are needed for the treatment of any patient to whom he is providing treatment under these terms of service by issuing to that patient a prescription form, and such a form shall not be used in any other circumstances.

(*b*) A prescription form shall be signed by the doctor with his own hand, and

(i) shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs or appliances to a previous order; and

(ii) a separate prescription form shall be used for each patient.

(*c*) In a case of urgency a doctor may request a chemist to dispense a drug or an appliance before a prescription form is issued only if—

(i) that drug is not a Scheduled drug;

(ii) that drug is not a controlled drug within the meaning of the Misuse of Drugs Act 1971(**a**) other than a drug which is for the time being specified in Schedule 1 to the Misuse of Drugs (Northern Ireland) Regulations 1974(**b**); and

(iii) in any case, the doctor undertakes to furnish the chemist within 72 hours with a prescription form completed in accordance with this sub-paragraph and sub-paragraph (3).".

(6) Sub-paragraph 11(3) shall be renumbered 11(4) and sub-paragraph 11(4) shall be renumbered 11(5). A new sub-paragraph 11(3) shall be inserted as follows—

(**a**) 1971 c. 38
(**b**) S.R. 1974 No. 272; the relevant amending regulations are S.R. 1984 No. 365

"11(3)(*a*) In the course of treating a patient to whom he is providing treatment under these terms of service, a doctor shall not order on a prescription form a drug or other substance specified in Schedule 3A but may otherwise prescribe such a drug or other substance for that patient in the course of that treatment.

(*b*) In the course of treating such a patient, a doctor shall not order on a prescription form a drug specified in an entry in Column 1 of Schedule 3B unless:

(i) that patient is a person mentioned in Column 2 of the said entry; and

(ii) that drug is prescribed for that patient only for the treatment of the condition specified in Column 3 of that entry; and

(iii) the doctor endorses the face of that form with the reference "S.3B", but may otherwise prescribe such a drug for that patient in the course of that treatment".

(7) Paragraph 17(1) shall have added to it the following:

"(*n*) Where the doctor has been required by the Board to supply to a patient under Regulation 41 and he supplies that patient in accordance with paragraph 11(1)(*d*) with any Scheduled drug."

Amendments to Schedule 4

4. Schedule 4 shall be amended as follows:

(1) In paragraph 1 there shall be inserted a new sub-paragraph as follows:—

"(5) "prescription form" means a form provided by the Agency and issued by a doctor or dentist to enable a person to obtain pharmaceutical services as defined in Article 63(1) of the Order".

(2) Paragraph 3 shall be deleted and a new paragraph inserted as follows:

"3(1)(*a*) A chemist shall supply with reasonable promptness to any person who presents on a prescription form signed by a doctor on the medical list or by his deputy or assistant

(i) an order for drugs, not being Scheduled drugs, or appliances;

(ii) an order for a drug specified in Schedule 3B signed by a doctor and endorsed on its face with the reference "S.3B"

and shall as far as is practicable keep in stock for that purpose all those drugs and appliances mentioned in the Drug Tariff for the time being in force as drugs and appliances which a chemist is required to keep.

(*b*) A chemist may, at the request of a doctor licensed under the provisions of the Misuse of Drugs (Notification of and Supply to Addicts) Regulations (Northern Ireland) 1973(**a**) arrange to supply, in accordance with a special prescription form provided for the purpose by the Agency and signed by the licensed doctor, such drugs or appliances as may be so ordered. If the prescription form includes directions that part of the total supply of drugs ordered thereon shall be supplied on a stated day or days the chemist shall comply with these directions:

Provided that a chemist shall not be in breach of his terms of service; if—

(i) he refuses to enter into an arrangement to supply drugs or appliances under this sub-paragraph; or

(**a**) S.R. & O. (N.I.) 1973 No. 180

(ii) having entered into such an arrangement he gives the licensed doctor seven days notice in writing of his intention to terminate it.

(*c*) A chemist shall supply with reasonable promptness to any person who presents on a prescription form signed by a dentist on the dental list, or by his deputy or assistant, such drugs, not being Scheduled drugs, as may be so ordered.

(*d*) A chemist shall supply in a suitable container properly labelled any drugs which he is required to supply under this paragraph.

3(2)(*a*) In a case of urgency where a doctor personally known to a chemist requests him to dispense a drug, the chemist may supply that drug before receiving a prescription form, only if—

(i) that drug is not a Scheduled drug;

(ii) that drug is not a controlled drug within the meaning of the Misuse of Drugs Act 1971 other than a drug specified in Schedule 1 to the Misuse of Drugs (Northern Ireland) Regulations 1974; and

(iii) in any case the doctor undertakes to furnish the chemist within 72 hours with such a prescription form.

(*b*) By way of supply a chemist may provide for any drug which is ordered on a prescription form by a non-proprietary name a drug which has the same specification, notwithstanding that the drug which is so provided is a Scheduled drug.

(*c*) A chemist shall not supply by way of pharmaceutical services under the Order or otherwise any Scheduled drug which is ordered by a doctor or his deputy or assistant on a prescription form.

3(3)(*a*) Where an order, not being an order to which the Poisons Regulations (Northern Ireland) 1983(**a**) or the Misuse of Drugs (Northern Ireland) Regulations 1974 apply, issued by a doctor or a dentist on a prescription form for drugs does not prescribe the quantity, strength or dosage thereof, a chemist may supply such strength and dosage of drugs so ordered as in the exercise of his professional skill, knowledge and care he shall consider to be appropriate, and, subject to the provisions of sub-paragraph (1)(*b*), in such quantity as he so considers to be appropriate for a course of treatment of the patient to whom the order relates, for a period not exceeding five days.

(*b*) Where an order to which sub-paragraph (*a*) applies is for—

(i) an oral contraceptive, or

(ii) a drug which is available for supply as part of pharmaceutical services only together with one or more drugs, or

(iii) an antibiotic in a liquid form for oral administration in respect of which pharmaceutical considerations require supply in an unopened package,

which is not available for supply as part of pharmaceutical services except in such packages that the minimum available package contains a quantity appropriate to a course of treatment for a patient for a period more than five days, the chemist may supply for the patient to whom the order relates, such minimum available package.

(**a**) S.R. 1983 No. 201

(4) Any drug so supplied which is included in the Drug Tariff shall be of a grade or quality not lower than the grade or quality specified therein and any drug not so included shall be of a grade or quality ordinarily used for medical purposes. Each appliance so supplied shall conform to any specification which may, from time to time, be included in the Drug Tariff in respect of that appliance and in the case of trusses, elastic hosiery, suprapubic belts and colostomy belts it shall, unless measurements have been specified by the prescriber, be the duty of the contractor to supply a properly fitting appliance.

(5) A chemist shall not give, promise or offer to any person requiring pharmaceutical services any gift or reward (whether by way of a share of or a dividend on the profits of the business or by way of discount or rebate or otherwise) as an inducement to or in consideration of his presenting an order for drugs or appliances on a prescription form provided by the Agency.''.

Revocation of regulations

5. The General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1976(**a**) are hereby revoked.

Transitional provision

6. Where before 1st April 1985, a doctor, or his deputy or assistant, has issued, in accordance with the terms of service for doctors in force at the time of issue, a prescription for supply under pharmaceutical services, for a drug which is specified in Schedule 3A or 3B of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973 set out in the Schedule and that prescription is presented to a chemist before 1st May 1985, that chemist may, before that date, supply that drug under pharmaceutical services as if these regulations were not in force.

Sealed with the Official Seal of the Department of Health and Social Services on 29th March 1985.

(L.S.) *R. W. McQuiston*
Assistant Secretary

Sealed with the Official of the Department of Finance and Personnel on 29th March 1985.

(L.S.) *R. G. Smartt*
Assistant Secretary

(**a**) S.R. 1976 No. 199