

2009 No. 599

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Pharmaceutical Services and
Local Pharmaceutical Services) Amendment Regulations 2009**

<i>Made</i> - - - -	<i>9th March 2009</i>
<i>Laid before Parliament</i>	<i>16th March 2009</i>
<i>Coming into force</i> - -	<i>14th April 2009</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 126(2), 129(6)(j) and 272(7) and (8)(a) of, and paragraphs 2 and 3 of Schedule 12 to, the National Health Service Act 2006(a).

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) Amendment Regulations 2009 and come into force on 14th April 2009.

(2) These Regulations apply to England.

(3) In these Regulations, “the LPS Regulations” means the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(b).

Amendment of the National Health Service (Pharmaceutical Services) Regulations 2005

2. In the National Health Service (Pharmaceutical Services) Regulations 2005(c)—

(a) in regulation 25(2)(e) (deferral of consideration of certain applications), for “30 days” substitute “120 days”; and

(b) in regulation 67(5)(d) (premises approval – transitional provisions), for “all Patients’ Forums” substitute “any relevant local involvement network”.

Amendment of regulation 2 of the LPS Regulations

3. In regulation 2 of the LPS Regulations(d) (interpretation), in paragraph (1) at the appropriate place insert—

““local involvement network” means a person who in pursuance of arrangements under section 221(1) of the Local Government and Public Involvement in Health Act 2007(e) (health

(a) 2006 c.41.

(b) S.I. 2006/552.

(c) S.I. 2005/641. The relevant amending instrument is S.I. 2006/552.

(d) Regulation 2 has been amended by S.I. 2006/913 and 3373, 2007/674 and 2008/1700.

(e) 2007 c.28.

services and social services: local involvement networks) is to carry on the activities specified in section 221(2) of that Act;” and

““relevant local authority”, in relation to a Primary Care Trust, means a local authority whose area falls, wholly or partly, within the area of that Primary Care Trust;”.

Amendment of regulation 4 of the LPS Regulations

4.—(1) Regulation 4 of the LPS Regulations (a) (designation of priority neighbourhoods or premises) is amended as follows.

(2) After paragraph (2), insert the following paragraph—

“(2A) Paragraph (2) does not apply to the following types of Part 2 applications—

- (a) an application for a change of ownership;
- (b) an application from a nominated person for temporary inclusion to provide services in place of a pharmacist who has been suspended;
- (c) an application to exercise a right of return after ceasing to provide local pharmaceutical services;
- (d) an application where preliminary consent has already been granted and any conditions imposed by the Primary Care Trust are satisfied; and
- (e) an application for inclusion in the pharmaceutical list received more than 120 days prior to the date of designation.”.

(3) In paragraph (5), for sub-paragraphs (a) to (e) substitute the following sub-paragraphs—

- “(a) the Local Pharmaceutical Committee formed for the area of that Primary Care Trust and the Local Pharmaceutical Committee of any neighbouring Primary Care Trust that is likely to be affected by the designation;
- (b) any Local Medical Committee formed for the area of that Primary Care Trust and any Local Medical Committee of any neighbouring Primary Care Trust that is likely to be affected by the designation;
- (c) any person whose name is included in the pharmaceutical list of that Primary Care Trust and any person whose name is included in the pharmaceutical list of any neighbouring Primary Care Trust that is likely to be affected by the designation;
- (d) any person who provides local pharmaceutical services under arrangements with the Primary Care Trust within its locality;
- (e) any person whose name is included in the dispensing doctor list of that Primary Care Trust and any person whose name is included in the dispensing doctor list of any neighbouring Primary Care Trust who is likely to be affected by the designation;
- (f) any local involvement network of a relevant local authority, as the Primary Care Trust considers appropriate; and
- (g) any other Primary Care Trust likely to be affected by the designation.”.

Amendment of regulation 14 of the LPS Regulations

5. After regulation 14 of the LPS Regulations (LPS schemes: general), insert the following regulation—

(a) Regulation 4 was amended by S.I. 2008/528.

“Notification of proposals selected for development

14A. Within 10 days of a PCT making a decision to select a proposal for an LPS scheme for development, a Primary Care Trust must give notice of its decision and provide such details of the LPS scheme selected as it considers appropriate to—

- (a) the Local Pharmaceutical Committee formed for the area of that Primary Care Trust and the Local Pharmaceutical Committee of any neighbouring Primary Care Trust that is likely to be affected by the proposal;
- (b) any Local Medical Committee formed for the area of that Primary Care Trust and any Local Medical Committee of any neighbouring Primary Care Trust that is likely to be affected by the proposal;
- (c) any person whose name is included in the pharmaceutical list of that Primary Care Trust and any person whose name is included in the pharmaceutical list of any neighbouring Primary Care Trust that is likely to be affected by the proposal;
- (d) any person who provides local pharmaceutical services under arrangements with the Primary Care Trust in its locality;
- (e) any person whose name is included in the dispensing doctor list of that Primary Care Trust and any person whose name is included in the dispensing doctor list of any neighbouring Primary Care Trust likely to be affected by the proposal;
- (f) any local involvement network of a relevant local authority, as the Primary Care Trust considers appropriate; and
- (g) any other Primary Care Trust that is likely to be affected by the proposal.”.

Amendment of regulation 15 of the LPS regulations

6. In regulation 15 of the LPS regulations^(a) (right of return to pharmaceutical lists), in paragraph (5) after sub-paragraph (e) insert—

- “(ea) any local involvement network of a relevant local authority,”.

Signed by authority of the Secretary of State for Health.

9th March 2009

Phil Hope
Minister of State,
Department of Health

^(a) Amended by S.I. 2006/3373 and 2008/528.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Pharmaceutical Services) Regulations 2005 and the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006 (“the LPS Regulations”).

Regulation 2 amends regulations 25 and 67 of the National Health Service (Pharmaceutical Services) Regulations 2005. Regulation 25 prohibits Primary Care Trusts from deferring consideration of applications or notifications to join the pharmaceutical list (Part 2 applications) when they designate an area as a local pharmaceutical services area, if the application or notification was received more than 30 days before the date of the designation. Regulation 2(a) amends regulation 25(2)(e) to extend this period to 120 days. Regulation 67(5) sets out the persons and groups who must be notified when pharmaceutical services are to be provided by doctors. Regulation 67(5)(d) is amended to take account of local involvement networks.

Regulation 3 amends regulation 2 of the LPS Regulations (interpretation) to insert definitions for “relevant local authority” and “local involvement network”.

Regulation 4 amends regulation 4 of the LPS Regulations to prohibit Primary Care Trusts from deferring consideration of certain types of applications to join the pharmaceutical list (Part 2 applications) when designating priority neighbourhoods or premises. Regulation 4(3) amends regulation 4(5) which sets out the persons and groups that must be notified by the Primary Care Trust when a designation is made, to bring it into line with the new regulation 14A, and to provide for notification of designations to be made to any relevant local involvement network and any other Primary Care Trust likely to be affected by the designation.

Regulation 5 inserts a new regulation 14A into the LPS Regulations. This regulation imposes a duty on Primary Care Trusts to notify certain persons and groups within 10 days of taking a decision to select a proposal for an LPS scheme for development.

A full Impact Assessment has not been prepared for this instrument as it has no impact on the cost of business, charities or voluntary bodies.

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