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D I R E C T I O N S

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**NATIONAL HEALTH SERVICE ACT 2006**

**The Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No. 2) Directions 2010**

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by sections 8 and 273(1) of, and paragraph 7(1) of Schedule 11 to, the National Health Service Act 2006(a).

**Citation, commencement and application**

1.—(1) These Directions may be cited as the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No.2) Directions 2010 and come into force on 1st October 2010.

(2) These Directions are given to Primary Care Trusts in England.

**Amendment of the Local Pharmaceutical Services (Essential Small Pharmacies) Directions 2005**

2.—(1) The Local Pharmaceutical Services (Essential Small Pharmacies) Directions 2005(b) are amended as follows.

(2) In direction 1(3) (interpretation etc.)—

(a) after the definition of “piloted services” insert the following definition—

““Prescription Pricing Authority” means NHS Prescription Services, which are part of the NHS Business Services Authority established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(c);” and

(b) in the definition of “qualifying pharmacist”, after “(qualifying pharmacists)” insert “, read with direction 18A(2) (change of ownership)”.

(3) After direction 12, insert the following paragraph—

**“Prohibition on relocation**

“**12A.** A Primary Care Trust must not vary an EPS pilot scheme so as to permit a qualifying pharmacist to change the premises from which local pharmaceutical services are provided that are specified in an ESPLPS agreement.”.

(4) In direction 17 (duration of an ESPLPS agreement), for “of five years” substitute “that ends at the end of 31st March 2013”.

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(a) 2006 c. 41.

(b) These Directions were signed on 28th October 2005 and have been amended by: the Local Pharmaceutical Services (Essential Small Pharmacies) Directions 2007, signed on 22nd February 2007 and revoked with effect from 1st October 2008; the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2008, signed on 30th September 2008 and revoked by with effect from 1st February 2010; the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No.2) Directions 2008, signed on 14th November 2008 and revoked with effect from 1st February 2010; and the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010, signed on 29th January 2010.

(c) S.I. 2005/2414; there are no relevant amending instruments.

(5) After direction 18 insert the following direction—

**“Change of ownership**

**18A.**—(1) A Primary Care Trust may only vary an EPS pilot scheme so as to permit a different person (P) to be the provider of local pharmaceutical services under an ESPLPS agreement if it is satisfied that P is a fit and proper person to be included in its pharmaceutical list if the agreement is terminated under the term of it that gives effect to direction 21(1)(d) or in accordance with direction 21(3A).

(2) In this Part, where reference is made to a “qualifying pharmacist” but the provider of local pharmaceutical services under an ESP agreement has become P, that reference is to be construed as a reference to P.”.

(6) In direction 19 (notifications to Prescription Pricing Authority), after “with a qualifying pharmacist” insert “, or with a new qualifying pharmacist as referred to in direction 18A(2).”.

(7) In direction 21 (termination), after paragraph (3) insert the following paragraph—

“(3A) On the date on which a Primary Care Trust terminates an ESPLPS agreement upon the expiry of—

- (a) the period for the duration of the agreement which has been included in the agreement in accordance with direction 18; or
- (b) a period of notice of not less than six months given by the qualifying pharmacist who was a party to that agreement (Q) pursuant to the term in the agreement that gives effect to paragraph (1)(b),

if Q wishes to continue to provide essential services at the premises that were specified in the agreement, and gave written notice to the Primary Care Trust of that wish at least 3 months prior to that date, the Primary Care Trust must include Q in its pharmaceutical list (if Q is not already so listed) and list those premises in its pharmaceutical list in relation to Q.”.

Signed by authority of the Secretary of State for Health



*Jeannette Howe*  
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Department of Health

30 September 2010