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## DIRECTIONS

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### NATIONAL HEALTH SERVICE ACT 2006

#### The Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2012

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by sections 8, 272(7) and (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) Directions 2012 and come into force on 1st September 2012.

(2) These Directions apply in relation to England.

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

2. The Local Pharmaceutical Services (Essential Small Pharmacies) Directions 2005(b) are amended in accordance with directions 3 to 9.

##### Amendment of direction 1

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

(a) in the definition of “Advanced and Enhanced Services Directions” for “2011 signed on 22nd September 2011” substitute “2012”;

(b) for the definition of “essential services” substitute—

““essential services” means services of the same type as the services that are “essential services” within the meaning given in paragraph 3 of Schedule 4 to the Pharmaceutical Regulations;”;

(c) for the definition of “pharmaceutical list” substitute—

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(a) 2006 c.41. By virtue of section 271(1) of the Act, the functions of the Secretary of State being exercised in the making of these Directions are exercisable only in relation to England.

(b) These Directions were signed on 28th October 2005 and have been amended by: the National Health Service (Miscellaneous Amendments Relating to Prescribing, Pharmaceutical Services and Local Pharmaceutical Services etc.) (England) Directions 2006, signed on 8th March 2006; 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 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; the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010, signed on 29th January 2010; the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No. 2) Directions 2010, signed on 30th September 2010; the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No. 3) Directions 2010, signed on 30th November 2010 and revoked by these Directions with effect from 1st December 2011; and the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2011, signed on 29th November 2011.

(c) Amended by: the National Health Service (Miscellaneous Amendments Relating to Prescribing, Pharmaceutical Services and Local Pharmaceutical Services etc.) (England) Directions 2006, signed on 8th March 2006; the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No. 2) Directions 2010, signed on 30th September 2010; and the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2011, signed on 29th November 2011.

““pharmaceutical list” means a pharmaceutical list maintained in accordance with regulation 10(2)(a) of the Pharmaceutical Regulations;”;

(d) for the definition of “Pharmaceutical Regulations” substitute—

““Pharmaceutical Regulations” means the National Health Service (Pharmaceutical Services) Regulations 2012(a);”;

(e) for the definition of “pharmacy” substitute—

““pharmacy” means premises registered in Part 3 of the register maintained by the General Pharmaceutical Council under article 19 of the Pharmacy Order 2010(b) at or from which a qualifying pharmacist provides or proposes to provide drugs under an ESPLPS agreement;”.

### **Amendment of Direction 3**

4. In direction 3(3)(a)(c) (application of the LPS Directions, the Pharmaceutical Regulations and Advanced and Enhanced Services Directions), for ““pharmacist”” substitute ““NHS pharmacist””.

### **Amendment of direction 4**

5. In direction 4(2)(a) (qualifying pharmacists), for “Pharmaceutical Regulations” substitute “the National Health Service (Pharmaceutical Services) Regulations 2005(d)”.

### **Amendment of direction 9**

6. In direction 9(e) (hours of opening)—

(a) in paragraph (3), for “paragraphs 22(4) to (11) and 25(1) to (12) of Schedule 1 to” substitute “paragraphs 23(5) to (12) and 26 of Schedule 4 to”; and

(b) in paragraph (4)—

(i) for sub-paragraph (a) substitute the following sub-paragraph—

“(a) in relation to paragraph 23 as if—

(i) in sub-paragraph (8), for “under sub-paragraph (1),” there were substituted “in respect of the total number of hours during which the qualifying pharmacist must provide piloted services per week,”; and

(ii) in sub-paragraph (10), for “sub-paragraph (1) and (7),” there were substituted “sub-paragraph (8) or their obligations in respect of the total number of hours during which the qualifying pharmacist must provide piloted services per week,”; and

(ii) in sub-paragraph (b), for “paragraph 25” substitute “paragraph 26”.

### **Amendment of direction 9A**

7. In direction 9A(3)(f) (temporary arrangements during an emergency requiring the flexible provision of pharmaceutical services), for “regulation 2(5)” substitute “regulation 29(4)”.

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(a) S.I. 2012/1909.

(b) S.I. 2010/231.

(c) Direction 3 was amended by: the National Health Service (Miscellaneous Amendments Relating to Prescribing, Pharmaceutical Services and Local Pharmaceutical Services etc.) (England) Directions 2006, signed on 8th March 2006; and the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2011, signed on 29th November 2011.

(d) S.I. 2005/641. These Regulations were revoked by S.I. 2012/1909.

(e) Amended by the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010, signed on 29th January 2010.

(f) Inserted by the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010, signed on 29th January 2010.

### **Amendment of direction 11**

#### **8. In direction 11(a) (clinical governance)—**

- (a) in paragraph (1)—
  - (i) for “Part 4 of Schedule 1” substitute “paragraphs 28 to 31 and 34 of Schedule 4”, and
  - (ii) omit “other than paragraph 29 of that Schedule”;
- (b) for paragraph (2) substitute—

“(2) For these purposes, paragraph 31 of Schedule 4 to the Pharmaceutical Regulations shall apply as if the references in it to paragraph 33 of that Schedule were instead references to the term of the ESPLPS agreement required by direction 12(2A).”;
- (c) in paragraph (3), for “paragraph 31 of Schedule 1 to the Pharmaceutical Regulations (as modified by paragraph (2))” substitute “the term of the ESPLPS agreement required by direction 12(2A)”.

### **Amendment of direction 12**

#### **9. In direction 12 (other terms of service)—**

- (a) for paragraph (1) substitute—

“(1) A Primary Care Trust which is implementing an ESP pilot scheme must ensure that the ESPLPS agreement requires the qualifying pharmacist to comply with the requirements of—

  - (a) subject to paragraph (1A), regulations 95 and 96 of the Pharmaceutical Regulations; and
  - (b) subject to paragraphs (2) and (4), paragraphs 32 and 35 of Schedule 4 to the Pharmaceutical Regulations.

(1A) For these purposes, regulation 95 of the Pharmaceutical Regulations shall apply as if the reference in it to regulation 92(1)(a) were omitted.”;
- (b) in paragraph (2)—
  - (i) for “paragraph 34 of Schedule 1” substitute “paragraph 32 of Schedule 4”, and
  - (ii) for sub-paragraph (b) substitute—

“(b) the references in it to paragraph 33 of that Schedule were instead references to the term of the ESPLPS agreement required by paragraph (2A).”.
- (c) after paragraph (2), insert the following paragraph—

“(2A) A Primary Care Trust (PCT1) which is implementing an ESP pilot scheme must ensure that the ESPLPS agreement requires PCT1 to allow a qualifying pharmacist that is a body corporate with a registered office in England to provide the information required under the terms of the agreement that give effect to paragraphs 31 and 32 of Schedule 4 to the Pharmaceutical Regulations (as modified by paragraph (2) and direction 11(2)) to the Primary Care Trust (PCT2) in the area of which the registered office of the qualifying pharmacist is located instead of to PCT1, if the qualifying pharmacist, when it provides the information to PCT2 also provides PCT2 with details of any other Primary Care Trust—

  - (a) that is a party to an ESPLPS agreement or LPS agreement with the qualifying pharmacist; or
  - (b) in whose pharmaceutical list the qualifying pharmacist is included.”; and

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(a) Amended by the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010, signed on 29th January 2010.

- (d) in paragraph (3), for “paragraph 34(7) of Schedule 1 to the Pharmaceutical Regulations (as modified by paragraph (2))” substitute “paragraph (2A)”; and
- (e) in paragraph (4), for “paragraph 37(1) of Schedule 1” substitute “paragraph 35(1)(a) of Schedule 4”.

Signed by authority of the Secretary of State for Health



20th July 2012

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