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## DIRECTIONS

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# NATIONAL HEALTH SERVICE ACT 2006

## The Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2011

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 2011 and come into force on 1st December 2011.

(2) These Directions are given to Primary Care Trusts in 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 6.

### Amendment of direction 1

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

(a) in the definition of “Advanced and Enhanced Services Directions” for “2005 dated 31st March 2005” substitute “2011 signed on 22nd September 2011”;

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

““advanced services” means services of the same type as the services that Primary Care Trusts are required to arrange, where specified conditions are satisfied, by virtue of directions 4 to 13 of the Advanced and Enhanced Services Directions;”;

(c) for the definition of “enhanced services” substitute—

““enhanced services” means services of the same type as the enhanced services described in direction 14(1) of the Advanced and Enhanced Services Directions;”;

(d) for the definition of “MUR services” substitute—

““MUR services” means services of the same type as the MUR services described in direction 4(1) of the Advanced and Enhanced Services Directions;”;

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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; and 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.

- (e) omit the definition of “Prescription Pricing Authority”.

**Amendment of direction 3**

**4.** In direction 3(4) (application of the LPS Directions, the Pharmaceutical Regulations and Advanced and Enhanced Services Directions)—

- (a) in sub-paragraph (a), for ““pharmacist”” substitute ““pharmacy contractor””; and
- (b) in sub-paragraph (b), after ““arrangements”” insert “, in the context of the arrangements with a pharmacy contractor,”.

**Amendment of direction 8**

**5.** In direction 8 (piloted services)—

- (a) in paragraph (2)—
  - (i) for “advanced services” substitute “MUR services”, and
  - (ii) in sub-paragraph (b), for “advanced service as set out in directions 3(3) to (5)” substitute “MUR services as set out in direction 4(3) to (6)”;
- (b) in paragraph (4)—
  - (i) for “provide advanced services,” substitute “provide MUR services,”, and
  - (ii) in sub-paragraph (b), for “the advanced services to be provided in accordance with direction 3(6)(a) to (c) and (e) to (k) and (7)” substitute “the MUR services to be provided in accordance with direction 5(1)(a) to (c), (e) to (o) and (4) and (5)”;
- (c) after paragraph (4) insert the following paragraph—
  - “(4A) For the purposes of paragraph (4)—
    - (a) direction 5(1)(m) of the Advanced and Enhanced Services Directions applies as if “under Schedule 1 to the Pharmaceutical Services Regulations” were omitted; and
    - (b) direction 5(5) of the Advanced and Enhanced Services Directions applies as if for “1st October 2011” there were substituted “1st December 2011”.”;
- (d) omit paragraph (5); and
- (e) before paragraph (6) insert the following paragraphs—

“(5A) The ESPLPS agreement shall, subject to paragraph (5B), provide for the qualifying pharmacist (Q) to be able to provide advanced services which are not MUR services on the same basis that Q would be able to provide those services if, instead of being a party to an ESPLPS agreement, Q was a pharmacy contractor on the Primary Care Trust’s pharmaceutical list.

(5B) For the purposes of paragraph (5A)—

- (a) direction 6 of the Advanced and Enhanced Services Directions applies as if—
  - (i) in paragraph (1)(b), the words after “such arrangements” were omitted, and
  - (ii) in paragraph (4), the words “under Schedule 1 to the Pharmaceutical Services Regulations” were omitted;
- (b) direction 7(1) of the Advanced and Enhanced Services Directions applies as if—
  - (i) for the words “under Part 2 of Schedule 1 to the Pharmaceutical Services Regulations” in sub-paragraphs (f)(iv), (h)(v) and (j)(iv) there were substituted “under the ESPLPS agreement”, and
  - (ii) in sub-paragraph (k), the words “under Schedule 1 to the Pharmaceutical Services Regulations” were omitted;
- (c) direction 9 of the Advanced and Enhanced Services Directions applies as if—
  - (i) in paragraph (1)(c), the words after “the arrangements” were omitted, and

- (ii) in paragraph (4)(a), for the words “under Schedule 1 to the Pharmaceutical Services Regulations or S’s obligations under Schedule 3 to those Regulations (as the case may be)” there were substituted “the ESPLPS agreement”; and
- (d) direction 11 of the Advanced and Enhanced Services Directions applies as if—
  - (i) in paragraph (1)(c), the words after “the arrangements” were omitted, and
  - (ii) in paragraph (5)(a), for the words “under Schedule 1 to the Pharmaceutical Services Regulations or S’s obligations under Schedule 3 to those Regulations (as the case may be)” there were substituted “the ESPLPS agreement”.

### **Amendment of the Schedule**

**6.** In the Schedule (essential small pharmacy payment)—

- (a) in paragraph 2, for “£79,082” substitute “£80,354”;
- (b) in paragraph 3, for “£5,734” substitute “£5,826”; and
- (c) for paragraphs 7 and 8 substitute the following paragraphs—

“**7.** A qualifying pharmacist who—

- (a) was a qualifying pharmacist for all or part of any calendar month between 1st October 2011 and 30th November 2011 inclusive; and
- (b) in respect of that month, under these Directions as in force on 30th November 2011, was entitled to receive an ESP payment,

is entitled to an additional ESP payment in respect of that month (referred to in paragraph 8 as a “relevant month”), calculated in accordance with paragraph 8.

**8.** The amount of the additional ESP payment referred to in paragraph 7 is the difference between—

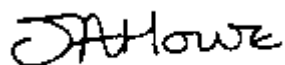
- (a) the amount in respect of the relevant month to which the qualifying pharmacist was entitled, as an ESP payment, under these Directions as in force on 30th November 2011; and
- (b) the amount in respect of the relevant month to which the qualifying pharmacist would have been entitled, had the amendments made by direction 6(a) and (b) of the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2011 been made on 1st October 2011 instead of 1st December 2011.”.

### **Revocations**

**7.**—(1) Direction 2(2)(a) of the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No. 2) Directions 2010 is revoked.

(2) The Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No. 3) Directions 2010 are revoked.

Signed by authority of the Secretary of State for Health



29th November 2011

*Jeannette Howe*  
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