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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 396**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No. 2) Regulations 2000**

<i>Made</i>	- - - -	<i>8th November 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th November 2000</i>
<i>Coming into force</i>	- -	<i>1st December 2000</i>

The Scottish Ministers, in exercise of the powers conferred by sections 19, 27, 69, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No. 2) Regulations 2000 and shall come into force on 1st December 2000.

(2) In these Regulations “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(2).

**Amendment of regulation 2 of the principal Regulations**

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended as follows.

(2) In paragraph (1)–

(a) for the definition of “medical list” there is substituted–

““medical list” has the meaning assigned to it by regulation 4(1) of the General Medical Services Regulations;”;

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- (1) 1978 c. 29; section 27 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3), by S.I. 1987/2202, by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(7), by the Medicinal Products; Prescription by Nurses etc. Act 1992 (c. 28), section 3, and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 44; section 105(7), which contains provisions relevant to the making of regulations was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (2) S.I. 1989/326 relevant amending instruments are S.I. 1996/1504 and 1998/2224.

- (b) for the definition of “the Medical Services Regulations” there is substituted—
  - “the General Medical Services Regulations” means the National Health Service (General Medical Services (Scotland) Regulations 1995<sup>(3)</sup>;
- (c) for the definition of “patient” there is substituted—
  - ““patient” means—
    - (a) any person for whose treatment a doctor is responsible under his terms of service or in connection with a pilot scheme; or
    - (b) any person who applies to a chemist for the provision of pharmaceutical services, and includes for the purposes of these Regulations a person acting on behalf of such a person;”;
- (d) after the definition of “patient” there is inserted—
  - ““pilot scheme” shall be construed in accordance with section 1(1) of the National Health Service (Primary Care) Act 1997;<sup>(4)</sup>
- (3) For paragraph (1A)<sup>(5)</sup> there is substituted—
  - “(1A) The specified description of a nurse or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is—
    - (a) a person who is registered in Part 1 or 12 of the register maintained under the Nurses, Midwives and Health Visitors Act 1997<sup>(6)</sup> (referred to below in this paragraph as “the professional register”), has a district nursing qualification additionally recorded in the professional register maintained under rule 11 of the Nurses, Medicines and Health Visitors Rules 1983<sup>(7)</sup>, and is, at the time of ordering the listed drug or medicine or listed appliance—
      - (i) employed as a district nurse by a Board or an NHS trust; or
      - (ii) employed as a nurse by a doctor whose name is included in a medical list or who, at that time, is assisting in the performance of personal medical services under a pilot scheme;
    - (b) a person who is registered in Part 11 of the professional register as a health visitor and is, at the time of ordering the listed drug or medicine or listed appliance—
      - (i) employed as a nurse by a Board or NHS trust; or
      - (ii) employed as a nurse by a doctor whose name is included in a medical list or who, at that time, is assisting in the performance of personal medical services under a pilot scheme,

against whose name (in each case) is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients.”.

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(3) S.I. 1995/416 to which there are amendments not relevant to these Regulations.

(4) 1997 c. 46.

(5) Paragraph 1A was inserted into regulation 2 of the principal Regulations by S.I. 1996/1504.

(6) 1997 c. 24.

(7) Approved by S.I. 1983/873 to which there are amendments not relevant to these Regulations.

St Andrew's House,  
Edinburgh  
8th November 2000

*SUSAN C DEACON*  
A member of the Scottish Executive

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989 (S.I. [1989/326](#)) (“the principal Regulations”), which provide for the making and recovery of charges for drugs and appliances supplied by doctors and pharmacists providing pharmaceutical services, and by Health Boards and NHS trusts to out-patients.

Regulation 2(2) amends certain definitions in regulation 2 of the principal Regulations (interpretation).

Regulation 2(3) substitutes a new paragraph (1A) into regulation 2 of the principal Regulations. The effect of this is to provide for prescriptions issued by nurse prescribers employed under a pilot scheme to be subject to the same charges and benefit from the same exemptions from charges as those issued by doctors and other nurse prescribers.