
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 111

**The National Health Service (General Medical Services and Pharmaceutical Services)
(Scotland) Amendment Regulations 2002**

Amendment of the National Health Service (General Medical Services) Regulations 1995

3.—(1) The National Health Service (General Medical Services) Regulations 1995(1) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation), in the definition of “nurse prescriber”, for “nurse or health visitor” there is substituted “nurse, midwife or health visitor”.

(3) For regulation 2(1A) (interpretation) there is substituted—

“(1A) The specified description of nurse, midwife or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is—

(a) a person who is either—

(i) registered in Part 1 or 12 of the register maintained by the Nursing and Midwifery Council(2) pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(3) (referred to below in this definition as the “professional register”), and has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(4), or

(ii) registered in Part 11 of the professional register as a health visitor, and 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; or

(b) a person who is registered in Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the professional register and against whose name is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Extended Formulary Appendix in the British National Formulary.”

(4) In regulation 35(1) (payments) after subparagraph (d) there is inserted—

“(da) fees and allowances for the grant of pre-payment certificates in accordance with regulation 8 of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(5)

(5) In Schedule 1—

(a) in paragraph 1 (interpretation), after the definition of “prescription form” there is inserted—

(1) S.I.1995/416; relevant amending instruments are S.I. 1996/1504, 1997/943, 1998/1600, 1999/749 and 1620 and S.S.I. 1999/54.

(2) See article 3 of the Nursing and Midwifery Order 2001, S.I. 2002/253.

(3) S.I. 2002/253.

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

(5) S.S.I. 2001/430 was amended by S.S.I. 2002/[].

- “restricted availability appliance” means an appliance which is approved for particular categories of persons or particular purposes only;”;
- (b) in paragraph 29(1) (prescribing and dispensing), before “A doctor” there is inserted “Subject to sub-paragraph (1A),”;
- (c) after paragraph 29(1) there is added–
- “(1A) A doctor shall supply a restricted availability appliance only if it is for a patient in a category of person or a purpose specified in the Drug Tariff.”;
- (d) in paragraph 29(2)(b) (prescribing and dispensing), after sub-paragraph (ii) there is added–
- “(iii) shall supply under regulation 34 for that patient a restricted availability appliance only if it is for a patient in a category of person or a purpose specified in the Drug Tariff.”;
- (e) in paragraph 30(3) (prescribing and dispensing) “, or an appliance,” is omitted; and
- (f) after paragraph 30(3) there is added–
- “(4) In the case of urgency a doctor may request a chemist to dispense an appliance before a prescription form is issued only if–
- (a) that appliance does not contain a scheduled drug or a controlled drug within the meaning of the Misuse of Drugs Act 1971(6) other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 1985(7);
- (b) in the case of a restricted availability appliance, the appliance is for a patient in a category of person or a purpose specified in the Drug Tariff; and
- (c) in either case, the doctor undertakes to furnish the chemist, within 72 hours, with a prescription form completed in accordance with sub paragraphs (1) and (2).”.
- (6) In Schedule 11 (drugs to be supplied by general medical practitioners or prescribed for supply under pharmaceutical services only in certain circumstances) after the entry “Alprostadil (Caverject), (MUSE), (Viridal)” in each of columns 1 and 2 there is inserted “Apomorphine Hydrochloride (sublingual tablets) (Uprima)”.

(6) 1971 c. 38.
(7) S.I. 1985/2066.