
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 618

NATIONAL HEALTH SERVICE

**The National Health Service (Pharmaceutical Services)
(Scotland) Amendment (No. 2) Regulations 2005**

Made - - - - *1st December 2005*
Laid before the Scottish
Parliament - - - - *1st December 2005*
Coming into force - - *23rd December 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 27(1) and (2), 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 and commencement

1. These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment (No. 2) Regulations 2005 and shall come into force on 23 December 2005.

Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995

2.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(2) are amended in accordance with the following paragraphs:

(2) In regulation 2(1) (interpretation and application) insert each of the following definitions at the appropriate alphabetical place—

(1) 1978 c. 29; section 27(1) was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 20(2), the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(7)(a), the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 3, the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, Part 1, paragraph 44 and the Health and Social Care Act 2001 (c. 15), section 44(2); section 27(2) was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3), amended by the 1990 Act, Schedule 9, paragraph 19(7)(b) and is extended by the Health and Medicines Act 1988 (c. 49), section 17(1); 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, Part 1, paragraph 24 and 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. 1995/414.

““Patient Group Direction” has the meaning ascribed in Article 1(2) of the Prescription Only Medicines (Human Use) Order 1997(3);

“supply form” means a form issued by a Board to record a supply of pharmaceutical services under the terms of a Patient Group Direction issued by a Health Board in accordance with Article 12C of the Prescription Only Medicines (Human Use) Order 1997(4) (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction)”.

(3) In Schedule 1 (terms of service for pharmacists)–

(a) in paragraph 3 (provision of pharmaceutical services)

(i) in sub paragraph (3A)(a)(5)–

(aa) for “National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(6) (“the 1989 Regulations””, substitute “ National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(7) (“the 2001 Regulations”)”; and

(bb) for “National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(8)”, substitute “National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003(9)”;

(ii) in sub paragraphs (3A)(b) and (3A)(c) for the references to “the 1989 Regulations” wherever they occur, substitute “the 2001 Regulations”;

(iii) in sub paragraphs (3A)(a) and 3(A)(c) after the words “prescription form” wherever they appear, insert–

“or a supply form.”;

(iv) in sub paragraph (11)(10), after “as specified in sub paragraph (1)” insert–

“or in accordance with the terms of a Patient Group Direction issued by a Board in accordance with Article 12C of the Prescription Only Medicines (Human Use) Order 1997 (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction).”.

(b) in paragraph 8 (method of payment)–

(i) in sub-paragraph (1), after “prescription forms” insert–

“, supply forms”;

(ii) in sub paragraph (7) after “prescription form” add–

“, or in respect of the supply of drugs or listed appliances in terms of a Patient Group Direction issued by a Health Board in accordance with Article 12C of the Prescription Only Medicines (Human Use) Order 1997, (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction).”;

(3) S.I. 1997/1830; the definition of Patient Group Direction was inserted by S.I. 2000/1917.

(4) Article 12C was inserted by S.I. 2000/1917, and amended by S.I. 2000/2899 and S.I. 2003/696. There are no other relevant amending instruments.

(5) Sub paragraph (3A) was inserted by S.I. 1998/3031.

(6) S.I. 1989/326.

(7) S.S.I. 2001/430, amended by S.S.I. 2002/100, 2003/130, 2004/66, 2005/124 and 2005/326.

(8) S.I. 1988/546.

(9) S.S.I. 2003/460 amended by S.S.I. 2004/102, 2004/166, 2005/3 and 2005/179.

(10) Sub paragraph 11 was amended by S.I. 1996/1504.

St Andrew's House, Edinburgh
1st December 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 (S.I.1995/414) (“the principal Regulations”) which regulate the provision of pharmaceutical services under the National Health Service (Scotland) Act 1978.

These amendments make provision for pharmacists to supply certain drugs and appliances without a prescription form being presented where the drugs and appliances are supplied in accordance with the terms of a Patient Group Direction issued by a Health Board in accordance with Article 12C of the Prescription Only Medicines (Human Use) Order 1997 (S.I. 1997/1830) (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction).

Regulation 2(3)(a)(i) amends paragraph (3A) of Schedule 1 of the principal Regulations by substituting references to (a) the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 (S.S.I. 2001/430) and (b) the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 2) Regulations 2003 (S.S.I. 2003/460) for the now revoked (a) National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989 (S.I. 1989/236) and (b) National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (S.I. 1988/546).