
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 206

The National Health Service (General Medical Services Contracts) (Scotland) Amendment Regulations 2007

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Medical Services Contracts) (Scotland) Amendment Regulations 2007 and shall come into force on 1st April 2007.

Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

2.—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(1) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) insert the following definitions in the appropriate alphabetical places—

“the 2007 Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007(2);

“advanced electronic signature” means an electronic signature which is—

- (a) uniquely linked to the signatory;
- (b) capable of identifying the signatory;
- (c) created using means that the signatory can maintain under his or her sole control; and
- (d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

“electronic communication” has the same meaning as in section 15 of the Electronic Communications Act 2000(3);

“electronic prescription form” means a prescription form as defined in paragraph (b) of the definition of “prescription form”;

“electronic signature” has the meaning attributed to it in section 7(2) of the Electronic Communications Act 2000;

“ePharmacy service” means the electronic system provided by the Agency by which electronic prescription forms are transmitted;

“non-electronic prescription form” means a prescription form as defined in paragraph (a) of the definition of “prescription form”;

(b) for the definition of “prescription form” substitute—

““prescription form” means—

(1) S.S.I. 2004/115. There are no relevant amending instruments.
(2) S.S.I. 2007/139.
(3) 2000 c. 7.

- (a) a form provided by the Health Board and issued by a prescriber; or
 - (b) data that are created in an electronic form and which are signed with a prescriber's advanced electronic signature and transmitted as an electronic communication through the ePharmacy service,

to enable a person to obtain pharmaceutical services.”.
- (3) In paragraph 38 (prescribing) of Schedule 5 after “issued” insert “or created”.
- (4) In paragraph 39 (prescribing) of Schedule 5–
 - (a) in sub-paragraph (1) for “issuing” to the end, substitute–
 - “(a) issuing to that patient a non-electronic prescription form; or
 - (b) creating and transmitting an electronic prescription form,

and such a non-electronic prescription form or electronic prescription form shall not be used in any other circumstances.”;
 - (b) in sub-paragraph (2)–
 - (i) for “such” substitute “non-electronic”;
 - (ii) omit from “, and:” to the end of the sub-paragraph;
 - (c) after sub-paragraph (2) insert–
 - “(2A) A prescription form shall not refer to any previous prescription form.
 - (2B) A separate prescription form shall be used for each patient.”;
 - (d) in each of sub-paragraphs (3) and (4)–
 - (i) after “issued” insert “or created”; and
 - (ii) in sub-sub-paragraph (c) after “sub-paragraph (2)” insert “or with an electronic prescription form”;
 - (e) insert a new sub-paragraph (5) as follows–
 - “(5) A prescriber may only order drugs, medicines or appliances by means of an electronic prescription form if the prescription is not for a controlled drug within the meaning of the Misuse of Drugs Act 1971(4), other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001(5).”; and
 - (f) insert a new sub-paragraph (6) as follows–
 - “(6) A prescriber who orders drugs, medicines or appliances by means of an electronic prescription form shall issue the patient with a written record of the prescription which has been created.”.
- (5) In paragraph 40 of Schedule 5 (restrictions on prescribing by medical practitioners)–
 - (a) in sub-paragraph (2)(c) for “endorses the form with” substitute “includes on the prescription form”; and
 - (b) in sub-paragraph (3)(b) for “endorses the face of the form with” substitute “includes on the prescription form”.
- (6) In paragraph 41 (restrictions on prescribing by supplementary prescribers) of Schedule 5–
 - (a) in sub-paragraph (1)(a) for “give” substitute “issue or create”;
 - (b) in each of sub-paragraphs (2)(d)(iii) and (4)(e)(iii) and (h)(iii) for “giving a prescription, the supplementary prescriber endorses the face of the form with” substitute “issuing or

(4) 1971 c. 38.

(5) S.I.2001/3998. Schedule 4 was amended by S.I. 2003/1432 and S.I. 2005/3372. Schedule 5 was amended by S.I. 2005/2864.

- creating the prescription, the supplementary prescriber includes on the prescription form”;
and
- (c) in sub-paragraph (3) for “give” substitute “issue or create”.
- (7) In paragraph 44 (provision of dispensing services) of Schedule 5–
- (a) in sub-paragraph (7)–
- (i) after “order on a” insert “non-electronic”; and
- (ii) after “that patient,” insert “or a contractor who is required under sub-paragraph (2) to provide drugs or appliances to a patient receives from the ePharmacy service an electronic prescription form which contains an order for listed drugs or medicines, or appliances in respect of that patient, signed by a supplementary prescriber or an independent nurse prescriber,”;
- (b) in sub-paragraph (9)–
- (i) for “on the prescription form” substitute “(which shall be in writing if the contractor so requires)”; and
- (ii) for “the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 (“the 2001 Regulations)” substitute “the 2007 Regulations”.
- (c) in sub-paragraph (10) for “the 2001 Regulations” substitute “the 2007 Regulations”; and
- (d) in sub-paragraph (11)–
- (i) for “presenting the prescription form”, substitute “making the claim for exemption”;
- (ii) for “the 2001 Regulations” substitute “the 2007 Regulations”; and
- (iii) for “mark” substitute “make an entry on”.

St Andrew’s House, Edinburgh
6th March 2007

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Authorised to sign by the Scottish Ministers