

**2007 No. 390**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Pharmaceutical Services)  
(Scotland) Amendment (No. 2) Regulations 2007**

<i>Made</i> - - - -	<i>5th September 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>6th September 2007</i>
<i>Coming into force</i> - -	<i>1st October 2007</i>

The Scottish Ministers make the following Regulations 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(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment (No. 2) Regulations 2007 and come into force on 1st October 2007.

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

2. Paragraph 3(3A) of Schedule 1 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(b) is amended as follows—

- (a) in sub-sub-paragraph (a) for “National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007(c)” substitute “National Health Service (Charges for Drugs and Appliances) (Scotland) (No. 2) Regulations 2007(d)”; and

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(a) 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 Services (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) and amended by the 1990 Act, Schedule 9, paragraph 19(7)(b); section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, 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).

(b) S.I. 1995/414, as amended by S.I. 1996/840 and 1504, 1997/696, 1998/2224 and 3031, S.S.I. 1999/57, 2001/70, 2002/111, 2003/296, 2004/39 and 212, S.I. 2004/1771, 2005/327 and 618, 2006/143, 245 and 320, S.I. 2007/289 and S.S.I. 2007/206; paragraph 3(3A) of Schedule 1 was inserted by S.I. 1998/303 and amended by S.S.I. 2007/206.

(c) S.S.I. 2007/139 amended by S.S.I. 2007/317.

(d) S.S.I. 2007/389.

(b) in sub-sub paragraphs (b) and (c) for “(f)” substitute “(g)”.

St Andrew’s House,  
Edinburgh  
5th September 2007

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

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

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

Regulation 2 amends paragraph 3(3A) of Schedule 1 to the principal Regulations.

Sub-paragraph (a) of regulation 2 substitutes reference to the National Health Service (Charges for Drugs and Appliances) (Scotland) (No. 2) Regulations 2007 for the existing reference to the National Health Service (Charges for Drugs and Appliances) Regulations 2007 in sub-paragraph (a) of paragraph 3(3A), as a consequence of the revocation of the latter and their replacement by the former.

Paragraph (b) of regulation 2 amends sub-paragraphs (b) and (c) of paragraph 3(3A) as a consequence of the insertion of a new category of exemption from charges in sub-paragraph (g) of regulation 7(1) of the National Health Service (Charges for Drugs and Appliances) (Scotland) (No. 2) Regulations 2007.

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