
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 500

NATIONAL HEALTH SERVICE

**The National Health Service (Pharmaceutical Services)
(Scotland) Amendment (No. 3) Regulations 2007**

Made - - - - 6th November 2007
*Laid before the Scottish
Parliament* - - - - 8th November 2007
Coming into force - - 30th November 2007

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27(1), (1A) and (2), 228A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) 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. 3) Regulations 2007 and come into force on 30th November 2007.

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 as follows.

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

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- (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 Services (Primary Care) Act 1997 (c. 46), Schedule 2, Part 1, paragraph 44 and the Health and Social Care Act 2001 (c. 15) (“the 2001 Act”), section 44(2); section 27(1A) was added by the 2001 Act, section 44(3) and amended by the Dentists Act 1984 (Amendment) Order S.I.2005/2011, Schedule 6(1), paragraph 2(3); 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 28A was substituted by the Health Act 1999 (c. 8) (“the 1999 Act”), section 57 and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1), schedule 1, paragraph 1; 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 1999 Act, 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, 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, S.S.I. 2005/327 and 618, 2006/143, 245 and 320, S.I. 2007/289 and S.S.I. 2007/208 and 390.

- (a) after the definition of “pharmacist contractor” insert–
- ““pharmacist independent prescriber” means a person–
- (a) who is registered in Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007(3) or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(4); and
- (b) against whose name in the relevant register is recorded an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;” and
- (b) in the definition of “prescriber” after “doctor,” insert “pharmacist independent prescriber;”.
3. In regulation 9(2), (payments to pharmacists and standards of drugs and appliances) after “(c)” insert “or (i)”.
4. After sub-paragraph (3A) in paragraph 3 of Schedule 1 insert–
- “(3B)
- (a) A pharmacist independent prescriber shall not supply any item ordered on a prescription form by that pharmacist independent prescriber unless the conditions specified in paragraph (b) are met.
- (b) The conditions referred to in paragraph (a) are–
- (i) the item has been ordered in accordance with the arrangements which a Health Board has made pursuant to Directions issued by the Scottish Ministers in respect of pharmacist independent prescribers; and
- (ii) the pharmacist independent prescriber reasonably considers that either–
- (a) exceptional circumstances exist whereby it is in the best interests of the patient to whom the item is to be supplied that the pharmacist independent prescriber who orders the item should supply it; or
- (b) the patient to whom the item is to be supplied, or the patient’s representative, is otherwise unlikely to be able to obtain the item without suffering excessive inconvenience or delay.
- (c) A pharmacist independent prescriber who supplies an item which he or she has ordered must endorse the prescription form for that item with the words “self-dispensed”.”.

St Andrew’s House,
Edinburgh
6th November 2007

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(3) S.I. 2007/289.

(4) S.I. 1976/1213 (N.I. 22).

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(2)(a) inserts a definition of “pharmacist independent prescriber” into the principal regulations.

Regulation 2(2)(b) amends the definition of “prescriber” in the principal regulations to include “pharmacist independent prescriber”.

Regulation 3 amends regulation 9(2) of the principal regulations to provide that the Drug Tariff may state that a Health Board can be the determining authority for fees allowances and remuneration payable for the provision of specified directed services (additional pharmaceutical services).

Regulation 4 inserts a new paragraph 3(3B) into Schedule 1 to the principal regulations. This imposes certain restrictions on the dispensing of prescriptions written by pharmacist independent prescribers.