
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 502

NATIONAL HEALTH SERVICE

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment (No. 3) Regulations 2007

Made - - - - 7th 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 17E, 28(1), 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 (Primary Medical Services Section 17C Agreements) (Scotland) Amendment (No. 3) Regulations 2007 and come into force on 30th November 2007.

Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

2.—(1) The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(2) are amended as follows.

(2) In regulation 2 (interpretation)(3)–

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- (1) 1978 c. 29; section 2(5) was amended by the Hospital Complaints Procedure Act 1985 (c. 42), section 1(1) and the National Health Service and Community Care Act 1990 (c. 19), section 66(1) and Schedule 9, paragraph 19(1); section 17E was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 22(2) and amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 47, and the Primary Medical Services (Scotland) Act 2004 (asp 1), section 2(4); section 28 was amended by the National Health Service (Amendment) Act 1986 (c. 66), section 3(4) and the National Health Service and Community Care Act 1990 (c. 18), Schedule 9, paragraph 19(8); section 105(7) was amended by the Health Services Act 1980 (c. 53), 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).
- (2) S.S.I. 2004/116 as amended by S.S.I. 2004/162, 2004/217, 2005/336, 2006/248, S.I.2007/289 and S.S.I. 2007/205 and 393.
- (3) Regulation 2 was amended by S.S.I. 2004/217, 2005/336, 2006/248, S.I. 2007/289 and S.S.I. 2007/205 and 393.

- (a) in the definition of “immediate family member” after “spouse” insert “or civil partner”;
- (b) after the definition of “pharmacist” 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(4) or the register maintained in pursuance of Articles 6 and 9 of The Pharmacy (Northern Ireland) Order 1976(5); 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;”;
- (c) in the definition of “prescriber”–
 - (i) in sub-paragraph (b) omit “and”; and
 - (ii) after sub-paragraph (c) insert– “and
 - (d) a pharmacist independent prescriber.”.
- (3) In Schedule 1 (content of agreements)–
 - (a) in paragraph 8(3)(a)(i) (patient preference of practitioner) omit “the care of”;
 - (b) in paragraph 15(6), (7) and (9) (provision of dispensing services)(6) for “or an independent nurse prescriber” substitute, at each place where it occurs, “, an independent nurse prescriber or a pharmacist independent prescriber”;
 - (c) in paragraph 27(3)(a) (arrangements for GP registrars) for “Health Boards under 17E(3A) of the Act” substitute “NHS Education for Scotland”(7);
 - (d) in paragraph 28(1) and (2) (independent nurse prescribers and supplementary prescribers) for “or a supplementary prescriber”, at each place where it occurs, substitute “, a supplementary prescriber or a pharmacist independent prescriber”.
- (4) In Schedule 3 (agreements to provide additional services)–
 - (a) in paragraph 4(2)(a) (vaccinations and immunisations)(8) and paragraph 5(2)(a) (childhood vaccinations and immunisations) for “was provided for under the 2003-2004 Statement of Fees and Allowances made under regulation 35 (payments) of the National Health Service (General Medical Services) (Scotland) Regulations 1995” substitute “is provided for in directions given under section 17M of the Act”; and
 - (b) in paragraph 5(2)(a) omit “(excluding childhood vaccinations and immunisations)”.

St Andrew’s House,
Edinburgh
7th November 2007

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(4) S.I. 2007/289.

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

(6) Schedule 1, paragraph 15(7) and (9) was amended by S.S.I. 2007/205.

(7) NHS Education for Scotland was constituted by S.S.I. 2002/103, as amended by S.S.I. 2006/79, which applies section 2(5) of the National Health Service (Scotland) Act 1978 to NHS Education for Scotland as it applies to Health Boards.

(8) Schedule 3, paragraph 4(2)(a) was amended by S.S.I. 2005/336.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (“the principal Regulations”) which regulate the provision of primary medical services under agreements under section 17C of the National Health Service (Scotland) Act 1978.

Regulation 2(2) amends regulation 2 of the principal Regulations by inserting reference to a civil partner and inserting a definition of “pharmacist independent prescriber” and amending the definition of “prescriber” to include “pharmacist independent prescriber”.

Regulation 2(3) amends Schedule 1 to the principal Regulations to correct a typographical error, include pharmacist independent prescribers, and provide in paragraph 27(3)(a) that a provider which employs a GP Registrar shall offer the GP Registrar terms of employment in accordance with the rates and subject to the conditions contained in any directions given by the Scottish Ministers to NHS Education for Scotland.

Regulation 2(4) amends Schedule 3 to the principal Regulations by updating the reference to the Statement of Fees and Allowances and corrects a typographical error.