

2010 No. 128

NATIONAL HEALTH SERVICE

**The National Health Service (Pharmaceutical Services)
(Scotland) Amendment Regulations 2010**

Made - - - - *24th March 2010*

Laid before the Scottish Parliament *25th March 2010*

Coming into force - - *1st May 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27, 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 Regulations 2010 and come into force on 1st May 2010.

Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009

2. After paragraph 4(1) of Schedule 1 (provision of pharmaceutical services) to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(b), insert—

“(1A) In furtherance of the obligations in sub-paragraphs (1) and (3), a pharmacist, when providing drugs or appliances ordered in accordance with those sub-paragraphs must—

- (a) use all reasonable endeavours to provide those drugs or appliances with reasonable promptness;
- (b) refrain from taking any action which may delay or prevent the dispensing of those drugs or appliances; and

(a) 1978 c.29. Section 27 was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), section 20(2), the National Health Service (Amendment) Act 1986 (c.66), section 3(3), the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 19(7), the Medicinal Products: Prescriptions by Nurses etc. Act 1992 (c.28), section 3, the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, Part I, paragraph 44, the Health and Social Care Act 2001 (c.15), section 44(2), S.I. 1987/2202, 2003/1590, 2004/1771, 2005/2011 and 2007/289, and is to be read with the Health and Medicines Act 1988 (c.49), section 17; section 105(7) 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, paragraph 24; see section 108(1) for the definitions of “prescribed” and “regulations”. 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.S.I. 2009/183 as amended by S.S.I. 2009/209 and 2010/231.

- (c) contact the prescriber or dentist to discuss alternative arrangements where there is likely to be, in that pharmacist's opinion, a clinically significant delay in the dispensing of those drugs or appliances.”.

St Andrew's House,
Edinburgh
24th March 2010

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 2009 (“the Principal Regulations”) which regulate the terms on which pharmaceutical services are provided under the National Health Service (Scotland) Act 1978.

Regulation 2(2) expands on the obligations put on pharmacists by paragraph 4(1) and (3) of Schedule 1 to the Principal Regulations. It explains that pharmacists must use all reasonable endeavours to supply the prescribed drugs without doing anything to delay or prevent that supply and to contact the prescriber where the drugs may not be available.

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