
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 55

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011

Interpretation

2.—(1) In these Regulations—

“the Act” means the National Health Service (Scotland) Act 1978;

“the 2000 Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(1);

“the 2003 Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(2);

“the 2009 Regulations” means the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(3);

“accepted disablement” means physical or mental injury or disease which is accepted by the Secretary of State as attributable to, or aggravated by, service in the armed forces of the Crown or such other service as the Secretary of State may determine;

“appliance” means an appliance other than a contraceptive appliance which is a listed appliance within section 27(1) of the Act;

“drugs” includes medicines but does not include contraceptive substances;

“elastic hosiery” means anklet, legging, knee-cap, below knee or thigh stocking;

“English prescription form” means—

(a) a form provided and issued under arrangements having effect in England, equivalent to those in place for a Scottish prescription form, to enable a person to obtain services in England which are equivalent to pharmaceutical services;

(b) a form on which domiciliary oxygen has been ordered by a prescriber in England for a patient normally resident there;

“entitlement card” means a document issued by a Health Board(4) to a qualifying patient for the purposes of these Regulations;

“equivalent prescription form” means—

(a) a form provided and issued under arrangements having effect in Wales or Northern Ireland, equivalent to those in place for a Scottish prescription form, to enable a person to obtain services in Wales or Northern Ireland (as the case may be) which are equivalent to pharmaceutical services;

(1) S.I. 2000/620 as amended by 2000/2393 and 3189, 2001/746 and 2887, 2002/548, 1386 and 2352, 2003/585, 699 and 1084, 2004/663 and 696, 2005/578, 2006/675, 2007/543, 674, 1510 and 1975, 2008/571, 1697, 1700 and 2593, 2009/29, 166, 411 and 2230 and 2010/231 and 1727.

(2) S.S.I. 2003/460 as amended by S.S.I. 2004/102 and 160, 2005/3 and 179, 2006/142, 183 and 440, 2007/225, 259 and 391, 2008/27, 105, 147, 288 and 390, 2009/124 and 2010/94 and 319.

(3) S.S.I. 2009/183 as amended by S.S.I. 2009/209, S.I. 2010/231 and S.S.I. 2010/128 and 2011/32.

(4) Health Board is defined in section 108(1) of the National Health Service (Scotland) Act 1978 (c.29) (the “1978 Act”), as relevantly amended by the 1990 Act, section 66, Schedule 9, paragraph 19.

(b) a form on which domiciliary oxygen has been ordered by a prescriber in Wales for a patient normally resident there;

“exemption” means any exemption provided for in regulation 4;

“exemption certificate” means any certificate provided under or referred to in regulation 4;

“patient” means any person who applies to a pharmacist for the provision of pharmaceutical services and includes for the purpose of these Regulations a person acting on behalf of such a person;

“pharmaceutical list” has the same meaning as in the 2009 Regulations;

“pharmaceutical services” means services provided under section 27 of the Act;

“pharmacist” means any person who provides pharmaceutical services;

“prescriber” has the same meaning as in the 2009 Regulations;

“qualifying patient” means a person who—

(a) is ordinarily resident in Scotland; and

(b) receives primary medical services in England under the National Health Service Act 2006⁽⁵⁾;

“Scottish prescription form” means a form provided by the Agency⁽⁶⁾ on which the provision of pharmaceutical services can be ordered, or equivalent data created on an electronic form.

(2) For the purposes of these Regulations—

(a) the supply of quantities of the same drug in more than one container against an order on a single English prescription form is deemed to be the supply of only one quantity of a drug;

(b) the supply against an order on—

(i) a single English prescription form of more than one appliance of the same type; or

(ii) a single English prescription form of two or more component parts of the same appliance,

is deemed to be the supply of only one appliance, however any piece of elastic hosiery is deemed to be a separate appliance; and

(c) the supply of quantities of the same drug in more than one strength against an order on a single English prescription form (or more than one form where the forms presented have been ordered by the same person, for the patient, on the same date) is deemed to be the supply of only one quantity of a drug.

⁽⁵⁾ 2006 c.41.

⁽⁶⁾ The Agency is defined in section 108(1) of the 1978 Act.