STATUTORY INSTRUMENTS

1985 No. 804 (S. 72)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment (No. 3) Regulations 1985

Made - - - -	23*rd May* 1985
Laid before Parliament	23*rd May* 1985
Coming into Operation	1*st June* 1985

In exercise of the powers conferred upon me by sections 19, 27, 28 and 108(1) of the National Health Service (Scotland) Act 1978(**a**) and section 103(3) of the Medicines Act 1968(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment (No. 3) Regulations 1985 and shall come into operation on 1st June 1985.

(2) In these regulations "the principal regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(**c**).

Amendment of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation)—

(*a*) after the definition of "appliance" there shall be inserted the following definition:—

" "appropriate non-proprietary name" means a non-proprietary name which is not mentioned in Schedule 2A or, except where the conditions in paragraph 16A(2) of the terms of service for doctors are satisfied, in Schedule 2B to the regulations;";

(**a**) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) ("the 1980 Act"), section 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 2, and the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(*a*); section 27 was amended by the 1980 Act, section 20(2).

(**b**) 1968 c. 67.

(**c**) S.I. 1974/506: the relevant amending instruments are S.I. 1976/733, 1985/296.

(*b*) after the definition of "Medical Practices Committee" there shall be inserted the following definition:—

" "non-proprietary name" in relation to a drug means —

(*a*) where the drug is described in a monograph in the current edition (as defined in section 103(5) of the Medicines Act 1968), as in force at the time of the supply of the drug, of the European Pharmacopoeia, the British Pharmacopoeia, the British Pharmaceutical Codex or the Dental Practitioners' Formulary, any name, or abbreviation of such name, at the head of that monograph or, where such name consists of two or more words, any name derived from a suitable inversion of such words which is permitted by that publication; or

(*b*) where the drug is not so described but has an approved name, being the name which appears in the current edition (as defined in the said section 103(5)) of the list of names prepared and published under section 100 of the Medicines Act 1968 as in force at the time of the supply of the drug, such approved name;".

3. In Schedule 1 to the principal regulations (terms of service for doctors), in paragraph 15(2)(*b*)(i) (prescribing and dispensing)(**a**)—

(*a*) for the words "by a non-proprietary name" there shall be substituted the words "which has an appropriate non-proprietary name either by that name or by its formula";

(*b*) after the words "it is a Scheduled drug" there shall be inserted the words "(but, in the case of a drug which combines more than one drug, only if the combination has an appropriate non-proprietary name)".

4. In Schedule 2A to the principal regulations (drugs and other substances not to be supplied by general medical practitioners or prescribed for supply under pharmaceutical services)(**b**)—

(*a*) for the entries "Expulin Paediatric Decongestant", "Fefo-Vit Spansules" and "Vitamin C Tablets Effervescent 1 gramme (Boots)" there shall be substituted respectively "Expurhin Paediatric Decongestant", "Fefol-Vit Spansules" and "Vitamin C Tablets Effervescent 1 gramme";

(*b*) the entry "Biotin Tablets 50 microgram" shall be deleted;

(*c*) the following entries shall be inserted at the appropriate point in the alphabetical order:—

Acetylcysteine Granules
Carbocisteine Capsules
Dextropropoxyphene and Paracetamol Dispersible Tablets
Dextropropoxyphene and Paracetamol Soluble Tablets
Panadeine Co. Tablets
Paracetamol Dispersible Tablets
Paracetamol Soluble Tablets.

(**a**) Paragraph 15(2) was substituted by S.I. 1985/296.
(**b**) Schedule 2A was inserted by S.I. 1985/296.

5. In each of Parts I and II of Schedule 3 to the principal regulations (terms of service for chemists) for paragraph 2(3) and (3A) (provision of pharmaceutical services)(**a**) there shall be substituted the following:—

"(3) Subject to regulations under section 10(7) of the Weights and Measures Act 1963(**b**), a chemist shall provide pharmaceutical services only in response to and, subject to subparagraphs (1A) and (1B)(**c**), in accordance with an order on a prescription form signed as specified in subparagraph (1), except that in a case of urgency where a doctor personally known to a chemist requests him to dispense a drug or appliance the chemist may supply that drug or appliance before receiving such a prescription form, only if—

(*a*) that drug is not a Scheduled drug; and

(*b*) that drug is not a controlled drug within the meaning of the Misuse of Drugs Act 1971(**d**), other than a drug which is for the time being specified in Schedule 1 to the Misuse of Drugs Regulations 1973(**e**); and

(**c**) in any case, the doctor undertakes to furnish the chemist, within 72 hours, with such a prescription form.

(3A) Except as provided in subparagraph (3B), a chemist shall not supply, by way of pharmaceutical services under the National Health Service (Scotland) Act 1978 or otherwise, any Scheduled drug which is ordered by name, formula or other description on a prescription form.

(3B) Where a drug has an appropriate non-proprietary name and it is ordered on a prescription form either by that name or by its formula, a chemist may supply a drug which has the same specification notwithstanding that it is a Scheduled drug.

(3C) Where a drug which is ordered as specified in subparagraph (3B) combines more than one drug, that subparagraph shall apply only if the combination has an appropriate non-proprietary name, whether the individual drugs which it combines do so or not.".

Revocation

6. Regulation 5(3) of the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1985(**f**) (which inserted a new paragraph 2(3) and (3A) in each of Parts I and II of Schedule 3 to the principal regulations) is hereby revoked.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
23rd May, 1985.

(**a**) Paragraphs 2(3) and 2(3A) were substituted by S.I. 1985/296.
(**b**) 1963 c. 31; section 10(7) was amended by section 2(3)(*a*) of the Weights and Measures &c. Act 1976 (c. 77) and by S.I. 1969/388, Schedule 1.
(**c**) Paragraphs 2(1A) and 2(1B) were inserted by S.I. 1976/733.
(**d**) 1971 c. 38.
(**e**) S.I. 1973/797; the relevant amending instrument is S.I. 1983/788.
(**f**) S.I. 1985/296.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974 so as to restate and clarify the circumstances in which a drug which is specified in Schedule 2A or 2B to those regulations, as inserted by the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1985, can or cannot be supplied as part of pharmaceutical services under the National Health Service (Scotland) Act 1978. Some additions have in consequence been made to Schedule 2A, and errors in that Schedule corrected.

SI 1985/804
ISBN 0-11-056804-4