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STATUTORY INSTRUMENTS

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**1992 No. 81 (S. 5)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

The National Health Service (Indicative Amounts) (Scotland) Regulations 1992

<i>Made</i>	- - - -	<i>15th January 1992</i>
<i>Laid before Parliament</i>		<i>28th January 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 87D(6) and (7), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Indicative Amounts) (Scotland) Regulations 1992 and shall come into force on 1st April 1992.

(2) In these Regulations, unless the context otherwise requires—

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

“the Drug Tariff” means the statement published under regulation 32 of the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(2) as amended from time to time;

“listed appliance” means an appliance which is included in a list for the time being approved by the Secretary of State for the purposes of section 27(1) of the Act(3);

“manufacturer’s list price” means the price of a drug or medicine as published from time to time by the manufacturer of that drug or medicine or by his agent.

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(1) 1978 c. 29; section 87D was inserted by the National Health Service and Community Care Act 1990 (c. 19), section 35; section 105(7) was amended by the Health Services Act 1980 (c. 53), 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; section 108(1) contains a definition of “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1974/506; regulation 32 was amended by S.I. 1987/385 and S.I. 1989/1883.

(3) Section 27(1) was amended by the Health Services Act 1980 (c. 53), section 20(2) and by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(7).

### **Basic price of drugs, medicines and listed appliances**

2.—(1) For the purposes of section 87D of the Act (indicative amounts for doctors' practices), the basic price of any drugs, medicines and listed appliances shall be calculated in accordance with the following paragraphs of this regulation.

(2) Where the name of a drug or medicine is listed in the Drug Tariff in a list which specifies a price for a specified quantity of that drug or medicine, the basic price of that drug or medicine shall be the price so specified.

(3) Where the name of a drug or medicine is not so listed in the Drug Tariff, the basic price of that drug or medicine shall be the manufacturer's list price.

(4) The basic price of a listed appliance shall be the price of the appliance specified in the Drug Tariff.

### **Application of section 87D of the Act to a practice with members on the medical list of a Family Health Services Authority**

3.—(1) In relation to a practice of which a member is on the medical list of a Family Health Services Authority established under section 10 of the National Health Service Act 1977<sup>(4)</sup> as well as on that of a Health Board, section 87D of the Act shall apply in relation to the members of the practice subject to the modification referred to in paragraph (2) below.

(2) For the purposes referred to in paragraph (1) above, section 87D(2) of the Act shall be modified by adding at the end of that subsection the following words:—

“or with respect to a practice where—

- (a) at least one member of the practice is on the medical list of a Family Health Services Authority as well as on that of a Health Board; and
- (b) more patients on the lists of the members of the practice reside in England than in Scotland”.

St. Andrew's House,  
Edinburgh  
15th January 1992

*Michael B. Forsyth*  
Minister of State, Scottish Office

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(4) 1977 c. 49; section 10 was substituted by the Health and Social Security Act 1984 (c. 48), section 5 and amended by the National Health Service and Community Care Act 1990 (c. 19), section 2 and Schedule 10.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the calculation of the basic price of drugs, medicines and listed appliances for the purposes of enabling Health Boards to specify indicative amounts to doctors' practices in terms of their duty under section 87D of the National Health Service (Scotland) Act 1978 (c. 29).

An indicative amount is an amount of money representing the basic price of the drugs, medicines or listed appliances which a Health Board considers it is reasonable to expect will be supplied in a year pursuant to orders given by or on behalf of a practice. The basic price is calculated by reference to the Drug Tariff or the manufacturer's list price. The Drug Tariff is sent free of charge to all persons on the medical and pharmaceutical lists of a Health Board.

Where a practice has a majority of patients who reside in the area of a Family Health Services Authority in England, the Regulations provide that section 87D of the 1978 Act shall not apply to that practice.