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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 57**

**The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 1999**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 1999 and shall come into force on 1st October 1999.

(2) In these Regulations “the principal Regulations” means the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995<sup>(1)</sup>

**General amendment of the principal Regulations**

2. In the following regulations after the word “Board” in each place where it occurs there is inserted “or primary care NHS Trust”–

regulation 6 (provisional pharmaceutical list);

regulation 7 (removal from and amendment to pharmaceutical list);

regulation 8 (schemes for securing proper pharmaceutical services);

regulation 9 (payments to pharmacists and standards of drugs and appliances)<sup>(2)</sup>

regulation 11 (publication of particulars)<sup>(3)</sup>

**Amendment of regulation 2 of the principal Regulations**

3. In regulation 2(1) of the principal Regulations (interpretation and application)–

(a) after the definition of “additional professional services” there is inserted–

““the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act;”<sup>(4)</sup>

(b) after the definition of “pharmacist contractor” there is inserted–

““primary care NHS trust” means an NHS trust to which certain functions referred to in section 12AA of the Act are delegated by the Board;”<sup>(5)</sup>

**Amendment of regulation 3 of the principal Regulations**

4. In regulation 3 of the principal Regulations (pharmaceutical services)–

(a) in paragraphs (7), (8), (10) and (11) after the word “Board” there is inserted “or primary care NHS trust”;

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(1) [S.I.1995/414](#), relevant amending instruments are [S.I.1996/840](#) and [1997/696](#).

(2) Regulation 9 was amended by [S.I.1997/696](#).

(3) Regulation 11 was amended by [S.I.1997/696](#).

(4) Section 10 was amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 44.

(5) Section 12AA was inserted into the National Health Service (Scotland) Act 1978 (c. 29) by the Health Act 1999 (c. 8) section 47.

- (b) in paragraph (8)(a) for the words “Chief Administrative Pharmaceutical Officer and its Chief Administrative Medical Officer and” there is substituted “most senior pharmaceutical and medical advisers and the”.

#### **Amendment of regulation 5 of the principal Regulations**

- 5. In regulation 5 of the principal Regulations (pharmaceutical list)–
  - (a) in paragraphs (1), (2), (3)(b), (4), (5), (6), (8), (10), (12), (13) and (14) after the word “Board” in each place where it occurs and in paragraph (7) in the first place where that word occurs there is inserted “or primary care NHS trust”;
  - (b) in paragraph (7) for the words “Chief Administrative Pharmaceutical Officer of the Board” there is substituted “most senior pharmaceutical adviser, or equivalent of the Board, or primary care NHS trust”;
  - (c) in paragraph (8) for the word “relation” there is substituted “relocation”.

#### **Amendment of Schedule 1 to the principal Regulations**

6.—(1) Schedule 1 to the principal Regulations (terms of service of pharmacists) is amended in accordance with this regulation.

- (2) In paragraph 1 (interpretation)–
  - (a) in sub-paragraph (a) for the definition of “prescription form” there is substituted–

““prescription form” means a form provided by the Agency for issue by a doctor or dentist or nurse prescriber to enable a person to obtain pharmaceutical services;”;
  - (b) in sub-paragraph (b) after the word “Board” there is inserted “or primary care NHS trust”.
- (3) In the following paragraphs, after the word “Board” in each place where it occurs there is inserted “or primary care NHS trust”–
  - paragraph 2 (incorporation of provisions of regulations etc.);
  - paragraph 6 (names of registered pharmacists);
  - paragraph 7 (drugs, etc. to be supplied without charge);
  - paragraph 8 (method of payment);
  - paragraph 9 (withdrawal from pharmaceutical list);
  - paragraph 11 (records to be made available).
- (4) In paragraph 4(1) (premises and hours of business)–
  - (a) after the word “Board’s” there is inserted “or primary care NHS trust’s”;
  - (b) after the word “Board” there is inserted “or primary care NHS trust”;
- (5) In paragraph 5(2)(a) after the word “Board” in the first place where it occurs there is inserted “or primary care NHS trust”(6)
- (6) In paragraph 9B after the word “Board” in each place where it occurs there is inserted “or primary care NHS trust”(7)

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(6) Paragraph 5 was amended by [S.I.1996/840](#).

(7) Paragraph 9B was inserted by [S.I.1996/840](#).

### **Amendment of Forms A in Schedule 2 to the principal Regulations**

7.—(1) In Schedule 2 to the principal Regulations, Forms A (application for inclusion in the pharmaceutical list – for use by pharmacists)<sup>(8)</sup> and (application for inclusion in the pharmaceutical list – for use by persons other than pharmacists) are amended in accordance with this regulation.

(2) After the words “HEALTH BOARD” where they occur in each form there is inserted “/PRIMARY CARE NHS TRUST\*”.

(3) In paragraph 4 in each form after the word “Board” there is inserted “/primary care NHS trust\*”.

(4) In paragraph 5(b)(iii) of Form A (application for inclusion in the pharmaceutical list – for use by pharmacists) after the word “board's” there is inserted “/primary care NHS trust's\*”.

(5) In paragraph 5(b)(iii) of Form A (application for inclusion in the pharmaceutical list – for use by persons other than pharmacists) after the word “Board's” there is inserted “/primary care NHS trust's\*”.

(6) In note (3) in Form A (application for inclusion in the pharmaceutical list – for use by pharmacists) and in note (2) in Form A (application for inclusion in the pharmaceutical list – for use by persons other than pharmacists) after the word “Board” there is inserted “/primary care NHS trust\*”.

### **Amendment of Form A (MR) in Schedule 2 to the principal Regulations**

8.—(1) In Schedule 2 to the principal Regulations, Form A (MR) (application for minor relocation of pharmacy premises) is amended in accordance with this regulation.

(2) After the words “HEALTH BOARD” there is inserted “/PRIMARY CARE NHS TRUST\*”.

(3) In paragraph 4 after the word “Board” there is inserted “/primary care NHS trust\*”.

(4) In notes (2) and (4) after the word “Board” there is inserted “/primary care NHS trust\*”.

### **Amendment of Form B in Schedule 2 to the principal Regulations**

9.—(1) In Schedule 2 to the principal Regulations, Form B (notification of information not given on Form A/Form A (MR) – for use by pharmacists) is amended in accordance with this regulation.

(2) After the words “HEALTH BOARD” there is inserted “/PRIMARY CARE NHS TRUST\*”.

(3) In paragraph 6 after the word “Board” there is inserted “/primary care NHS trust\*”.

(4) In note (2) after the word “Board” there is inserted “/primary care NHS trust.\*”.

### **Amendment of Form B in Schedule 2 to the principal Regulations**

10.—(1) In Schedule 2 to the principal Regulations, Form B (notification of information not given on Form A/Form A (MR) – for use by persons other than pharmacists) is amended in accordance with this regulation.

(2) After the words “HEALTH BOARD” there is inserted “/PRIMARY CARE NHS TRUST\*”.

(3) In paragraph 5 after the word “Board” there is inserted “/primary care NHS trust\*”.

(4) In note (2) after the word “Board” there is inserted “/primary care NHS trust.\*”.

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(8) Form A (application for inclusion in the pharmaceutical list – for use by pharmacists) was amended by [S.I.1997/696](#).

### **Amendment of Forms C in Schedule 2 to the principal Regulations**

**11.**—(1) In Schedule 2 to the principal Regulations, Forms C (notification of inclusion in pharmaceutical list – for notification to pharmacists) and (notification of date of entry on pharmaceutical list – for notification to persons other than pharmacists) are amended in accordance with this regulation.

(2) After the word “Board's” where it occurs in each form there is inserted “/primary care NHS trust's\*”.

(3) After the words “Health Board” where they occur in each form there is inserted “/primary care NHS trust.\*”.

### **Amendment of Form D in Schedule 2 to the principal Regulations**

**12.** In Schedule 2 to the principal Regulations, in Form D (notification of date of inclusion in provisional pharmaceutical list – for notification to pharmacists) after the words “Health Board” there is inserted “/primary care NHS trust.\*”.

### **Amendment of Schedule 3 to the principal Regulations**

**13.**—(1) Schedule 3 to the principal Regulations (procedure on applications to the Board under regulation 5(10)) is amended in accordance with this regulation.

(2) In the heading, after the word “BOARD” there is inserted “OR PRIMARY CARE NHS TRUST”.

(3) In paragraphs 1, 2, 3, 4(1), (2), (4), (5) and (8) after the word “Board” in each place where it occurs there is inserted “or primary care NHS trust”.

(5) In paragraph 4(1) after the word “Board's” there is inserted “or primary care NHS trust's”.

### **Amendment of Schedule 4 to the principal Regulations**

**14.**—(1) Schedule 4 to the principal Regulations is amended in accordance with this regulation.

(2) In Part I of Schedule 4 (pharmacy practices committee), in paragraphs 1, 2, 3, 6(5) and 7 after the word “Board” in each place where it occurs there is inserted “or primary care NHS trust”.

(3) In Part II of Schedule 4 (national appeal panel)—

(a) in paragraphs 9(1), 11(2) and (3) and 15(3), after the word “Board” in each place where it occurs there is inserted “or primary care NHS trust”.

(b) in paragraph 10(1), after the words “Health Boards,” there is inserted “or primary care NHS trusts,”.

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