

**2005 No. 327**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Pharmaceutical Services)  
(Scotland) Amendment Regulations 2005**

<i>Made</i> - - - -	<i>8th June 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>9th June 2005</i>
<i>Coming into force</i> - -	<i>1st July 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 27(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2005 and shall come into force on 1st July 2005.

**Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995**

2. In the definition of “supplementary prescriber” in regulation 2(1) (interpretation and application) of National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(b)–

- (a) at the end of sub-paragraph (b) omit “or”; and
- (b) at the end of sub-paragraph (c) insert–
  - “; or
- (d) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(c) relating to–
  - (i) chiropodists and podiatrists;

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(a) 1978 c.29; section 27(1) was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), section 20(2), the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), Schedule 9, paragraph 19(7)(a), the Medicinal Products: Prescription by Nurses etc. Act 1992 (c.28), section 3, the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, Part 1, paragraph 44 and the Health and Social Care Act 2001 (c.15), section 44(2); section 27(2) was substituted by the National Health Service (Amendment) Act 1986 (c.66), section 3(3), amended by the 1990 Act, Schedule 9, paragraph 19(7)(b) and is extended by the Health and Medicines Act 1988 (c.49), section 17(1); section 105(7), which contains provisions relevant to the making of regulations, 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, Part 1, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. 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.I. 1995/414; the definition of supplementary prescriber was inserted by S.S.I. 2003/296 and amended by S.I. 2004/1771 and 1860.

(c) S.I. 2002/254.

- (ii) physiotherapists; or
- (iii) radiographers: diagnostic or therapeutic”.

St Andrew's House,  
Edinburgh  
8th June 2005

*ANDREW P KERR*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

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

These Regulations amend the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 (“the principal Regulations”) which regulate the provision of pharmaceutical services under the National Health Service (Scotland) Act 1978.

These Regulations amend the definition of “supplementary prescriber” in the principal Regulations to include additional categories of health care professional who may also prescribe as a supplementary prescriber. The additional categories of health care professional are persons who are registered in the parts of the register maintained under article 5 of the Health Professions Order 2001 for chiropodists and podiatrists, for physiotherapists or for diagnostic or therapeutic radiographers and against whose name in the register is recorded an annotation signifying that they are qualified to order drugs, medicines and appliances as a supplementary prescriber.

The effect of the amendment is that the provision of pharmaceutical services in accordance with the principal Regulations will include the provision to persons of drugs, medicines and listed appliances ordered for them by those additional categories of health care professional.

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