

2006 No. 320

NATIONAL HEALTH SERVICE

**The National Health Service (Pharmaceutical Services)
(Scotland) Amendment (No. 3) Regulations 2006**

<i>Made</i> - - - -	<i>7th June 2006</i>
<i>Laid before the Scottish Parliament</i>	<i>7th June 2006</i>
<i>Coming into force</i> - -	<i>1st July 2006</i>

The Scottish Ministers in exercise of the powers conferred by sections 27(1) and (2), 28A, 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, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment (No. 3) Regulations 2006.

(2) These Regulations shall come into force on 1st July 2006.

(3) In these Regulations “the principal Regulations” means the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(b).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2(1) (interpretation and application), in each of the definitions of “joint discipline committee”, and “pharmaceutical discipline committee(c)”, for “National Health Service (Service Committee and Tribunal) (Scotland) Regulations 1992”, substitute “National Health Service (Discipline Committees) (Scotland) Regulations 2006(d)”.

(3) In regulation 9(1) (payments to pharmacists and standards of drugs and appliances)(e) after sub-paragraph (h), insert—

(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 Services (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) extended by the Health and Medicines Act 1988 (c.49), section 17, and amended by the 1990 Act, Schedule 9, paragraph 19(7)(b); section 28A was substituted by the Health Act 1999 (c.8) (“the 1999 Act”), section 57, and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1) Schedule 1, paragraph 1; section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the 1999 Act, 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.

(c) The definitions of “joint discipline committee” and “pharmaceutical discipline committee” were inserted by S.I. 1996/840.

(d) S.S.I. 2006/330.

(e) Regulation 9(1) was amended by S.I. 1997/696, 1999/57 and S.S.I. 2002/111.

“; and

- (i) the fees, allowances and remuneration payable for the provision of such directed services as may be specified.”.

(4) In Schedule 1, paragraph 2 (incorporation of provisions of regulations etc.)(a) for sub-paragraph (d) substitute–

“(d) so much of the National Health Service (Discipline Committees) (Scotland) Regulations 2006(b) as relates to–

- (i) the investigation of disciplinary matters relating to pharmacists and pharmacist contractors and other investigations to be made by the pharmaceutical discipline committee and the joint discipline committee and the action which may be taken by the Board as a result of such investigations, including the withholding of remuneration from pharmacists and pharmacist contractors where there has been a breach of the terms of service;
 - (ii) appeals to the Scottish Ministers from decisions of the Board; and
- (e) the National Health Service (Tribunal) (Scotland) Regulations 2004(c).”.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
7th June 2006

(a) Paragraph 2 of Schedule 1 was amended by S.S.I. 1999/57.

(b) S.S.I. 2006/330.

(c) S.S.I. 2004/38, as amended by S.S.I. 2004/122 and 271, 2005/335 and 2006/122.

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.

Regulation 2(2) amends regulation 2(1) of the principal Regulations by amending the definitions of “joint discipline committee” and “pharmaceutical discipline committee” by substituting references to the National Health Service (Discipline Committees) (Scotland) Regulations 2006 for references to the National Health Service (Service Committee and Tribunal) (Scotland) Regulations 2006, which are repealed with effect from 1st July 2006.

Regulation 2(3) amends regulation 9(1) of the principal Regulations to add to the categories of information which is to be included in the Drug Tariff, the fees, allowances and remuneration payable for specified directed services, that is such additional pharmaceutical services as may be specified.

Regulation 2(4) amends paragraph 2 of Schedule 1 to the principal Regulations by–

- (a) substituting provisions referring to the National Health Service (Discipline Committees) (Scotland) Regulations 2006 for the provisions referring to Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992; and
- (b) adding a new sub-paragraph (e) referring to the National Health Service (Tribunal) Scotland Regulations 2004.

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