

This Scottish Statutory Instrument has been made to correct errors in S.S.I. 2008/27 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2008 No. 105

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2008

<i>Made</i>	- - - -	<i>6th March 2008</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th March 2008</i>
<i>Coming into force</i>	- -	<i>1st April 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27(1) and (2), 69(1) and (2), 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2008 and come into force on 1st April 2008.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008(2).

Amendment of the principal Regulations

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

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- (1) 1978 c. 29; section 27(2) was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3) and amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, Part I, paragraph 19(7); section 75A was inserted by the Social Security Act 1988 (c. 7), section 14(2), and amended by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 13, the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, Part I, paragraphs 32 and 50, and the 1990 Act, Schedule 9, paragraph 19(13), and by S.I.1998/2385; section 105(7), which was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 60, contains provisions relevant to the making of these Regulations; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. See section 66(1) of the 1999 Act in relation to any provision of that Act being taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46) (“the 1998 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers, by virtue of section 53 of the 1998 Act.
- (2) S.S.I. 2008/27.

(2) In regulation 2(1) (interpretation), in the definition of “Scottish prescription form”, at paragraphs (a)(i)(cc) and (b)(ii), after “pilot” insert “scheme”.

(3) In regulation 8(1) (pre-payment certificates), for “entitlement certificate” substitute “entitlement card”.

(4) In regulation 8(11), omit “by” where it first appears.

(5) In regulation 9(5) (entitlement cards), after paragraph (a) insert–

“(aa) where it appears after “may require,” “paragraph (1)(b)(ii)” shall read as “paragraph (1)(b)(i)”; and”.

(6) For paragraph 2(3)(a) of Schedule 3 (consequential amendments) substitute–

“(a) for “specified in regulation 3(1)(b)” substitute “referred to in regulation 3(1)(b)(ii)”;”.

St Andrew’s House,
Edinburgh
6th March 2008

S. ROBISON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008 (“the principal Regulations”) which provide for the making and recovery of charges for drugs and appliances (other than dental or optical appliances) supplied under or by virtue of the National Health Service (Scotland) Act 1978.

The principal Regulations consolidated (with some changes) the National Health Service (Charges for Drugs and Appliances) (Scotland) (No. 2) Regulations 2007.

Regulation 2(1) of the principal Regulations includes a definition of a “Scottish prescription form”. Paragraph (a)(i)(cc) of that definition was intended to include a reference to a form provided by the Common Services Agency on which the provision of pharmaceutical services may be ordered by a dentist performing personal dental services in accordance with a pilot scheme under Part I of the National Health Service (Primary Care) Act 1997 (“the 1997 Act”). Paragraph (b)(ii) of that definition was intended to include a reference to data created on an electronic form for the provision of pharmaceutical services ordered by a dentist performing personal dental services in accordance with a pilot scheme under Part I of the 1997 Act. However, these paragraphs in the definition made reference to a “pilot” rather than a “pilot scheme”. Regulation 2(2) corrects those errors.

Regulation 2(3) corrects an error in regulation 8(1) of the principal Regulations, by substituting an incorrect reference to “entitlement certificate” with a reference to “entitlement card”.

Regulation 2(4) corrects an error in regulation 8(11) of the principal Regulations, by deleting an incorrect use of the word “by”.

Regulation 2(5) clarifies a modification made in regulation 9(5) of the principal Regulations. The effect is that, in circumstances where a qualifying patient receives pharmaceutical services under regulation 3 of the principal Regulations by presenting a valid entitlement card and an equivalent prescription form, the reference to the reduction in the sum which a Health Board is under a duty to pay or cause to be paid under regulation 3(6) of the principal Regulations is modified to refer to the sum specified in regulation 3(1)(b)(i) of the principal Regulations in respect of each appliance supplied.

Regulation 2(6) amends a reference in paragraph 2(3)(a) of Schedule 3 to the principal Regulations in relation to a consequential amendment to regulation 4(2)(c) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003.