

## SCHEDULE

### CONSEQUENTIAL AMENDMENTS

#### **The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

7.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009<sup>(1)</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation) in the definition of “prescription form”—
- (a) in sub-paragraph (a)—
    - (i) after “(dd) a prescriber;” omit “and”; and
    - (ii) omit head (ii); and,
  - (b) in sub-paragraph (c)(ii) for “which” substitute “a form which contains an order by a prescriber in England,”.
- (3) In Schedule 1 (terms of service for pharmacists and pharmacy contractors)—
- (a) for paragraph 4(1)(b) and the full out to paragraph 4(1) substitute—
    - “(b) subject to sub-paragraphs (4) and (9), the pharmacist receives from the ePharmacy service an electronic prescription form which contains an order of a kind specified in sub sub-paragraph (a)(i)-(iv);and the patient named on the form or a person on the patient’s behalf, requests the provision of drugs and appliances in accordance with that prescription and, in the case of a form provided and issued under arrangements having effect in England, completes and signs a declaration of entitlement to exemption or a statement that a charge has been paid, a pharmacist shall, with reasonable promptness, provide the drugs so ordered, and such of the appliances so ordered as the pharmacist supplies in the normal course of business and any drugs so specified shall be in a suitable container.”;
  - (b) after paragraph 4(1A) insert—
    - “(1B) A pharmacist is under no obligation to provide pharmaceutical services in respect of a prescription form issued under arrangements having effect in England unless the patient has paid any charge due to be paid by virtue of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011.”;
  - (c) for paragraph 4(14) substitute—
    - (a) “(14) For the purposes of this sub-paragraph—
      - “prescription form” is limited to a prescription form provided and issued under arrangements having effect in England;
      - “2011 Regulations” means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011;
      - “2003 Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003.
    - (b) Subject to paragraphs (c) and (d), a pharmacist before supplying a prescribed item to any person presenting a prescription form which—
      - (i) has a declaration in terms of regulation 4(2)(a) of the 2011 Regulations claiming charge exemption; or
      - (ii) has a declaration claiming charge remission under the 2003 Regulations,

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<sup>(1)</sup> S.S.I. 2009/183.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

shall request evidence of a patients entitlement to such exemption or remission.

- (c) Paragraph (b) shall not apply in respect of claims for exemption under regulation 4(1)(a) or (c) of the 2011 Regulations where the person's date of birth has been printed by means of a computer on the prescription form.
- (d) Paragraph (b) shall not apply in respect of a declaration relating to a claim for exemption under regulation 4(1)(a)-(h) of the 2011 Regulations where the pharmacist has information in the pharmacist's possession at the time of supplying the item which confirms the patient is entitled to the exemption claimed.
- (e) Where the person presenting the prescription form does not show evidence of entitlement and the pharmacist, in respect of a declaration relating to a claim for exemption made under regulation 4(1)(a)-(h) of the 2011 Regulations does not have evidence in the pharmacist's possession to confirm that the patient is entitled to make that claim, the pharmacist shall mark that patient's prescription form accordingly before supplying the prescribed item.”.