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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 284**

**The National Health Service (Serious Shortage Protocols)  
(Miscellaneous Amendments) (Scotland) Regulations 2019**

**Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

4. In paragraph 4 (provision of pharmaceutical services) of schedule 1 (terms of service for pharmacists and pharmacy contractors)—

- (a) in sub-paragraph (23) after “and (29)” insert “to (33)”, and
- (b) after sub-paragraph (29) insert—

“(30) This sub-paragraph applies where—

- (a) a person requests a prescription only medicine—
  - (i) from a person lawfully conducting a retail pharmacy business in accordance with section 69 of the 1968 Act<sup>(1)</sup>, and
  - (ii) in accordance with a prescription form or serial prescription, and
- (b) a SSP has effect in respect of—
  - (i) the requested prescription only medicine, or
  - (ii) prescription only medicines of a specified description, and the requested prescription only medicine is of that description.

(31) Where sub-paragraph (30) applies, a pharmacist may supply a prescription only medicine in accordance with a SSP where—

- (a) the conditions specified in regulation 226A of the Human Medicines Regulations 2012<sup>(2)</sup> are satisfied, and
- (b) the pharmacist is able to do so with reasonable promptness.

(32) This sub-paragraph applies where—

- (a) a person requests a drug or appliance—
  - (i) from a person lawfully conducting a retail pharmacy business in accordance with section 69 of the 1968 Act<sup>(3)</sup>, and
  - (ii) in accordance with a prescription form or serial prescription, and
- (b) a Scottish SSP has effect in respect of—
  - (i) the requested drug or appliance, or
  - (ii) drugs or appliances of a specified description, and the requested drug or appliance is of that description.

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(1) 1968 c.67; section 69 was amended by the Statute Law (Repeals) Act 1993 (c.50), schedule 1, part XII, paragraph 1, S.I. 2007/289, S.I. 2007/3101 and S.I. 2010/231.  
(2) S.I. 2012/1916; regulation 226A was inserted by S.I. 2019/62.  
(3) 1968 c.67; section 69 was amended by the Statute Law (Repeals) Act 1993 (c.50), schedule 1, part XII, paragraph 1, S.I. 2007/289, S.I. 2007/3101 and S.I. 2010/231.

(33) Where sub-paragraph (32) applies, a pharmacist may supply a different drug or appliance or quantity or strength of a drug or appliance to that ordered on the prescription form or serial prescription where—

- (a) the pharmacist is able to do so with reasonable promptness,
- (b) to do so is in accordance with the Scottish SSP, and
- (c) the pharmacist is of the opinion, in the exercise of their professional skill and judgement, that the supply of a different drug or appliance or quantity or strength of a drug or appliance to that ordered by the prescriber or dentist is reasonable and appropriate.

(34) Where sub-paragraph (30) or (32) applies—

- (a) a pharmacist is of the opinion, in the exercise of their professional skill and judgement, that it is unreasonable or inappropriate to supply in accordance with the SSP or the Scottish SSP, and
- (b) the pharmacist is able to supply the prescription only medicine or other drug or appliance ordered by the prescriber or dentist within a reasonable timescale, but not with reasonable promptness,

the requirements to act with reasonable promptness in sub-paragraphs (1), (1A)(a) and (3) are to be read as requirements to act within a reasonable timescale.

(35) A pharmacist must refuse to supply a prescription only medicine or other drug or appliance ordered on a prescription form or serial prescription where—

- (a) sub-paragraph (30) or (32) applies, and
- (b) alternative supply has already taken place in accordance with the SSP or the Scottish SSP.

(36) A pharmacist may refuse to supply a prescription only medicine or other drug or appliance ordered on a prescription form or serial prescription where—

- (a) sub-paragraph (30) or (32) applies,
- (b) the pharmacist is of the opinion, in the exercise of their professional skill and judgement, that it is unreasonable or inappropriate to supply in accordance with the SSP or the Scottish SSP, and
- (c) the pharmacist is unable to provide the prescription only medicine or other drug or appliance ordered by the prescriber or dentist within a reasonable timescale.

(37) Where a pharmacist refuses to supply a prescription only medicine or other drug or appliance under sub-paragraph (36), the pharmacist must contact the prescriber or dentist to discuss alternative arrangements.

(38) Where a pharmacist supplies a prescription only medicine in accordance with a SSP or other drug or appliance in accordance with a Scottish SSP the pharmacist must—

- (a) include in the dispensing label on the packaging of the prescription only medicine or other drug or appliance, for the patient's benefit, information to the effect that the prescription only medicine or other drug or appliance is being supplied in accordance with a SSP or a Scottish SSP, identifying the particular SSP or Scottish SSP, and
- (b) supply the prescription only medicine or other drug or appliance in a suitable container.”.