
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 420

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2020

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

4.—(1) Paragraph 4 (provision of pharmaceutical services) of schedule 1 (terms of service for pharmacists and pharmacy contractors) is amended as follows.

(2) In sub-paragraph (2)—

(a) in head (a)—

- (i) for “chronic medication service”, where it appears for the first time, substitute “Medicines: Care and Review Service”, and
- (ii) for “chronic medication service”, where it appears for the second time, substitute “service to assist patients with drugs, medicines and appliances and the management of long term illnesses, diseases or health conditions”,

(b) after head (a), insert—

“(aa) “prison” means—

- (i) a prison within the meaning of section 43 of the Prisons (Scotland) Act 1989(1),
- (ii) a remand centre within the meaning of section 19(1)(a) of that Act, or
- (iii) a young offenders institution within the meaning of section 19(1)(b) of that Act(2),”,

(c) in head (b)—

- (i) after “doctor” in each place it occurs, insert “, pharmacist independent prescriber or independent nurse prescriber other than a supplementary prescriber”,
- (ii) in sub-head (i), for “2”, substitute “3”,
- (iii) in sub-head (iii)—
 - (aa) after “receive”, insert “those”, and
 - (bb) after “3 months”, insert “or where that patient receives primary medical services in prison”, and
- (iv) in the text after sub-head (iii), from “registered” to the end of head (b), substitute “a long-term illness, disease or health condition that requires ongoing management over a period of a year or longer”, and

(d) in head (c)(ii)—

- (i) for “the”, where it appears before “pharmacy contractor”, substitute “a”, and
- (ii) omit from “with whom”, to the end of sub-head (ii).

(1) 1989 c.45.

(2) Section 19 was amended by the Criminal Justice (Scotland) Act 2003 (asp 7), section 23.

- (3) After sub-paragraph (2), insert—
- “(2A) A pharmacy contractor must ensure that drugs or appliances ordered on a serial prescription are not supplied to a patient unless the patient has registered with that pharmacy contractor for the provision of the Medicines: Care and Review Service.”.
- (4) In sub-paragraph (3)—
- (a) for “has”, substitute “is”, and
- (b) for “chronic medication service”, substitute “Medicines: Care and Review Service”.
- (5) In sub-paragraph (11)—
- (a) for “ordered on a prescription form or a serial prescription”, substitute “in accordance with these Regulations”,
- (b) in head (a)—
- (i) omit “presenting the prescription form or serial prescription or”, and
- (ii) for “an electronic prescription form or serial prescription”, substitute “these Regulations”, and
- (c) in head (b)—
- (i) omit “presenting the prescription form or serial prescription, or”, and
- (ii) for “an electronic prescription form or serial prescription”, substitute “these Regulations”.
- (6) In sub-paragraph (23), for “(33)”, substitute “(43)”.
- (7) After sub-paragraph (38), insert—
- “(39) A pharmacist may supply a prescription only medicine in accordance with a PTP where—
- (a) a PTP has effect in respect of the prescription only medicine,
- (b) the requirements specified in the PTP are satisfied, and
- (c) the pharmacist is able to supply the prescription only medicine with reasonable promptness.
- (40) A pharmacist may refuse to supply a prescription only medicine in accordance with a PTP where in the pharmacist’s professional judgement it is unreasonable or inappropriate to do so.
- (41) Where a pharmacist supplies a prescription only medicine in accordance with a PTP the pharmacist must—
- (a) include in the dispensing label on the packaging of the prescription only medicine, for the patient’s benefit, information to the effect that the prescription only medicine is being supplied in accordance with a PTP, identifying the particular PTP, and
- (b) supply the prescription only medicine in a suitable container.
- (42) A pharmacist may provide pharmaceutical services in accordance with the terms of a protocol approved by the Scottish Ministers under regulation 247A (protocols relating to coronavirus and influenza vaccinations and immunisations) of the Human Medicines Regulations 2012(3) where the conditions specified in that regulation are satisfied.
- (43) A pharmacist may provide pharmaceutical services in response to an announcement of the Secretary of State and arrangements made in accordance with regulation 10A (directions of a practitioner while a disease is, or in anticipation of a disease being

imminently, pandemic etc.) or 15(5) (form of prescriptions) of the Misuse of Drugs Regulations 2001(4).”.