SCOTTISH STATUTORY INSTRUMENTS

2005 No.124

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2005

Made - - - -	*3rd March 2005*
Laid before the Scottish Parliament - - - -	*3rd March 2005*
Coming into force - -	*1st April 2005*

The Scottish Ministers in exercise of the powers conferred by sections 27(2), 69(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**1**) 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 (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2005 and shall come into force on 1st April 2005.

(2) In these Regulations "the principal Regulations" means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(**2**).

Amendment of the principal Regulations

2.—(1) Subject to regulation 3 below, the principal Regulations are amended as follows.

(2) In regulation 3(1)(b) (supply of drugs and appliances by chemists)(**3**) for "£6.40" substitute "£6.50".

(3) In regulation 8(5) (pre-payment certificates)(**4**)–

(a) for "£33.40" substitute "£33.90"; and

(**1**) 1978 c. 29; section 27(2) was substituted by the 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), Schedule 9, paragraph 19(7)(b); section 105(7) 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, Part I, paragraph 24 and the Health Act 1999 (c. 8), 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).

(**2**) S.S.I. 2001/430; relevant amending instruments are S.S.I. 2002/100, 2003/130, 2004/66.

(**3**) Regulation 3 was amended by S.S.I. 2002/100, 2003/130 and 2004/66.

(**4**) Regulation 8 was amended by S.S.I. 2002/100, 2003/130 and 2004/66.

(b) for "£91.80" substitute "£93.20".

(4) For Schedules 1, 2 and 3 (charges for elastic hosiery, for tights and for fabric supports and wigs)(**5**) substitute Schedules 1, 2 and 3 set out in the Schedule to these Regulations.

Transitional provisions

3. Regulation 2(2) to (4) shall apply in relation to supplies of drugs and appliances and payments for pre-payment certificates made on or after 1st April 2005 except that–

(a) the amendment of regulation 8(5) (pre-payment certificates) of the principal Regulations by regulation 2(3) above shall apply only where the application referred to in paragraph (1) of regulation 8 of the principal Regulations is received on or after that date; and

(b) the insertion of Schedule 3 into the principal Regulations by regulation 2(4) above shall apply only where the examination or first examination leading to the supply of the specified appliance takes place on or after that date.

RHONA BRANKIN
Authorised to sign on behalf of the Scottish Ministers

St Andrew's House, Edinburgh
3rd March 2005

(**5**) Schedules 1, 2 and 3 were substituted by S.S.I. 2002/100, 2003/130 and 2004/66.