SCOTTISH STATUTORY INSTRUMENTS

2004 No. 66

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2004

Made - - - -	*20th February 2004*
Laid before the Scottish Parliament - - - -	*23rd February 2004*
Coming into force - -	*1st April 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 19(2), 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 2004 and shall come into force on 1st April 2004.

(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 in accordance with the following paragraphs.

(2) In regulation 3(1)(b)(**3**) (supply of drugs and appliances by chemists) omit "£6.30" and insert "£6.40".

(**1**) 1978 c. 29; section 19(2) was amended by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 39(2); section 27(2) was amended by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3) and the National Health Service and Community Care Act 1990 (c. 19), Schedule 9 , paragraph 19(7); section 105(7), which was amended by the Health Services Act 1980 (c. 41), Schedule 6, paragraph 5 and Schedule 7, by 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), Schedule 4, paragraph 60, contains provisions relevant to the making of 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 Health Act 1999 (c. 18) 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 functions of the Secretary of State were transferred to the Scottish Ministers, by virtue of section 53 of the Scotland Act 1998.

(**2**) S.S.I. 2001/430.

(**3**) Regulation 3(1)(b) was amended by S.S.I. 2002/100, regulation 2(4), and S.S.I. 2003/130, regulation 2(2).

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

(a) omit "£32.90" and insert "£33.40"; and

(b) omit "£90.40" and insert "£91.80".

(4) Omit Schedules 1, 2 and 3(**5**) and insert Schedules 1, 2 and 3 as 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 2004 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.

St Andrew's House, Edinburgh
20th February 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

(**4**) Regulation 8(5) was amended by S.S.I. 2002/100, regulation 2(6) and S.S.I. 2003/130, regulation 2(3).
(**5**) Schedules 1, 2 and 3 were replaced by S.S.I. 2002/100, Schedule, and S.S.I. 2003/130, Schedule