SCOTTISH STATUTORY INSTRUMENTS

2004 No. 39

NATIONAL HEALTH SERVICE

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2004

Made - - - -	*2nd February 2004*
Laid before the Scottish Parliament - - - -	*3rd February 2004*
Coming into force - -	*4th March 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 27, 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 and commencement

1. These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2004 and shall come into force on 4th March 2004.

Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995

2.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(**2**) are amended as follows.

(2) In regulation 5(1)(**3**) (pharmaceutical list) after "of" in the first place where it occurs, insert ", subject to the provisions of regulation 26(1) (practitioners subject to inquiry in a fraud case) of the National Health Service (Tribunal) (Scotland) Regulations 2004(**4**),".

(**1**) 1978 c. 29; section 27 was amended by the Health Services Act 1980 (c. 53) ("the 1980 Act"), section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3), by S.I.1987/2202, by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(7), by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 3, by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, Part I, paragraph 44, by the Health and Social Care Act 2001 (c. 15), section 44 and was extended by the Health and Medicines Act 1988 (c. 49), section 17; section 105(7), which contains provisions relevant to the making of regulations, was amended by the 1980 Act, 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; section 108(1) contains definitions of "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.I. 1995/414. Relevant amending instruments are S.I. 1996/840 and S.S.I. 1999/57.

(**3**) Regulation 5(1) was amended by S.S.I. 1999/57.

(**4**) S.S.I. 2004/38.