SCOTTISH STATUTORY INSTRUMENTS

2003 No. 443

NATIONAL HEALTH SERVICE

The National Health Service (General Medical Services) (Scotland) Amendment (No. 3) Regulations 2003

Made - - - -	*17th September 2003*
Laid before the Scottish Parliament - - - -	*19th September 2003*
Coming into force - -	*10th October 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 2(5), 19, 28(1), 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:

PART I

INTRODUCTORY

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services) (Scotland) Amendment (No. 3) Regulations 2003 and, shall come into force on 10th October 2003.

(2) In these Regulations, "the principal Regulations" means the National Health Service (General Medical Services) (Scotland) Regulations 1995(**2**).

(**1**) 1978 c. 29; section 2(5) was amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), Schedule 9, paragraph 19; section 19 was amended by the Health Services Act 1980 (c. 53) ("the 1980 Act"), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) ("the 1983 Act"), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a), by the 1990 Act, section 37, by the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 29(a), and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, Part I, paragraph 39 and Schedule 3, Part I, and is to be read with the Health and Medicines Act 1988 (c. 49), section 17; section 28(1) was amended by the National Health Service (Amendment) Act 1986 (c. 66), section 3(4); section 105(7) which contains provisions relating to the making of Regulations, was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7, by the 1983 Act, Schedule 9, Part I, paragraph 24 and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) contains a definition 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.1995/416; relevant amending instruments are S.I. 1995/3199, 1996/1504, 1997/943, 1998/4 and 660, 1999/749 and 1620 and S.S.I. 1999/54 and 2002/111.

PART II

AMENDMENTS RELATING TO PRESCRIBING BY NURSES AND PHARMACISTS

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)–

(a) in paragraph (1) omit the definition of "nurse prescriber"(**3**); and

(b) omit paragraph (1A)(**4**).

Amendment of Schedule 1 to the principal Regulations

3. In Schedule 1 to the principal Regulations (terms of service for doctors)–

(a) in paragraph 1–

(i) after sub-paragraph (a) insert–

"(aa) "independent nurse prescriber" means–

(i) a person whose name is registered–

(aaA) in Part 1 or 12 of the nurses' and midwives' professional register and has a district nurse qualification additionally recorded in the nurses' and midwives' professional register pursuant to rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(**5**); or

(bbB) in Part 11 of the nurses' and midwives' professional register as a health visitor,

and against whose name is recorded in the nurses' and midwives' professional register an annotation signifying that he is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Formulary for Community Nurses and Health Visitors in Part 8B of the Drug Tariff(**6**); or

(ii) a person–

(aaA) whose name is registered in parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the nurses' and midwives' professional register; and

(bbB) against whose name is recorded in the nurses' and midwives' professional register an annotation signifying that he is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Extended Formulary in Part 8C of the Drug Tariff;

(ab) "licensing authority" shall be construed in accordance with section 6(3) of the Medicines Act 1968(**7**);

(**3**) The definition of "nurse prescriber" was inserted by S.I. 1996/1504. References to "nurse prescriber" were inserted by S.I. 1996/1504 and 1999/1620.
(**4**) Paragraph (1A) was inserted by S.I. 1996/1504.
(**5**) Approved by S.I. 1983/873 and set out in the Schedule thereto; there are no relevant amending instruments.
(**6**) Copies of the Drug Tariff are available for inspection at the offices of Health Boards and primary care NHS trusts in accordance with S.I. 1995/414 as amended by S.S.I. 1999/57.
(**7**) 1968 c. 67.

(ac) "nurses' and midwives' professional register" means the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(**8**);";

(ii) after paragraph (b) insert–

"(ba) "the POM Order" means the Prescription Only Medicines (Human Use) Order 1997(**9**);";

(iii) in paragraph (d) for "a nurse prescriber" substitute "a supplementary prescriber or an independent nurse prescriber";

(iv) number the definition of "restricted availability appliance"(**10**) as paragraph (db);

(v) after paragraph (d) insert–

"(da) "prescription only medicine" means a medicine referred to in article 3 of the POM Order (medicinal products on prescription only);";

(vi) after paragraph (db) insert–

"(dc) "supplementary prescriber" means a person whose name is registered in–

(i) Parts 1, 3, 5, 8, 10, 11, 12, 13, 14, or 15 of the nurses' and midwives' professional register;

(ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954(**11**); or

(iii) the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**12**),

and against whose name is recorded in the relevant register an annotation signifying that he is qualified to order drugs, medicines and appliances as a supplementary prescriber;";

(b) In paragraph 29A(1) and (2)(**13**) for the words "a nurse prescriber", at each place where they occur, substitute "a supplementary prescriber or an independent nurse prescriber".

(c) In paragraph 29B(1)(**14**) for the words "a nurse prescriber" substitute "a supplementary prescriber or an independent nurse prescriber".

(d) After paragraph 29B, insert–

"**29C.**—(1) Where, after 10th October 2003, a doctor employs a supplementary prescriber and that person's functions include prescribing, the doctor shall have arrangements in place to secure that that person will only–

(a) give a prescription for a prescription only medicine;

(b) administer a prescription only medicine for parenteral administration; or

(c) give directions for the administration of a prescription only medicine for parenteral administration,

as a supplementary prescriber under the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) are that–

(**8**) S.I. 2002/253.
(**9**) S.I. 1997/1830; the relevant amending instruments are S.I. 2002/549 and 2003/696.
(**10**) The definition of "restricted availability appliance" was inserted by S.S.I. 2002/111.
(**11**) 1954 c. 61.
(**12**) S.I. 1976/1213.
(**13**) Paragraph 29A was inserted by S.I. 1996/1504.
(**14**) Paragraph 29B was inserted by S.I. 1999/1620 and amended by S.S.I. 1999/54.