SCOTTISH STATUTORY INSTRUMENTS

2003 No. 296

NATIONAL HEALTH SERVICE

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2003

Made - - - -	*5th June 2003*
Laid before the Scottish Parliament - - - -	*6th June 2003*
Coming into force - -	*30th June 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 27(2), 28(1), 105(7) and 108(1) of, and paragraph 11(b) and (c) of Schedule 1 to, 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 (Pharmaceutical Services) (Scotland) Amendment Regulations 2003 and shall come into force on 30th June 2003.

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

Amendment of regulation 2(1) of the principal Regulations

2.—(1) Regulation 2(1) of the principal Regulations (interpretation and application) is amended as follows.

(2) Omit the definition of "nurse prescriber"(**3**).

(3) For the definition of "prescription form"(**4**) substitute–

(**1**) 1978 c. 29; section 27(2) was amended by the National Health Service (Amendment) Act 1986 (c. 66) ("the 1986 Act"), section 3(3) and the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), Schedule 9, paragraph 19(7); section 28(1) was amended by the 1986 Act, section 3(4); 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 and paragraph 11(b) of Schedule 1 was amended by the 1990 Act, Schedule 5, paragraph 7. 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.I.1995/414; relevant amending instruments are S.I. 1996/1504, S.S.I. 1999/57, 2001/70 and 2002/111.

(**3**) The definition of "nurse prescriber" was inserted by S.I. 1996/1504.

(**4**) The definition of "prescription form" was inserted by S.S.I. 2001/70.

""prescription form" means a form–

(a) on which the provision of pharmaceutical services may be ordered by–

(i) a Board;

(ii) an NHS trust;

(iii) a doctor or dentist pursuant to the provisions of their terms of service;

(iv) a dentist performing personal dental services in accordance with a pilot scheme under Part I of the National Health Service (Primary Care) Act 1997(**5**);

(v) a supplementary prescriber; or

(vi) an independent nurse prescriber; and

(b) which contains on its reverse side a form of declaration of entitlement to exemption;".

(4) Insert each of the following definitions at the appropriate alphabetical place:–

""independent nurse prescriber" means–

(a) a person whose name is registered–

(i) 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(**6**); or

(ii) 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 the person 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; or

(b) a person–

(i) 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

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

""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(**7**);";

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

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

(b) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954(**8**); or

(c) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**9**),

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

(**5**) 1997 c. 46.
(**6**) S.I. 1983/873.
(**7**) S.I. 2002/253 as amended by S.I. 2002/881. S.I. 2002/1125 makes transitional provisions for these Regulations.
(**8**) 1954 c. 61.
(**9**) S.I. 1976/1213.