SCOTTISH STATUTORY INSTRUMENTS

2003 No. 295

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No. 2) 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), 69(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:

Citation and commencement

1. These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No. 2) Regulations 2003 and shall come into force on 30th June 2003.

Amendment to the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001

2.—(1) The National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(**2**) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation)–

(a) insert each of the following definitions at the appropriate alphabetical place:–

"independent nurse prescriber" means–

(a) a person whose name is registered–

(**1**) 1978 c. 29; 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. The only relevant amending instrument is S.S.I. 2002/100, regulation 2(2) and (3).

(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(**3**); 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(**4**);";

"the Drug Tariff" means the statement compiled, published and amended from time to time by the Scottish Ministers pursuant to regulation 9 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(**5**) (standards of, and payments for, drugs and appliances);";

""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(**6**); or

(c) the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**7**),

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;";

(b) for the definition of "prescription form", substitute–

""prescription form" means a form–

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

(i) a Board;

(ii) an NHS trust;

(**3**) S.I.1983/873.
(**4**) S.I. 2002/253 as amended by S.I. 2002/881. S.I. 2002/1125 makes transitional provisions for these Regulations.
(**5**) S.I. 1995/414; relevant amending instruments are S.I. 1997/696, regulation 3 and S.S.I. 2002/111, regulation 2(6) and (7).
(**6**) 1954 c. 61.
(**7**) S.I. 1976/1213.