SCOTTISH STATUTORY INSTRUMENTS

2002 No. 100

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2002

Made - - - -	*6th March 2002*
Laid before the Scottish Parliament - - - -	*8th March 2002*
Coming into force - -	*1st April 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 19(2), 25(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 and commencement

1. These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2002 and shall come into force on 1st April 2002.

Amendment of 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) in the definition of "nurse prescriber", for "nurse or health visitor" there is substituted "nurse, midwife or health visitor".

(**1**) 1978 c. 29; section 19(2) was amended by the National Health Service (Primary Care) Act 1997 (c. 46) (" the 1997 Act"), Schedule 2, paragraph 39(2); section 25(2) was amended by the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981 (S.I.1981/432), article 4(3), by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 11 and by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 40(2) and Schedule 9, paragraph 19(6), the 1997 Act, Schedule 2, paragraph 43 and Schedule 3, Part I and the Health Act 1999 (c. 8) ("the 1999 Act"), section 56(3); section 27(2) was amended by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3) and the 1990 Act, 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 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) For regulation 2(2) there is substituted–

"(2) The specified description of nurse, midwife or health visitor mentioned in the definition of "nurse prescriber" in paragraph (1) is–

(a) a person who is either–

(i) registered in Part 1 or 12 of the register maintained by the Nursing and Midwifery Council(**3**) pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(**4**) (referred to below in this definition as the "professional register"), and has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(**5**), or

(ii) registered in Part 11 of the professional register as a health visitor,

and against whose name (in each case) is recorded in the professional register an annotation signifying that that person is qualified to order drugs, medicines and appliances for patients; or

(b) a person who is registered in Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the professional register and against whose name is recorded in the professional register an annotation signifying that that person is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Extended Formulary Appendix in the British National Formulary(**6**)."

(4) In regulation 3(1)(b) (supply of drugs and appliances by chemists) for "£6.10" there is substituted "£6.20".

(5) For regulation 8(1) (pre-payment certificates) there is substituted–

"(1) Subject to the following provisions of this regulation, a certificate (in these Regulations referred to as a pre-payment certificate) shall be granted either–

(a) by a Board as soon as reasonably practicable following, or

(b) by a chemist or doctor duly approved by a Board to grant such certificates immediately upon,

payment of the sum prescribed by paragraph (5) below to any person who duly completes and submits an application therefor on a form provided for the purpose by the Board.".

(6) Subject to regulation 3 below, in regulation 8(5) (pre-payment certificates)–

(a) for "£31.90" there is substituted "£32.40"; and

(b) for "£87.60" there is substituted "£89.00".

(7) In regulation 8(10) and (11) (pre-payment certificates), for "prescribed sum" in each place where it appears there is substituted "sum prescribed".

(8) In regulation 8(13) (pre-payment certificates), for "Board which received the sum prescribed under this regulation" there is substituted "Board which either received the sum prescribed under this regulation or approved the chemist or doctor to grant pre-payment certificates".

(9) For Schedules 1, 2 and, subject to regulation 3 below, 3 there are substituted those Schedules as set out in the Schedule to these Regulations.

(**3**) See article 3 of the Nursing and Midwifery Order 2001, S.I. 2002/253.
(**4**) S.I. 2002/253.
(**5**) Approved by S.I. 1983/873, to which there are amendments not relevant to these Regulations.
(**6**) Published by the British Medical Association and Royal Pharmaceutical Society of Great Britain.