SCOTTISH STATUTORY INSTRUMENTS

2001 No. 70

NATIONAL HEALTH SERVICE

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2001

Made - - - -	*8th March 2001*
Laid before the Scottish Parliament - - - -	*9th March 2001*
Coming into force - -	*1st April 2001*

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

1.—(1) These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2001 and shall come into force on 1st April 2001.

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

Amendment of regulation 2 of the principal Regulations

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

(2) In paragraph (1)–

(a) after the definition of "Board" there is inserted–

(**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) ("the 1986 Act"), 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, and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 44, and is to be read with the Health and Medicines Act 1988 (c. 49) ("the 1988 Act"), 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 1999 Act, Schedule 4, paragraph 60; section 108(1) contains definitions of "prescribed" and "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; the relevant amending instruments are S.I. 1996/840 and 1504, 1997/696 and 1998/2224.

""Charges Regulations" means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(**3**);"

(b) after the definition of "dentist" there is inserted–

""directed services" means additional pharmaceutical services;"

(c) after the definition of "pharmacist contractor" there is inserted–

""prescription form" means a form provided by a Health Board, a Health Authority constituted under section 8 of the National Health Service Act 1977, a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972(**4**) or an NHS trust, and issued by a doctor, a dentist or nurse prescriber to enable a person to obtain pharmaceutical services;"

(d) after the definition of "relevant service" there is inserted–

""Remission of Charges Regulations" means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(**5**);"

(3) In the definition of "pharmaceutical services", at the end there is added "but not including directed services;".

(4) For paragraph (1A)(**6**) there is substituted–

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

(a) a person who is registered in Part 1 or 12 of the register maintained under the Nurses, Midwives and Health Visitors Act 1997(**7**) (referred to below in this paragraph as "the professional register"), has a district nursing qualification additionally recorded in the professional register maintained under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(**8**), and is, at the time of ordering the listed drug or medicine or listed appliance–

(i) employed as a district nurse by a Board or an NHS trust; or

(ii) employed as a nurse by a doctor whose name is included in a medical list or who, at that time, is assisting in the performance of personal medical services;

(b) a person who is registered in Part 11 of the professional register as a health visitor and is, at the time of ordering the listed drug or medicine or listed appliance–

(i) employed as a health visitor by a Board or an NHS trust; or

(ii) employed as a health visitor by a doctor whose name is included in a medical list or who, at that time, is assisting in the performance of personal medical services;

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

(**3**) S.I. 1989/326 amended by S.I. 1990/468 and 787, 1991/574, 1992/394, 1993/522, 1994/697, 1995/699 and 2739, 1996/740 and 1504, 1997/697, 1998/609 and 2224 and 1999/612 and by S.S.I. 2000/50 and 396.
(**4**) S.I. 1972/1265.
(**5**) S.I. 1988/546, amended by S.I. 1989/393, 1989/517, 1989/616, 1990/551, 1990/917, 1990/1665, 1991/575, 1992/754, 1993/642, 1993/2049, 1995/700, 1995/2381, 1996/429, 1996/2391, 1997/1012, 1997/2455, 1998/2772, and S.S.I. 1999/63 and 2000/79.
(**6**) Paragraph (1A) was inserted by S.I. 1996/1504.
(**7**) 1997 c. 46.
(**8**) Approved by S.I. 1983/873 to which there are amendments not relevant to these Regulations