SCOTTISH STATUTORY INSTRUMENTS

1999 No. 57

NATIONAL HEALTH SERVICE

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 1999

Made - - - -	*10th September 1999*
Laid before the Scottish Parliament - - - -	*10th September 1999*
Coming into force - -	*1st October 1999*

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(5), 27, 28(1), 28A, 105(7), 106(a), 108(1) and Schedule 1, paragraph 11(b) and (c) 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 1999 and shall come into force on 1st October 1999.

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

General amendment of the principal Regulations

2. In the following regulations after the word "Board" in each place where it occurs there is inserted "or primary care NHS Trust"–

regulation 6 (provisional pharmaceutical list);

regulation 7 (removal from and amendment to pharmaceutical list);

(**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 28(1) was amended by the 1986 Act, section 3(4); section 28A was substituted by the Health Act 1999 (c. 8) ("the 1999 Act"), section 57; 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, relevant amending instruments are S.I.1996/840 and 1997/696.

regulation 8 (schemes for securing proper pharmaceutical services);

regulation 9 (payments to pharmacists and standards of drugs and appliances)(**3**)

regulation 11 (publication of particulars)(**4**)

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(1) of the principal Regulations (interpretation and application)–

(a) after the definition of "additional professional services" there is inserted–

> ""the Agency" means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act;"(**5**)

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

> ""primary care NHS trust" means an NHS trust to which certain functions referred to in section 12AA of the Act are delegated by the Board;"(**6**)

Amendment of regulation 3 of the principal Regulations

4. In regulation 3 of the principal Regulations (pharmaceutical services)–

(a) in paragraphs (7), (8), (10) and (11) after the word "Board" there is inserted "or primary care NHS trust";

(b) in paragraph (8)(a) for the words "Chief Administrative Pharmaceutical Officer and its Chief Administrative Medical Officer and" there is substituted "most senior pharmaceutical and medical advisers and the".

Amendment of regulation 5 of the principal Regulations

5. In regulation 5 of the principal Regulations (pharmaceutical list)–

(a) in paragraphs (1), (2), (3)(b), (4), (5), (6), (8), (10), (12), (13) and (14) after the word "Board" in each place where it occurs and in paragraph (7) in the first place where that word occurs there is inserted "or primary care NHS trust";

(b) in paragraph (7) for the words "Chief Administrative Pharmaceutical Officer of the Board" there is substituted "most senior pharmaceutical adviser, or equivalent of the Board, or primary care NHS trust";

(c) in paragraph (8) for the word "relation" there is substituted "relocation".

Amendment of Schedule 1 to the principal Regulations

6.—(1) Schedule 1 to the principal Regulations (terms of service of pharmacists) is amended in accordance with this regulation.

(2) In paragraph 1 (interpretation)–

(a) in sub-paragraph (a) for the definition of "prescription form" there is substituted–

> ""prescription form" means a form provided by the Agency for issue by a doctor or dentist or nurse prescriber to enable a person to obtain pharmaceutical services;";

(b) in sub-paragraph (b) after the word "Board" there is inserted "or primary care NHS trust".

(**3**) Regulation 9 was amended by S.I.1997/696.
(**4**) Regulation 11 was amended by S.I.1997/696.
(**5**) Section 10 was amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 44.
(**6**) Section 12AA was inserted into the National Health Service (Scotland) Act 1978 (c. 29) by the Health Act 1999 (c. 8) section 47.

(3) In the following paragraphs, after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust"–

paragraph 2 (incorporation of provisions of regulations etc.);

paragraph 6 (names of registered pharmacists);

paragraph 7 (drugs, etc. to be supplied without charge);

paragraph 8 (method of payment);

paragraph 9 (withdrawal from pharmaceutical list);

paragraph 11 (records to be made available).

(4) In paragraph 4(1) (premises and hours of business)–

(a) after the word "Board's" there is inserted "or primary care NHS trust's";

(b) after the word "Board" there is inserted "or primary care NHS trust";

(5) In paragraph 5(2)(a) after the word "Board" in the first place where it occurs there is inserted "or primary care NHS trust"(**7**)

(6) In paragraph 9B after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust"(**8**)

Amendment of Forms A in Schedule 2 to the principal Regulations

7.—(1) In Schedule 2 to the principal Regulations, Forms A (application for inclusion in the pharmaceutical list – for use by pharmacists)(**9**) and (application for inclusion in the pharmaceutical list – for use by persons other than pharmacists) are amended in accordance with this regulation.

(2) After the words "HEALTH BOARD" where they occur in each form there is inserted "/ PRIMARY CARE NHS TRUST*".

(3) In paragraph 4 in each form after the word "Board" there is inserted "/primary care NHS trust*".

(4) In paragraph 5(b)(iii) of Form A (application for inclusion in the pharmaceutical list – for use by pharmacists) after the word "board's" there is inserted "/primary care NHS trust's*".

(5) In paragraph 5(b)(iii) of Form A (application for inclusion in the pharmaceutical list – for use by persons other than pharmacists) after the word "Board's" there is inserted "/primary care NHS trust's*".

(6) In note (3) in Form A (application for inclusion in the pharmaceutical list – for use by pharmacists) and in note (2) in Form A (application for inclusion in the pharmaceutical list – for use by persons other than pharmacists) after the word "*Board*" there is inserted "/*primary care NHS trust*".

Amendment of Form A (MR) in Schedule 2 to the principal Regulations

8.—(1) In Schedule 2 to the principal Regulations, Form A (MR) (application for minor relocation of pharmacy premises) is amended in accordance with this regulation.

(2) After the words "HEALTH BOARD" there is inserted "/PRIMARY CARE NHS TRUST*".

(3) In paragraph 4 after the word "Board" there is inserted "/primary care NHS trust*".

(4) In notes (2) and (4) after the word "*Board*" there is inserted "/*primary care NHS trust*".

(**7**) Paragraph 5 was amended by S.I.1996/840.
(**8**) Paragraph 9B was inserted by S.I.1996/840.
(**9**) Form A (application for inclusion in the pharmaceutical list – for use by pharmacists) was amended by S.I.1997/696.