

SCHEDULE

Regulation 6

CONSEQUENTIAL AMENDMENTS

The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998

1. In regulation 8(3)(e) (a person whose resources are treated as being less than that person's requirements) of the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998⁽¹⁾ for "referred to in regulation 3(1)(b)(ii)" to "Regulations 2008", substitute "referred to in regulation 3(2)(b) (supply of drugs and appliances) of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011⁽²⁾".

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003

2.—(1) The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003⁽³⁾ are amended as follows.

(2) In regulation 2 (interpretation) for the definition "the 2008 Regulations" substitute—

““the 2011 Regulations” means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011;”.

(3) In regulation 4(2)(c) (a described person entitled to full remission and payment) for "regulation 3(1)(b)(ii)" to "2008 Regulations" substitute "regulation 3(2)(b) (supply of drugs and appliances) of the 2011 Regulations".

(4) In regulation 5 (persons entitled to remission in part or payment in part)—

(a) in paragraph (2) (application of regulation 5) omit "charges for wigs" to "Part II of the Act,"; and

(b) in paragraph (4) (relevant charge) omit sub-paragraph (a) (charge for appliance under section 69(1)).

(5) In regulation 11(6)(a)(i) (authorisation for repayment of relevant charges made by Health Board) omit "other than a charge" to "the 2008 Regulations".

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

3.—(1) The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004⁽⁴⁾ are amended as follows.

(2) In regulation 2 (interpretation), omit the definition "the 2008 Regulations".

(3) In paragraph 3 of Schedule 1 (undertakings to be included in an application for inclusion in a primary medical services performers' list) omit sub-paragraph (f).

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

4.—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004⁽⁵⁾ are amended as follows.

(1) S.I. 1998/642, as relevantly amended in relation to these amendments by S.S.I. 2004/168, 2006/138 and 2008/106.

(2) S.S.I. 2011/55.

(3) S.S.I. 2003/460, as relevantly amended in relation to these amendments by S.S.I. 2007/259 and 2008/27.

(4) S.S.I. 2008/114, as relevantly amended in relation to these amendments by S.S.I. 2008/27.

(5) S.S.I. 2008/115, as relevantly amended in relation to these amendments by S.S.I. 2008/27.

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- (2) In regulation 2(1) (interpretation), omit the definition “the 2008 Regulations”.
- (3) In paragraph 1 of Schedule 4 (Fees and Charges)—
 - (a) in sub-paragraph (j) (sight testing) after “section 26(1E) of the Act;” insert “and”; and
 - (b) omit sub-paragraph (k) (charges for drugs, medicines or appliances).
- (4) In paragraph 44 (provision of dispensing services) of Schedule 5 (other contractual terms), omit sub-paragraphs (9) to (12).

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

5.—(1) The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004⁽⁶⁾.

- (2) In regulation 2 (interpretation), omit the definition “the 2008 Regulations”.
- (3) In regulation 22(2) (modifications to general medical services contracts regulations for purposes of fees and charges)—
 - (a) at the end of sub-paragraph (a) insert “and”;
 - (b) at the end of sub-paragraph (b) omit “and”; and
 - (c) omit sub-paragraph (c).
- (4) In paragraph 15 (provision of dispensing services) of Schedule 1 (content of agreements), omit sub-paragraphs (9) to (12).

The National Health Service (Pharmaceutical Services, Charges for Drugs and Appliances and Charges to Overseas Visitors) (Scotland) Amendment Regulations 2009

6. Omit regulation 3 (amendment of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008) of the National Health Service (Pharmaceutical Services, Charges for Drugs and Appliances and Charges to Overseas Visitors) (Scotland) Amendment Regulations 2009⁽⁷⁾.

The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009

7.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009⁽⁸⁾ are amended as follows.

- (2) In regulation 2(1) (interpretation) in the definition of “prescription form”—
 - (a) in sub-paragraph (a)—
 - (i) after “(dd) a prescriber;” omit “and”; and
 - (ii) omit head (ii); and,
 - (b) in sub-paragraph (c)(ii) for “which” substitute “a form which contains an order by a prescriber in England,”.
- (3) In Schedule 1 (terms of service for pharmacists and pharmacy contractors)—
 - (a) for paragraph 4(1)(b) and the full out to paragraph 4(1) substitute—
 - “(b) subject to sub-paragraphs (4) and (9), the pharmacist receives from the ePharmacy service an electronic prescription form which contains an order of a kind specified in sub sub-paragraph (a)(i)-(iv);

⁽⁶⁾ S.S.I. 2004/116 as relevantly amended in relation to these amendments by S.S.I. 2008/27.

⁽⁷⁾ S.S.I. 2009/177.

⁽⁸⁾ S.S.I. 2009/183.

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and the patient named on the form or a person on the patient's behalf, requests the provision of drugs and appliances in accordance with that prescription and, in the case of a form provided and issued under arrangements having effect in England, completes and signs a declaration of entitlement to exemption or a statement that a charge has been paid, a pharmacist shall, with reasonable promptness, provide the drugs so ordered, and such of the appliances so ordered as the pharmacist supplies in the normal course of business and any drugs so specified shall be in a suitable container.”;

(b) after paragraph 4(1A) insert—

“(1B) A pharmacist is under no obligation to provide pharmaceutical services in respect of a prescription form issued under arrangements having effect in England unless the patient has paid any charge due to be paid by virtue of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011.”;

(c) for paragraph 4(14) substitute—

(a) “(14) For the purposes of this sub-paragraph—

“prescription form” is limited to a prescription form provided and issued under arrangements having effect in England;

“2011 Regulations” means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011;

“2003 Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003.

(b) Subject to paragraphs (c) and (d), a pharmacist before supplying a prescribed item to any person presenting a prescription form which—

(i) has a declaration in terms of regulation 4(2)(a) of the 2011 Regulations claiming charge exemption; or

(ii) has a declaration claiming charge remission under the 2003 Regulations, shall request evidence of a patient's entitlement to such exemption or remission.

(c) Paragraph (b) shall not apply in respect of claims for exemption under regulation 4(1)(a) or (c) of the 2011 Regulations where the person's date of birth has been printed by means of a computer on the prescription form.

(d) Paragraph (b) shall not apply in respect of a declaration relating to a claim for exemption under regulation 4(1)(a)-(h) of the 2011 Regulations where the pharmacist has information in the pharmacist's possession at the time of supplying the item which confirms the patient is entitled to the exemption claimed.

(e) Where the person presenting the prescription form does not show evidence of entitlement and the pharmacist, in respect of a declaration relating to a claim for exemption made under regulation 4(1)(a)-(h) of the 2011 Regulations does not have evidence in the pharmacist's possession to confirm that the patient is entitled to make that claim, the pharmacist shall mark that patient's prescription form accordingly before supplying the prescribed item.”.