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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 367**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2021**

*Made* - - - - 26th October 2021  
*Laid before the Scottish Parliament* - - - - 28th October 2021  
*Coming into force* - - 7th December 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27, 28(2) and 105(7) of the National Health Service (Scotland) Act 1978(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2021 and come into force on 7 December 2021.

**Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

2. The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(2) are amended in accordance with regulations 3 to 6.

3. In regulation 2(1) (interpretation and application) after the definition of “clinical management plan” insert—

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(1) 1978 c. 29. Section 27 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 20(2), the National Health Service (Amendment) Act 1986 (c. 66) (“the 1986 Act”), section 3(3), the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 66(1) and schedule 9, paragraph 19(7), the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 3, the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), schedule 2, paragraph 44, the Health and Social Care Act 2001 (c. 15), section 44(2) and (3), the Health and Social Care Act 2012 (c. 7), sections 213(7) and 220(2), S.I. 1987/2202, S.I. 2003/1590, S.I. 2004/1771, S.I. 2005/2011 and S.I. 2010/231, and is to be read with the Health and Medicines Act 1988 (c. 49), section 17. Section 28(2) was amended by the 1986 Act, section 3(4), the 1990 Act, section 66(1) and schedule 9, paragraph 19(8) and the 1997 Act, schedule 2, paragraph 45. Section 105(7) was amended by the 1980 Act, schedule 6, paragraph 5 and schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 29(1) and schedule 9, paragraph 24 and the Health Act 1999 (c. 8), schedule 4, paragraph 60. Section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory power 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.S.I. 2009/183. Relevantly amended by S.S.I. 2020/420.

““collection and delivery arrangement” means an arrangement within the meaning of regulation 248(2) of the Human Medicines Regulations 2012(3).”

**4.—**(1) Paragraph 4 (provision of pharmaceutical services) of schedule 1 (terms of service for pharmacists and pharmacy contractors) is amended as follows.

(2) In sub-paragraph (12), before “A relevant pharmacist” insert “Subject to sub-paragraph (13A).”

(3) In sub-paragraph (13), before “A relevant pharmacist” insert “Subject to sub-paragraph (13A).”

(4) After sub-paragraph (13), insert—

“(13A) Sub-paragraphs (12) and (13) do not apply to the acceptance of a prescription form or serial prescription, or to the supply of medicinal products ordered on such a form or serial prescription, which form part of a collection and delivery arrangement.”

**5.—**(1) Paragraph 6 (premises and hours of business) of schedule 1 is amended as follows.

(2) In sub-paragraph (4), after “Subject to regulation 6” insert “and sub-paragraph (4A).”

(3) After sub-paragraph (4) insert—

“(4A) Sub-paragraph (4) does not apply to the provision of pharmaceutical services which form part of a collection and delivery arrangement.”

**6.** In paragraph 10(8) (method of payment) of schedule 1 after “pharmacy contractor” where it appears for the second time insert “or takes place in accordance with a collection and delivery arrangement”.

St Andrew’s House,  
Edinburgh  
26th October 2021

*MAREE TODD*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 to make provision for the collection of prescriptions for, and supply of, medicinal products in accordance with a collection and delivery arrangement as defined by regulation 248(2) of the Human Medicines Regulations 2012.