
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 295

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No. 2) Regulations 2003

Amendment to 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(1) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation)—

(a) insert each of the following definitions at the appropriate alphabetical place:—

“independent nurse prescriber” means—

(a) a person whose name is registered—

- (i) in Part 1 or 12 of the nurses' and midwives' professional register and has a district nurse qualification additionally recorded in the nurses' and midwives' professional register pursuant to rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(2); or
- (ii) in Part 11 of the nurses' and midwives' professional register as a health visitor,

and against whose name is recorded in the nurses' and midwives' professional register an annotation signifying that the person is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Formulary for Community Nurses and Health Visitors in Part 8B of the Drug Tariff; or

(b) a person—

- (i) whose name is registered in Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the nurses' and midwives' professional register; and
- (ii) against whose name is recorded in the nurses' and midwives' professional register an annotation signifying that the person is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Extended Formulary in Part 8C of the Drug Tariff;”;

““nurses' and midwives' professional register” means the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(3);”;

“the Drug Tariff” means the statement compiled, published and amended from time to time by the Scottish Ministers pursuant to regulation 9 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(4) (standards of, and payments for, drugs and appliances);”;

(1) S.S.I. 2001/430. The only relevant amending instrument is S.S.I. 2002/100, regulation 2(2) and (3).

(2) S.I.1983/873.

(3) S.I. 2002/253 as amended by S.I. 2002/881. S.I. 2002/1125 makes transitional provisions for these Regulations.

(4) S.I. 1995/414; relevant amending instruments are S.I. 1997/696, regulation 3 and S.S.I. 2002/111, regulation 2(6) and (7).

““supplementary prescriber” means a person whose name is registered in–

- (a) Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the nurses' and midwives' professional register;
- (b) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954⁽⁵⁾; or
- (c) the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976⁽⁶⁾,

and against whose name is recorded in the relevant register an annotation signifying that the person is qualified to order drugs, medicines and appliances as a supplementary prescriber;”;

- (b) for the definition of “prescription form”, substitute–

““prescription form” means a form–

- (a) on which the provision of pharmaceutical services may be ordered by–
 - (i) a Board;
 - (ii) an NHS trust;
 - (iii) a doctor or dentist pursuant to the provision of their terms of service;
 - (iv) a dentist performing personal dental services in accordance with a pilot scheme under Part I of the National Health Service (Primary Care) Act 1997⁽⁷⁾;
 - (v) a supplementary prescriber; or
 - (vi) an independent nurse prescriber; and

- (b) which contains on its reverse side a form of declaration of entitlement to exemption;”;

- (c) omit the definition of “nurse prescriber”.

(3) Omit regulation 2(2) (specified description of a nurse or health visitor mentioned in the definition of “nurse prescriber”).

(5) 1954 c. 61.
(6) S.I. 1976/1213.
(7) 1997 c. 46.