

SCHEDULE 1

CONSEQUENTIAL AND ANCILLARY AMENDMENTS

The National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995

4.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(1) shall be amended as provided in this paragraph.

(2) In regulation 2(1) (interpretation and application)(2)–

(a) for the definition of “appropriate non-proprietary name” substitute–

““appropriate non-proprietary name” means a non-proprietary name which is not mentioned in any directions given by the Scottish Ministers under section 17N(6) of the Act (other mandatory contract terms)(3) as to the drugs or other substances–

(a) which may not be ordered for patients in the provision of primary medical services under a general medical services contract;

(b) except where the conditions in paragraph 40(2) of Schedule 5 to the GMS Contracts Regulations are satisfied, which can only be ordered for specified patients and specified purposes;”;

(b) omit the definition of “medical list”;

(c) in the definition of “prescription form”–

(i) in paragraph (a)(iii) omit “doctor or”; and

(ii) for paragraph (a)(v) and (vi) substitute–

“or;

(v) prescriber; and”;

(d) for the definition of “scheduled drug” substitute–

““scheduled drug” means–

(a) a drug, medicine or other substance specified in any directions given by the Scottish Ministers under section 17N(6) of the Act as being a drug or other substance which may not be ordered in the provision of primary medical services under a general medical services contract; or

(b) except where the conditions in paragraph 40(2) of Schedule 5 to the GMS Contracts Regulations are satisfied, a drug, medicine or other substance which is specified in any directions given by the Scottish Ministers under section 17N(6) of the Act as being a drug or other substance which can only be ordered for specified patients and specified purposes in the provision of primary medical services under a general medical services contract;” and

(e) insert the following definitions at the appropriate place in alphabetical order:–

““GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(4);”

(1) S.I.1995/414. Relevant amending instruments are S.I. 1996/840 and 1504, 1997/696, 1998/2224, 1998/3031 and S.S.I. 1999/57, 2001/70, 2002/111 and 2003/296.

(2) Regulation 2 was amended by S.I. 1996/840 and 1504, 1998/2224 and S.S.I. 1999/57, 2001/70, 2002/111 and 2003/296.

(3) 1978 c. 29. Section 17N was inserted by the [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#) (“the 2004 Act”), section 4. The current directions are the “Directions as to the drugs, medicines or other substances which may, or may not, be ordered for patients in the provision of primary medical services under a general medical services contract” given on 18th March 2004, and published on Scottish Health on the Web (SHOW) at [http://www.show.scot.nhs.uk/sehd/pca/PCA2004\(M\)11.pdf](http://www.show.scot.nhs.uk/sehd/pca/PCA2004(M)11.pdf).

(4) S.S.I. 2004/115.

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““prescriber” means a doctor, an independent nurse prescriber or a supplementary prescriber;”.

- (3) In regulation 2(2) omit “doctor or”.
- (4) Omit regulation 11(3) and (4) (publication of particulars)(5).
- (5) In paragraph 3 (provision of pharmaceutical services) of Schedule 1 (terms of service for pharmacists)(6)–
 - (a) in sub-paragraph (1)–
 - (i) in paragraph (a) for “doctor, a supplementary prescriber or an independent nurse prescriber” substitute “prescriber”;
 - (ii) for paragraph (b) substitute–
 - “(b) an order for a drug specified in any directions given by the Scottish Ministers under section 17N(6) of the Act as being a drug which can only be ordered for specified patients and specified purposes in the provision of primary medical services under a general medical services contract, signed by, and endorsed on its face with the reference “SLS” by a prescriber;”;
 - (iii) in paragraph (ba) for “doctor;” substitute “prescriber; or”; and
 - (iv) omit paragraphs (d) and (e);
 - (b) in sub-paragraphs (4) and (6) for “a doctor, a dentist, a supplementary prescriber or an independent nurse prescriber” substitute “a prescriber or a dentist” in each place where it occurs;
 - (c) in sub-paragraph (7), for “the doctor, dentist, a supplementary prescriber or an independent nurse prescriber” substitute “the prescriber or dentist”; and
 - (d) in sub-paragraph (11)–
 - (i) for “a doctor, supplementary prescriber or an independent nurse prescriber” substitute “a prescriber”; and
 - (ii) for paragraph (c) substitute–
 - “(c) in any case the prescriber undertakes to furnish the pharmacist, within 72 hours, with such a prescription form.”.

(5) Regulation 11 was amended by S.I. 1997/696 and S.S.I. 1999/57.

(6) Paragraph 3 was amended by S.I. 1996/1504, 1998/3031 and S.S.I. 2001/70, 2002/111 and 2003/296.