

2005 No. 617

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No. 3) Regulations 2005

<i>Made</i> - - - -	<i>1st December 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>1st December 2005</i>
<i>Coming into force</i> - -	<i>23rd December 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 27(2), 69(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment (No. 3) Regulations 2005 and shall come into force on 23rd December 2005.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(b).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation) insert each of the following definitions at the appropriate alphabetical place—

“Patient Group Direction” has the meaning ascribed in article 1, paragraph 2 of the Prescription Only Medicines (Human Use) Order 1997 (interpretation)(c);

“supply form” means a form issued by a Board to a chemist to record a supply of pharmaceutical services made to a patient under the terms of a Patient Group Direction issued by a Health Board in accordance with Article 12C of the Prescription Only Medicines (Human Use) Order 1997 (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction)(d).

(a) 1978 c.29; section 27(2) was substituted by the National Health Service (Amendment) Act 1986 (c.66), section 3(3), amended by the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 19(7)(b) and is extended by the Health and Medicines Act 1988 (c.49), section 17(1); section 105(7), which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part 1, 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 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).

(b) S.S.I. 2001/430.

(c) S.I. 1997/1830; the definition of Patient Group Direction was inserted by S.I. 2000/1917.

(d) Article 12C was inserted by S.I. 2000/1917 and amended by S.I. 2000/2899 and S.I. 2003/696. There are no other relevant amending instruments.

(3) In regulation 3(1)(supply of drugs and appliances by chemists)(a) for “the prescription form” substitute “a prescription form or a supply form”.

(4) In regulation 3(3) after “prescription form” insert “or in terms of a Patient Group Direction issued by a Health Board in accordance with Article 12C of the Prescription Only Medicines (Human Use) Order 1997.

(5) In regulation 7(2)(a)(exemptions) after “prescription form” insert “or the supply form”.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
1st December 2005

(a) Regulation 3 was amended by S.S.I. 2002/100, 2003/130, 2004/66 and 2005/124.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 (S.S.I. 2001/430) (“the principal Regulations”) which provide for the making and recovery of charges for the supply of drugs, medicines and appliances under the National Health Service (Scotland) Act 1978.

The amendments extend the principal Regulations to the supply of drugs, medicines and appliances by a chemist in terms of a Patient Group Direction issued by a Health Board in accordance with Article 12C of The Prescription Only Medicines (Human Use) Order 1997 (S.S.I. 1997/1830) (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction).

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£3.00

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