
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 143

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2006

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

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

(a) insert the following definitions in the appropriate alphabetical places:

““corresponding decision” has same meaning as in section 32D of the Act(1);

“equivalent body” means—

(i) in England, a Primary Care Trust, or in relation to any time prior to 1 October 2002 a Health Authority;

(ii) in Wales, a Local Health Board or in relation to any time prior to 1st April 2003 a Health Authority;

(iii) in Northern Ireland, a Health and Social Services Board;
or any successor body;

“equivalent list” means a list kept by an equivalent body;”;

(b) in the definition of “prescription form”(2) insert—

(i) “either” after “means”; and

(ii) after paragraph (b)—

“;or

(c) a form on which domiciliary oxygen has been ordered—

(i) by a prescriber in England or Wales for a patient normally resident in England or Wales; and

(ii) in relation to which the patient named on the form (or a person on the patient’s behalf) completes and signs a declaration of entitlement to exemption or a statement that a charge has been paid,

and includes a prescription form provided and issued under equivalent arrangements having effect in England, Wales and Northern Ireland,;”;
and

(c) in the definition of “supplementary prescriber”(3)—

(i) omit “or” at the end of paragraph (c); and

(ii) insert at the end of paragraph (d)—

“;or

(1) Section 32D is substituted by the 2005 Act, section 27 with effect from 1st April 2006 by [S.S.I. 2006/121](#).

(2) The definition of “prescription form” was substituted by [S.S.I. 2003/296](#), and amended by [2004/212](#).

(3) The definition of “supplementary prescriber” was inserted by [S.S.I. 2003/296](#) and amended by [S.I.2004/1771](#) and [S.S.I. 2005/327](#).

- (e) the register of optometrists maintained by the General Optical Council in terms of section 7 (register of opticians) of the Opticians Act 1989(4).”.
- (3) In regulations 5(1)(5) and 6(1)(6) for “regulation 26(1) (practitioners subject to inquiry in a fraud case)”, substitute “regulation 26 (practitioners subject to inquiry)”(7).
- (4) After regulation 5, insert a new regulation as follows:

“Effect to be given to corresponding decisions in England, Wales and Northern Ireland

5(A).—(1) A Health Board shall not include the name of any person in its pharmaceutical list, and shall remove the name of any person from its pharmaceutical list, if any decision has been made in England, Wales or Northern Ireland to deal with that person in any way which corresponds (whether or not exactly) with a way in which a person may be dealt with under section 29B(2)(8), 30(2)(9) or (5)(10) or 32B(1)(11) of the Act, for so long as that decision is in force.

(2) Where any corresponding decision is made in England, Wales or Northern Ireland by an equivalent body that—

- (a) a person is to be included in an equivalent list subject to conditions;
- (b) a person is to be removed from an equivalent list contingent on conditions;
- (c) a person is to be disqualified from an equivalent list subject to conditions; or
- (d) any conditions so imposed are varied,

a Health Board shall impose those conditions in relation to the provision by that person of pharmaceutical services in the area of the Health Board.

(3) The Health Board may make such modifications of the conditions referred to in paragraph (2) as it considers necessary for them to have the like effect in relation to Scotland as they do in relation to England, Wales or (as the case may be) Northern Ireland, but only if the Health Board has previously given the person concerned written notice of the proposed modifications and an opportunity to make representations about them.”.

- (5) Omit regulation 9A(6)(12).
- (6) In Schedule 1 (terms of service of pharmacists)—
- (a) in paragraph 5(2)(a)(13)—
 - (i) for “, having”, substitute “has”;
 - (ii) omit from “or primary care” to the end of the paragraph, and substitute “or any equivalent body”;
 - (b) in paragraph 5(2)(b), for “, other than in” to the end, substitute “or any corresponding decision in England, Wales or Northern Ireland.

(4) (c.44). Section 7 was amended by S.I. 2005/848, Art 7.

(5) Regulation 5(1) was amended by S.S.I. 1999/57 and 2004/39.

(6) Regulation 6(1) was amended by S.S.I. 1999/57 and 2004/39.

(7) Regulation 26 is amended by S.S.I. 2006/121 with effect from 1st April 2006.

(8) Section 29B(2) was added by the Health Act 1999 (c. 8) (“the 1999 Act”), section 58, and amended by the [Community Care and Health \(Scotland\) Act 2002 \(asp 5\)](#) (“the 2002 Act”), Schedule 2, paragraph 2, the [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), Schedule 1, paragraph 1, and the 2005 Act, section 26(4) and Schedule 3.

(9) Section 30(2) was substituted by the 1999 Act, section 58, and is amended by the 2005 Act, Schedule 3 with effect from 1st April 2006 by S.S.I. 2006/121.

(10) Section 30(5) was substituted by the 1999 Act, section 58, and is amended by the 2005 Act, Schedule 3 with effect from 1st April 2006 by S.S.I. 2006/121.

(11) Section 32B(1) was substituted by the 1999 Act, section 65 and Schedule 4, paragraph 52, and is amended by the 2005 Act, Schedule 3 with effect from 1st April 2006 by S.S.I. 2006/121.

(12) Regulation 9A(6) was inserted by S.I. 1996/840.

(13) Paragraph 5(2)(a) was inserted by S.I. 1996/840, and amended by S.S.I. 1999/57 and 2004/39.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
