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## EXPLANATORY NOTE

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

These Regulations amend the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 (“the principal Regulations”) which regulate the provision of pharmaceutical services under the National Health Service (Scotland) Act 1978.

Regulation 2(2) inserts into the principal Regulations definitions of “advanced electronic signature”, “electronic communication”, “electronic prescription form”, “electronic signature”, “e Pharmacy Service” and “non-electronic prescription form” and substitutes a new definition of “prescription form”, to provide for the electronic transmission of prescriptions.

Regulation 2(3) substitutes a new sub-paragraph 3(1) to Schedule 1 of the principal Regulations to provide that a pharmacist shall dispense drugs ordered on an electronic prescription form, as well as on a non-electronic prescription form. Sub sub paragraph (a)(iv) now refers only to an order for listed drugs signed by a dentist, and omits the previous reference in sub paragraph 1(a) of the principal Regulations to “drugs, not being scheduled drugs”.

Regulation 2(4) inserts into Schedule 1–

- (i) a new sub-paragraph 3(1B) to restrict the provision of controlled drugs ordered on an electronic prescription form; and
- (ii) a new sub-paragraph 3(1C) to give a pharmacist the right to refuse to supply drugs and appliances in specified circumstances.

Regulation 2(5)(b) amends the principal Regulations to provide that evidence of exemption on the grounds of age need not be produced if the patient’s date of birth is computer printed on a prescription form.

Regulation 2(5) makes various other amendments to the principal Regulations as a consequence of the introduction of electronic prescription forms and the revocation of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001, and their replacement by the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007.

Regulation 2(6) amends paragraph 3(11) of Schedule 1 in consequence of the introduction of electronic prescription forms.

References in the principal Regulations to the Misuse of Drugs Regulations 1985 have been replaced by references to the Misuse of Drugs Regulations 2001.