

This Scottish Statutory Instrument has been made to correct an error in S.S.I. 2007/139 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 317

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2007

<i>Made</i> - - - -	<i>6th June 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>8th June 2007</i>
<i>Coming into force</i> - -	<i>1st July 2007</i>

The Scottish Ministers make the following Regulations 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 all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2007 and shall come into force on 1st July 2007.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007(b).

Amendment of the principal Regulations

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

(2) In regulation 8(8)(a) (pre-payment certificates) for “25 per cent” substitute “¹/₄”.

(3) In regulation 8(8)(b) for “50 per cent” substitute “¹/₁₂”.

SHONA ROBISON

Authorised to sign on behalf of the Scottish Ministers

St Andrew’s House,
Edinburgh
6th June 2007

(a) 1978 c.29; section 27(2) was substituted by the National Health Service (Amendment) Act 1986 (c.66), section 3(3) and amended by the National Health Service and Community Care Act 1990 (c.19), Schedule 9, Part 1, paragraph 19(7)(b); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, 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. 2007/139.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007 (“the principal Regulations”) which provide for the making and recovery of charges for drugs, medicines and appliances (other than dental or optical appliances) supplied under or by virtue of the National Health Service (Scotland) Act 1978.

The principal Regulations consolidated, with some changes, the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(a) (“the 2001 Regulations”).

The intention was that the provisions in regulation 8(8) of the principal Regulations specifying the basis on which the refund which is payable when a person who is specified in regulation 7 dies during the period of validity of a pre-payment certificate is calculated, would be the same as those in regulation 8(8) of the 2001 Regulations.

The figure of “ $\frac{1}{4}$ ” in regulation 8(8)(a) of the 2001 Regulations was correctly transposed in regulation 8(8)(a) of the principal Regulations as “25 per cent”, but the figure of “ $\frac{1}{12}$ ” in regulation 8(8)(b) of the 2001 Regulations was incorrectly transposed in regulation 8(8)(b) of the principal Regulations as “50 per cent”. These Regulations correct that error.

Regulation 2(2) amends regulation 8(8)(a) of the principal Regulations by amending “25 per cent” to the fraction “ $\frac{1}{4}$ ”, for consistency with the amendment made by regulation 2(3) to regulation 8(8)(b) of the principal Regulations..

Regulation 2(3) corrects the error in regulation 8(8)(b) of the principal Regulations by amending “50 per cent” to the fraction “ $\frac{1}{12}$ ”.

(a) S.S.I. 2001/430, amended by S.S.I. 2002/100, 2003/130, 295, 2004/66, 212, S.I. 2004/1771, S.S.I. 2005/124, 326, 617 and S.S.I. 2006/149 and 246.

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**The National Health Service (Charges for Drugs and
Appliances) (Scotland) Amendment Regulations 2007**

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