

2007 No. 501

NATIONAL HEALTH SERVICE

The National Health Service (General Medical Services Contracts) (Scotland) Amendment (No. 3) Regulations 2007

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| <i>Made</i> - - - - | <i>7th November 2007</i> |
| <i>Laid before the Scottish Parliament</i> | <i>8th November 2007</i> |
| <i>Coming into force</i> - - | <i>30th November 2007</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17K, 17N, 28(1), 105(7), and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Medical Services Contracts) (Scotland) Amendment (No. 3) Regulations 2007 and come into force on 30th November 2007.

Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

2.—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(b) are amended as follows.

(2) In regulation 2(1) (interpretation)(c)–

(a) in the definition of “immediate family member” after “spouse” insert “or civil partner”;

(b) after the definition of “pharmacist” insert–

““pharmacist independent prescriber” means a person–

(a) who is registered in Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007(d) or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(e); and

(a) 1978 c.29; section 2(5) was amended by the Hospital Complaints Procedure Act 1985 (c.42), section 1(1) and the National Health Service and Community Care Act 1990 (c.19), section 66(1) and Schedule 9, paragraph 19(1); sections 17K and 17N were inserted by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 4; section 28 was amended by the National Health Service (Amendment) Act 1986 (c.66), section 3(4) and the National Health Service and Community Care Act 1990 (c.18), Schedule 9, paragraph 19(8); 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. 2004/115. As amended by S.S.I. 2004/162 and 215, 2005/337, 2006/247, S.I. 2007/289 and S.S.I. 2007/206 and 392.

(c) Regulation 2 was amended by S.S.I. 2004/215, 2005/337, 2006/247, S.I. 2007/289 and S.S.I. 2007/206 and 392.

(d) S.I. 2007/289.

(e) S.I. 1976/1213 (N.I. 22).

- (b) against whose name in the relevant register is recorded an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber”; and
- (c) in the definition of “prescriber”–
 - (i) in sub-paragraph (b) omit “and”; and
 - (ii) after sub-paragraph (c) insert–
 - “and
 - (d) a pharmacist independent prescriber,”.
- (3) In Schedule 1 (additional services) in paragraphs 4(2)(a) (vaccinations and immunisations)(a) and 5(2)(a) (childhood vaccination and immunisation) for “was provided for under the 2003-2004 Statement of Fees and Allowances made under regulation 35 of the National Health Service (General Medical Services) (Scotland) Regulations 1995” substitute “is provided for in directions given under section 17M of the Act”.
- (4) In Schedule 2 (opt outs of additional and out of hours services) in paragraph 3(7)(b) (permanent opt outs) after “application to” insert “an”.
- (5) In Schedule 5 (other contractual terms)–
 - (a) in paragraph 44(6), (7) and (9) (provision of dispensing services)(b) for “or an independent nurse prescriber” substitute, at each place where it occurs, “, an independent nurse prescriber or a pharmacist independent prescriber”;
 - (b) in paragraph 57(3)(a) (arrangements for GP Registrars) for “Health Boards under section 17M of the Act” substitute “NHS Education for Scotland”(c);
 - (c) in paragraph 58(1) and (2) (independent nurse prescribers and supplementary prescribers) for “or a supplementary prescriber”, at each place where it occurs, substitute “, a supplementary prescriber or a pharmacist independent prescriber”.

SHONA ROBISON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
7th November 2007

(a) Schedule 1, paragraph 4(2)(a) was amended by S.S.I. 2005/337.
 (b) Schedule 5, paragraph 44(7) and (9) was amended by S.S.I. 2007/206.
 (c) NHS Education for Scotland was constituted by S.S.I. 2002/103, as amended by S.S.I. 2006/79, which applies section 2(5) of the National Health Service (Scotland) Act 1978 to NHS Education for Scotland as it applies to Health Boards.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (“the principal Regulations”) which regulate contracts for the provision of general medical services under the National Health Service (Scotland) Act 1978.

Regulation 2(2) amends regulation 2 of the principal Regulations by inserting reference to a civil partner and inserting a definition of “pharmacist independent prescriber” and amends the definition of “prescriber” to include “pharmacist independent prescriber”.

Regulation 2(3) amends Schedule 1 to the principal Regulations by updating the reference to the Statement of Fees and Allowances.

Regulation 2(4) corrects a typographical error in Schedule 2 to the principal Regulations.

Regulation 2(5) amends Schedule 5 to the principal Regulations to include pharmacist independent prescriber and to provide in paragraph 57(3)(a) that a contractor which employs a GP Registrar shall offer the GP Registrar terms of employment in accordance with rates and subject to conditions contained in any directions given by Scottish Ministers to NHS Education for Scotland.

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