

## 1981 No. 56 (S.7)

## NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Medical and  
Pharmaceutical Services) (Scotland) Amendment  
Regulations 1981

<i>Made - - - -</i>	16th January 1981
<i>Laid before Parliament</i>	26th January 1981
<i>Coming into Operation</i>	16th February 1981

In exercise of the powers conferred on me by sections 19, 20, 27, 28, 34 and 106 of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1981 and shall come into operation on 16th February 1981.

(2) In these regulations “the principal regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(b).

*Amendment of principal regulations*

2. After paragraph (2)(b) of regulation 2 of the principal regulations, there shall be inserted the following sub-paragraph:—

“(c) These regulations shall apply to a person, firm or body corporate (other than a chemist, doctor or dental practitioner) providing pharmaceutical services as they apply to a chemist.”

3. After paragraph (3) of regulation 6 of the principal regulations, there shall be inserted the following paragraph:—

“(4) Any application made by a doctor on or after 16th February 1981 for inclusion in a medical list shall be supported by such evidence that he is suitably experienced within the meaning of section 21 of the National Health Service (Scotland) Act 1978 as is required by regulation 4 of the National Health Service (Vocational Training) (Scotland) Regulations 1980(c) and the Board shall send such evidence to the Medical Practices Committee.”

4. For paragraph (3) of regulation 16 of the principal regulations there shall be substituted the following paragraph:—

“(3) If a person applies to the Board for assignment to a doctor (irrespective of whether or not he is at the date of application included in the

(a) 1978 c. 29; sections 19, 20 and 27 were amended by section 7 of, paragraph 3 of Schedule 6 to, and section 20(2) of the Health Services Act 1980 (c. 53) respectively.

(b) S.I. 1974/506, amended by S.I. 1975/696, 1976/733, 1574, 1978/1762.

(c) S.I. 1980/30.

list of another doctor), or is deemed to have applied in accordance with the provisions of paragraph 4(2) of the terms of service the Board shall assign him to such doctor as they think fit (including the doctor in whose list he is presently included), having regard to the distance between the person's residence and the practice premises of the doctors in the area and to such other circumstances as appear to them to be relevant, and shall forthwith inform the person and any doctors concerned."

5. After paragraph (4) of regulation 18 of the principal regulations, there shall be inserted the following paragraph:—

"(4A) Where one or more doctors have been selected under the provisions of regulation 8 or 9 to succeed to a practice, and the names of any such practitioners are included in the medical list, the Board shall send to the women who have been accepted by the doctor who last carried on that practice for the provision to them of contraceptive services under regulation 26A, a statement of the name and address of the successor, (being the person from whom the Board consider that the women or any section of them may wish to receive such services), together with an intimation that

- (a) such a successor is willing to accept the women concerned for the provision to them of contraceptive services to at least the same extent as the doctor who last carried on the practice, and
- (b) they will be deemed to be accepted by that successor as from the date given in the intimation for the provision of contraceptive services to the like extent and for the remainder of the period for which they have been previously so accepted,

unless within one month of the said date they have applied to and have been accepted by another doctor for the provision of contraceptive services, or have given notice in writing to the Board of their desire not to be provided with contraceptive services by the successor to the practice."

6. In Schedule 1 to the principal regulations:—

(1), at the end of paragraph 20(1) of Part I there shall be inserted the following:—

"(1) for providing a prescription (other than by way of an order under paragraph 16 of these terms of service) for medicine for a patient who intends to take the medicine abroad in circumstances where the medicine is required solely in respect of an ailment that might occur while the patient is abroad and that will then,

- (i) be occurring for the first time, or
- (ii) has previously occurred but from which the patient is not suffering at the time of going abroad."

(2) in Part II after the words "in operation in that area.", there shall be inserted the following:—

"I am suitably experienced within the meaning of Section 21 of the National Health Service (Scotland) Act 1978."

(3) at the end of Part II there shall be inserted the following:—

"NOTE—The applicant should attach, as appropriate, a certificate of prescribed or equivalent experience, or state the grounds on which exemption is claimed and attach evidence in support thereof. (Reference is made to regulation 4 of the National Health Service (Vocational Training) (Scotland) Regulations 1980.)"

7. In Schedule 3 to the principal regulations:—

(1) after paragraph 3 of Part I and after paragraph 3 of Part II there shall be inserted the following:—

*“Advertising*

3A—(1) Except as provided in sub-paragraph (2) a chemist shall not advertise either directly or by implication that his name is included in a pharmaceutical list or that he provides or is authorised to provide pharmaceutical services.

(2) Nothing in this paragraph shall prohibit:—

- (a) the display of notices referred to in paragraph 3(2) of Part I of this Schedule; or
- (b) the use in any advertisement of wording identical with that contained in such notices, or of the following wording: “National Health Service prescriptions dispensed” or “Drugs/appliances supplied under the National Health Service”; or
- (c) the inclusion in any advertisement of a statement of the days and hours at which pharmaceutical services are provided.

(3) For the purposes of this paragraph the expression “advertise” includes:—

- (a) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation;
- (b) the issue of circular letters;
- (c) the use of letter headings, bill or account headings and the like;
- (d) the publication of booklets, leaflets and pamphlets;
- (e) canvassing in any form;
- (f) the making of public announcements by means of television, radio, loud-speakers, recordings on tapes, discs or any other sound or visual recording equipment;
- (g) the display of any poster, placard, streamer or sign;
- (h) the exhibition of any film, slide or announcement at a theatre, cinema or any other place of public entertainment or resort.”

(2) in Part IV and Part VI for the words “(except poisons in Part I of the Poisons List)” there shall be substituted “(but only those medicinal products included in any general sale list)”.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
16th January 1981.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974 ("the 1974 Regulations").

Regulation 2 provides that the terms of service applicable to chemist contractors are equally applicable to a person, firm or body corporate providing pharmaceutical services. Regulations 3 and 6(2) and (3) are consequential on the making of the National Health Service (Vocational Training) (Scotland) Regulations 1980. Regulation 4 substitutes a new paragraph (3) of Regulation 16 of the 1974 Regulations to provide expressly for a Health Board to assign a person to a doctor irrespective of whether or not the person is included in the list of another doctor.

Regulation 5 provides for women accepted by a doctor for the provision of contraceptive services to be provided with such services by that doctor's successor.

Regulation 6(1) provides that a doctor is not restricted in demanding or accepting a fee or remuneration for providing a prescription for a patient who intends to take medicine abroad, where such a prescription is not a National Health Service prescription. Regulation 7 places certain restrictions on the advertising of pharmaceutical services and provides that Regulations governing the dispensing of drugs by certain persons other than chemists conform with the requirements of the Medicines Act 1968.

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