

---

STATUTORY INSTRUMENTS

---

**1992 No. 191 (S.14)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General  
Medical and Pharmaceutical Services)  
(Scotland) Amendment Regulations 1992**

*Made* - - - - *4th February 1992*  
*Laid before Parliament* *7th February 1992*  
*Coming into force* - - *28th February 1992*

The Secretary of State, in exercise of the powers conferred on him by sections 27, 28, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1), and of all other powers enabling him in that behalf, hereby makes 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 1992 and shall come into force on 28th February 1992.

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

**Amendment to the principal Regulations**

2.—(1) Regulation 27 (terms of service) of the principal Regulations shall be amended in accordance with this regulation.

(2) At the end of sub-paragraph (b) of paragraph (1) there shall be inserted the following:—  
“; and

(c) subject to paragraph (6), the provision of hypodermic needle exchange services.”.

---

(1) 1978 c. 29; section 27 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66) (“the 1986 Act”), section 3(3) and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(7); section 28 was amended by the 1986 Act, section 3(4) and by the 1990 Act, Schedule 9, paragraph 19(8); section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1974/506; relevant amending instrument is S.I. 1989/1883.

- (3) After paragraph (4) there shall be inserted new paragraphs as follows:—
- “(4A) In this Part of these Regulations “hypodermic needle exchange services” means—
- (a) the supply, free of charge, by a chemist to a person reasonably believed by that chemist to be a drug misuser of—
    - (i) hypodermic needles and syringes; and
    - (ii) equipment for the safe disposal of such needles and syringes;
  - (b) the receipt by a chemist from such a person and the subsequent safe disposal, both free of charge, of any used hypodermic needle or syringe;
  - (c) the provision of counselling to such a person by a trained chemist.
- (4B) In paragraph (4A)—
- (a) “drug misuser” means a person who is misusing drugs by self-injection;
  - (b) “chemist” means a pharmacist within the meaning of section 132(1) of the Medicines Act 1968(3), and “trained chemist” means any such pharmacist who has received relevant training prepared by the Post Qualification Education Board for Pharmacists in Scotland.”.

(4) At the end of sub-paragraph (b) of paragraph (5) there shall be inserted the following:—

“; or

    - (c) included in hypodermic needle exchange services.”.

(5) After paragraph (5) there shall be inserted new paragraphs (6), (7), (8) and (9) as follows:—

“(6) A Board shall agree to a chemist being included in hypodermic needle exchange services only—

      - (a) after consulting their Chief Administrative Pharmaceutical Officer and their Chief Administrative Medical Officer and Director of Public Health; and
      - (b) if they are satisfied that such services are necessary or desirable in the area of the premises specified in the application.

(7) A chemist participating in arrangements for the provision of hypodermic needle exchange services shall maintain records in relation to those services which shall include—

      - (a) the number of hypodermic needles and syringes issued by him;
      - (b) an estimate of the number of used hypodermic needles and syringes received by him for disposal; and
      - (c) the number of persons to whom he has supplied hypodermic needles and syringes.

(8) A chemist may at any time give notice in writing to the Board that he wishes to cease to be included in hypodermic needle exchange services either immediately or at such time as may be specified in the notice.

(9) The Board may at any time, by giving notice in writing to a chemist, terminate his involvement in hypodermic needle exchange services either immediately or with effect from such date as may be specified in the notice.”.

St. Andrew's House,  
Edinburgh  
4th February 1992

*Michael B. Forsyth*  
Minister of State, Scottish Office

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

---

## 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 principal Regulations”) which provide the arrangements to be made by Health Boards for the provision in their areas of general medical services and pharmaceutical services. Regulation 2 amends the principal Regulations to include in the description of pharmaceutical services participation by chemists in hypodermic needle exchange services. Such services permit chemists to supply, free of charge, to drug misusers new hypodermic needles and syringes, to accept used hypodermic needles and syringes for safe disposal, and permit a chemist, once he has received appropriate training, to provide counselling to drug misusers.