
STATUTORY INSTRUMENTS

1996 No. 1504 (S.132)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General Medical Services,
Pharmaceutical Services and Charges for Drugs and
Appliances) (Scotland) Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>5th June 1996</i>
<i>Laid before Parliament</i>		<i>10th June 1996</i>
<i>Coming into force</i>	- -	<i>1st July 1996</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 19, 27, 28(1), 69 and 105(7) 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 and commencement

1. These Regulations may be cited as the National Health Service (General Medical Services, Pharmaceutical Services and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 1996 and shall come into force on 1st July 1996.

Amendment of the National Health Service (General Medical Services) (Scotland) Regulations 1995

2.—(1) The National Health Service (General Medical Services) (Scotland) Regulations 1995(2) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “minor surgery services”, there shall be inserted the following:—

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- (1) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 37 and is to be read with the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; section 27 was amended by the 1980 Act, section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66) (“the 1986 Act”), section 3(3), by S.I. 1987/2202 and by the 1990 Act, Schedule 9, paragraph 19(7), is amended (with effect from 1st July 1996) by virtue of the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 3 and S.I. 1996/1505, and is to be read with the 1988 Act, section 17; section 28(1) was amended by the 1986 Act, section 3(4); section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24.
- (2) S.I. 1995/416, to which there are amendments not relevant to these Regulations.

““nurse prescriber” means a nurse or health visitor of a description specified in paragraph (1A);”.

(3) After regulation 2(1), there shall be inserted the following new paragraph:–

“(1A) The specified description of nurse or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is–

(a) a person who–

(i) is registered in Part 1 or 12 of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979⁽³⁾ (referred to below in this paragraph as “the professional register”); and

(ii) has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983⁽⁴⁾; and

(iii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a Health Board or an NHS trust as a district nurse, or employed as a nurse by a doctor whose name is included in a medical list; or

(b) a person who–

(i) is registered in Part 11 of the professional register as a health visitor; and

(ii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a Health Board or an NHS trust as a health visitor, or employed as a nurse by a doctor whose name is included in a medical list;

against whose name (in each case) is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients.”.

(4) In Schedule 1 (terms of service for doctors)–

(a) in paragraph 1(d) at the end of the definition of “prescription form”, there shall be added the words–

“or a form provided by the Board for issue by a nurse prescriber to enable a person to obtain such services”;

(b) in paragraph 29(2) at the beginning, there shall be inserted the words “Subject to paragraph 29A,”; and

(c) after paragraph 29 there shall be inserted the following new paragraph:–

“**29A.**—(1) Paragraph 29(2) does not apply to drugs, medicines or appliances ordered on a prescription form by a nurse prescriber.

(2) Where a patient presents an order on a prescription form for listed drugs or medicines, or listed appliances, signed by a nurse prescriber, to a doctor who is required under regulation 34 to provide drugs or appliances to that patient, the doctor may provide to the patient such of the drugs, medicines or appliances so ordered as he supplies in the normal course of his practice.

(3) A drug supplied under this paragraph shall be provided in a suitable container.”.

(3) 1979 c. 36; the Parts of the professional register were determined by S.I. 1983/667, amended by S.I. 1989/104 and 1455.

(4) Approved by S.I. 1983/873, to which there are amendments not relevant to these Regulations.

Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995

3.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(5) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “non-proprietary name”, there shall be inserted the following:—

““nurse prescriber” means a nurse or health visitor of a description specified in paragraph (1A);”.

(3) After regulation 2(1), there shall be inserted the following new paragraph:—

“(1A) The specified description of nurse or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is—

(a) a person who—

- (i) is registered in Part 1 or 12 of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979 (referred to below in this paragraph as “the professional register”); and
- (ii) has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983; and
- (iii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a Health Board or an NHS trust as a district nurse, or employed as a nurse by a doctor whose name is included in a medical list; or

(b) a person who—

- (i) is registered in Part 11 of the professional register as a health visitor; and
- (ii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a Health Board or an NHS trust as a health visitor, or employed as a nurse by a doctor whose name is included in a medical list;

against whose name (in each case) is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients.”.

(4) In Schedule 1 (terms of service for pharmacists)—

(a) in paragraph 1(a) at the end of the definition of “prescription form”, there shall be added the words—

“or a form provided by the Board for issue by a nurse prescriber to enable a person to obtain such services”; and

(b) in paragraph 3—

(i) in sub-paragraph (1)(c), for the word “dentist,” there shall be substituted the words—
“dentist; or

(d) an order for listed drugs or listed appliances, signed by a nurse prescriber,”;

(ii) in sub-paragraph (4), for the words “or a dentist”, there shall be substituted the words “, a dentist or a nurse prescriber”;

- (iii) in sub-paragraph (6), for the words “or dentist” there shall be substituted the words “, dentist or nurse prescriber”;
- (iv) in sub-paragraph (7), for the words “or dentist” there shall be substituted the words “, dentist or nurse prescriber”;
- (v) in sub-paragraph (9), after the words “British Pharmaceutical Codex,” there shall be inserted the words “the British National Formulary (including any Appendix published as part of that Formulary),”; and
- (vi) in sub-paragraph (11), after the word “doctor” in both places where it occurs there shall be inserted the words “or nurse prescriber”.

Amendment of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989

4.—(1) The National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(6) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the Medical Services Regulations”, there shall be inserted the following:—

““nurse prescriber” means a nurse or health visitor of a description specified in paragraph (1A),”; and

(b) in the definition of “prescription form”, after the words “terms of service”, there shall be inserted the following:—

“, or by a nurse prescriber.”.

(3) After regulation 2(1), there shall be inserted the following new paragraph:—

“(1A) The specified description of nurse or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is—

(a) a person who—

(i) is registered in Part 1 or 12 of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979 (referred to below in this paragraph as “the professional register”); and

(ii) has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983; and

(iii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a Health Board or an NHS trust as a district nurse, or employed as a nurse by a doctor whose name is included in a medical list; or

(b) a person who—

(i) is registered in Part 11 of the professional register as a health visitor; and

(ii) is, at the time of ordering the listed drug or medicine or listed appliance, employed by a Health Board or an NHS trust as a health visitor, or employed as a nurse by a doctor whose name is included in a medical list;

against whose name (in each case) is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients.”.

(6) [S.I. 1989/326](#), to which there are amendments not relevant to these Regulations.

St Andrew's House,
Edinburgh
5th June 1996

James Douglas-Hamilton
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 amend the National Health Service (General Medical Services) (Scotland) Regulations 1995 and the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 which govern the arrangements made by Health Boards for the provision in their area of pharmaceutical services under the National Health Service (Scotland) Act 1978. They also amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989 which provide for the making and recovery of charges for drugs and appliances supplied by doctors and pharmacists providing pharmaceutical services, and by Health Boards and NHS trusts to out-patients.

The NHS General Medical Services and Pharmaceutical Services Regulations are amended to describe the categories of nurse who may prescribe under the National Health Service in Scotland. Provision is made to require pharmacists to dispense, and to enable dispensing doctors to dispense where appropriate, listed drugs or medicines, or listed appliances, ordered on prescription forms signed by those nurse prescribers.

The NHS (Charges for Drugs and Appliances) (Scotland) Regulations 1989 are amended to provide that prescriptions issued by nurse prescribers are subject to the same charges and benefit from the same exemptions from charges as those issued by doctors.