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STATUTORY INSTRUMENTS

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**1997 No. 696 (S.55)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 1997**

<i>Made</i>	- - - -	<i>7th March 1997</i>
<i>Laid before Parliament</i>		<i>11th March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State, in exercise of powers conferred on him by sections 27, 28A, 28B, 105(7) and 106(a) 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 (Pharmaceutical Services) (Scotland) Amendment Regulations 1997 and shall come into force on 1st April 1997.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(2).

**Amendment of regulation 5 of the principal Regulations**

2. In regulation 5 of the principal Regulations (pharmaceutical list) paragraph (2)(b)(iii) is deleted.

**Amendment of regulation 9 of the principal Regulations**

3.—(1) Regulation 9 of the principal Regulations (payments to pharmacists and standards of drugs and appliances) shall be amended as follows.

(2) The existing provision will be renumbered as regulation 9(1).

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(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), by S.I. 1987/2202, by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(7) and by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 3, and is to be read with the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; section 28A was inserted by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 7(2) and was amended by the 1988 Act, section 15; section 28B was inserted by the 1984 Act, section 7(2) and was amended by the 1986 Act, section 4(6) and (7); 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.

(2) S.I. 1995/414, amended by S.I. 1996/840 and 1504.

(3) In paragraph (1), as renumbered, after the words “and which” there shall be inserted the words “(subject to paragraph (2))”.

(4) After paragraph (1) there shall be inserted the following paragraphs:—

“(2) The Drug Tariff may state in respect of any specified fee falling within paragraph (1) (c), or any other specified fee, allowance or other remuneration in respect of the provision of pharmaceutical services by pharmacists included in the pharmaceutical list of a Board, that the determining authority for that fee, allowance or other remuneration for those pharmacists is the Board, and in such a case paragraphs (3), (4) and (5) shall apply.

(3) The Board shall consult such body as it considers representative of pharmacist contractors in its area before making any determination by virtue of paragraph (2).

(4) A determination made by the Board by virtue of paragraph (2) shall include the arrangements for claiming the specified fees, allowances or other remuneration and may provide that the pharmacist contractor requires to have prior authority from the Board to provide a specified service and associated drugs.

(5) A determination made by the Board by virtue of paragraph (2) shall be notified in writing to all pharmacist contractors included in its pharmaceutical list.”.

#### **Amendment of regulation 11 of the principal Regulations**

4. In regulation 11(1) of the principal Regulations (publication of particulars), at the end of sub-paragraph (d) there shall be inserted— “and

(e) determinations made by the Board by virtue of regulation 9(2),”.

#### **Amendment of Schedule 1 to the principal Regulations**

5. In paragraph 1 of Schedule 1 to the principal Regulations (interpretation) in sub-paragraph (a) after the words “dentist” there shall be added “(i)” and at the end there shall be added “or (ii) to enable the transmission of electronic data only for the purposes of calculating dispensing fees or other sums payable in respect of the supply of drugs and appliances;”.

#### **Amendment of Schedule 2 to the principal Regulations**

6. In Form A in Schedule 2 to the principal Regulations (application for inclusion in the pharmaceutical list - for use by pharmacists) in paragraph 4 delete the words “Supplying a domiciliary oxygen therapy service YES/NO”.

St Andrew’s House,  
Edinburgh  
7th March 1997

*James Douglas-Hamilton*  
Minister of State, Scottish Office

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 (“the principal Regulations”) which govern the arrangements to be made by Health Boards for the provision in their area of pharmaceutical services under the National Health Service (Scotland) Act 1978.

Regulations 3 and 4 amend the principal Regulations to enable the Secretary of State to designate, in the Drug Tariff, Health Boards as the determining authority for remuneration in respect of specified pharmaceutical services, and requires a Health Board to consult prior to making such a determination and to publish any determinations made.

Regulation 5 amends the definition of “prescription form” in Schedule 1 to the principal Regulations to enable it to be used in the transmission of electronic data in connection with calculation of pharmacists remuneration.