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STATUTORY INSTRUMENTS

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**1998 No. 3031 (S. 174)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 1998**

<i>Made</i>	- - - -	<i>2nd December 1998</i>
<i>Laid before Parliament</i>		<i>8th December 1998</i>
<i>Coming into force</i>	- -	<i>1st January 1999</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 27 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 (Pharmaceutical Services) (Scotland) Amendment Regulations 1998 and shall come into force on 1st January 1999.

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

2.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(2) shall be amended in accordance with this regulation.

(2) After paragraph 3(3) of Schedule 1 (terms of service for pharmacists) there shall be inserted the following:—

- (a) “(3A) Subject to sub-paragraph (b) a pharmacist shall, before supplying a prescribed item to any person presenting a prescription form with a declaration claiming either charge exemption under regulation 7 of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(3) (“the 1989 Regulations”) or charge remission under the National Health Service

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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), 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), section 17; 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, to which there are amendments not relevant to these Regulations.

(3) S.I. 1989/326, amended by S.I. 1990/468 and 787, 1991/574, 1992/394, 1994/697, 1995/699 and 2739, 1996/740 and 1504, 1997/697 and 1998/609.

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*Status: This is the original version (as it was originally made).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

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(Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(4), request evidence of the patient's entitlement to such exemption or remission.

- (b) Sub-paragraph (a) shall not apply in respect of claims for exemption under regulation 7(1)(a) to (f) of the 1989 Regulations where the pharmacist has information in his possession at the time of supplying the item which confirms that the patient is entitled to the exemption claimed.
- (c) Where the person presenting the prescription form does not show valid evidence of entitlement and the pharmacist, in respect of a claim for exemption made under regulation 7(1)(a) to (f) of the 1989 Regulations does not have evidence in his possession to confirm that the patient is entitled to make that claim, the pharmacist shall mark that patient's prescription form accordingly before supplying the prescribed item."

St Andrew's House,  
Edinburgh  
2nd December 1998

*Sam Galbraith*  
Minister for Health, Scottish Office

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(4) S.I. 1988/546, amended by 1989/393 and 616, 1990/551, 917 and 1665, 1991/575, 1992/574, 1993/642 and 2049, 1995/700 and 2381, 1996/429 and 2391, 1997/1012 and 2455.

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## 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. They add a new provision to the terms of service for pharmacists which requires pharmacists in certain circumstances to request evidence of a patient’s entitlement to remission of or exemption from prescription charges before supplying the prescribed item.