SCOTTISH STATUTORY INSTRUMENTS

2021 No. 335

NATIONAL HEALTH SERVICE

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2021

Made - - - -	*22nd September 2021*
Laid before the Scottish Parliament	*24th September 2021*
Coming into force - -	*19th November 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 69(1) and 105(7) of the National Health Service (Scotland) Act 1978(**a**), and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2021 and come into force on 19 November 2021.

Amendment of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011

2.—(1) The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011(**b**) are amended in accordance with this regulation.

(2) In regulation 3(2) (supply of drugs and appliances), in each place where it occurs, for "1st April 2020" substitute "1 April 2021".

(**a**) 1978 c. 29. Section 105(7) was amended by paragraph 5(1) of schedule 6 and schedule 7 of the Health Services Act 1980 (c. 53), paragraph 24 of part 1 of schedule 9 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and paragraph 60 of schedule 4 of the Health Act 1999 (c. 8). Section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory power under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2011/55, as relevantly amended by S.S.I. 2015/160 and S.S.I. 2020/258.

Revocation of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2020

3. The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2020(**a**) are revoked.

MAREE TODD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
22nd September 2021

(**a**) S.S.I. 2020/258.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011 (S.S.I. 2011/55) ("the 2011 Regulations"). The 2011 Regulations provide that where a pharmacist provides pharmaceutical services to a patient who presents an English prescription form, that pharmacist must make and recover from the patient the charges specified in the National Health Service (Charges for Drugs and Appliances) Regulations 2015 (S.I. 2015/570) ("the 2015 Regulations") as in force at a specified date, unless certain exemptions apply.

Regulation 2 amends the 2011 Regulations so that the charge to be made and recovered reflects the rate specified by the 2015 Regulations as in force at 1 April 2021. The 2015 Regulations were amended by the National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2021 (S.I. 2021/178) to make the following charges applicable from 1 April 2021:

— £9.35 per item, or £18.70 per pair, in relation to the supply of elastic hosiery,

— £9.35 in relation to the supply of each other appliance, and

— £9.35 in relation to the supply of each quantity of a drug.

Regulation 3 revokes the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2020 (S.S.I. 2020/258).

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