POLICY NOTE

THE NATIONAL HEALTH SERVICE (FREE PRESCRIPTIONS AND CHARGES FOR DRUGS AND APPLIANCES) (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/335

The above instrument was made in exercise of the powers conferred on Scottish Ministers by sections 69(1) and 105(7) of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

This instrument amends the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011 ("the 2011 Regulations") in respect of prescription charges applied to English prescription forms if presented for dispensing in Scotland.

Policy Objectives

The Scottish Government abolished prescription charges in Scotland on 1 April 2011. Practice since then has been to charge the rate applied in England where a patient presents an English prescription form for dispensing in Scotland (unless the patient falls within one of the exemptions found in the 2011 Regulations, including if they are ordinarily resident in Scotland and hold an Entitlement Card issued by a Health Board, in which case no charge will be made).

The National Health Service (Charges for Drugs and Appliances) Regulations 2015, which govern prescription charges in England, have been amended by the National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2021 to increase the per item prescription charge in England by 20p from 1 April 2021, raising the charge to £9.35 for a single item, and for elastic hosiery to £9.35 for a single item and £18.70 per pair. These Regulations therefore make amendments to the 2011 Regulations, to increase the amount to be charged in Scotland in respect of an English prescription. This is in alignment with the increased charges in England.

The existing exemption criteria remain unchanged, ensuring current reciprocal arrangements can continue whereby exempt patients presenting Scottish prescription forms in England can collect their medication free of charge and vice versa.

Impact Assessments

Impact assessments have not been prepared for this instrument as the amendment is to achieve an update to the prescription charge that has already been applied in England through the National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2021. This amendment enables community pharmacies in Scotland to apply the correct charge when dispensing items against an English prescription form. If this amendment was not brought into force then Scottish pharmacies could only apply the charge that was in force prior to 1 April 2021.

Financial Effects

The Minister for Public Health, Women's Health and Sport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Chief Medical Officer Directorate
Pharmacy and Medicines Division
21 September 2021