POLICY NOTE

THE NATIONAL HEALTH SERVICE (FREE PRESCRIPTIONS AND CHARGES FOR DRUGS AND APPLIANCES) (SCOTLAND) AMENDMENT REGULATIONS 2024

SSI 2024/233

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.

Summary Box

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. Pharmacists in Scotland must 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 2024 to increase the per item prescription charge in England by 25p from 1 May 2024, raising the charge to £9.90 for a single item, and for elastic hosiery to £9.90 for a single item and £19.80 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.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

For the purpose of this instrument, neither a public consultation is required to take place nor do specific organisations or stakeholder groups need to be consulted.

Impact Assessments

The amendment updates the prescription charge that has already been applied in England through the National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2024. 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 May 2024.

In line with the new requirement to have a Children's Rights and Wellbeing Impact Assessment (CRWIA) and statement of UNCRC compatibility for all Scottish Statutory Instruments (SSIs), a CRWIA has been undertaken. It has identified no impact on children's rights and wellbeing. Additional impact assessments have not been undertaken as the Regulations are consequential to changes already applied in England.

Financial Effects

The Minister for Public Health, and Women's Health confirms that no BRIA is necessary as the limited number of prescriptions from England presented for dispensing in Scotland have no direct financial effect on the Scottish Government, local government or on business.

Scottish Government
Chief Medical Officer Directorate
Pharmacy and Medicines Division

23 August 2024