EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL SERVICES, CHARGES FOR DRUGS AND APPLIANCES AND CHARGES TO OVERSEAS VISITORS) (SCOTLAND) AMENDMENT REGULATIONS 2009 SSI 2009/177

1. The above instrument was made in exercise of the powers conferred by sections 27(1), (2), (3) and (4), 69(1), 75A, 98, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of these Regulations is to amend the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 ("the Regulations") which regulate the provision of pharmaceutical services, as well as the National Health Services (Charges for Drugs and Appliances) (Scotland) Regulations 2008, in order to make of changes to these arrangements to provide for an emergency arising out of a threat to human welfare which is caused or which may be caused by human illness (for example, pandemic influenza). They also amend the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989.

Temporary relocations/ changes to hours

3. In the case of an emergency requiring the flexible provision of pharmaceutical services, arrangements could be put in place to enable pharmacists to relocate temporarily, or take on additional premises, without needing to go through the normal applications process, where it is reasonable to do so, in agreement with their Health Boards.

Directions

4. Scottish Ministers will issue directions to Health Boards under section 2(5) of the 1978 Act declaring the need for the flexible provision of pharmaceutical services. Those directions will set out any conditions or limitations on the exercise by Health Boards of the functions conferred on them by the Regulations.

NHS charges

5. These Regulations also amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008 to provide that no charge will be payable under those Regulations for the supply of drugs or preparations for the treatment of pandemic flu (specifically antivirals) during such an emergency. Likewise, they amend the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 to provide that visitors from outside the UK would receive hospital treatment in respect of pandemic flu free of charge.

Financial Effects

6. There will be minimal financial effect as a direct result of these changes.

Consultation

7. These changes have been discussed with key stakeholders but there has been no Scotland-wide consultation in relation to them. However, they are made to ensure Health Boards can react as quickly and flexibly as possible in event of an emergency as outlined above.

The Scottish Government
Primary and Community Care Directorate
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