



Health and Social Care Act 2001

2001 CHAPTER 15

PART 2

PHARMACEUTICAL SERVICES

CHAPTER 2

CHANGES TO EXISTING ARRANGEMENTS

Scotland

44 Dispensing of NHS prescriptions

- (1) Section 27 of the National Health Service (Scotland) Act 1978 (c. 29) (arrangements for provision of pharmaceutical services) shall be amended as follows.
- (2) In subsection (1), in paragraph (cc)—
 - (a) for “listed drugs and medicines and listed appliances” there shall be substituted “such drugs and medicines and such listed appliances as may be determined by the Scottish Ministers for the purposes of this paragraph”; and
 - (b) for “registered nurse, midwife or health visitor” there shall be substituted “person in accordance with such conditions, if any, as may be prescribed,”.
- (3) After that subsection there shall be inserted—

“(1A) The descriptions of persons which may be prescribed for the purposes of subsection (1)(cc) are the following, or any sub-category of such a description—

 - (a) persons who are registered by any board established under the Professions Supplementary to Medicine Act 1960 (c. 66);
 - (b) persons who are registered pharmacists;

Changes to legislation: *There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 44. (See end of Document for details)*

- (c) persons whose names are entered in a roll or record established by the General Dental Council by virtue of section 45 of the Dentists Act 1984 (c. 24) (dental auxiliaries);
 - (d) persons who are ophthalmic opticians;
 - (e) persons who are registered osteopaths within the meaning of the Osteopaths Act 1993 (c. 21);
 - (f) persons who are registered chiropractors within the meaning of the Chiropractors Act 1994 (c. 17);
 - (g) persons who are registered in the register of qualified nurses, midwives and health visitors maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997 (c. 24);
 - (h) persons who are registered in any register established, continued or maintained under an Order in Council under section 60(1) of the Health Act 1999 (c. 8);
 - (i) any other description of persons which appears to the Scottish Ministers to be a description of persons whose profession is regulated by or under a provision of, or made under, Northern Ireland legislation and which the Scottish Ministers consider it appropriate to specify.
- (1B) A determination under subsection (1)(cc) may—
- (a) make different provision for different cases;
 - (b) provide for the circumstances or cases in which a drug, medicine or appliance may be ordered;
 - (c) provide that persons falling within a description specified in the determination may exercise discretion in accordance with any provision made by the determination in ordering drugs, medicines and listed appliances.”

Commencement Information

II S. 44 not in force at Royal Assent, see s. 70(2); s. 44 in force for S. at 1.4.2002 by [S.S.I. 2002/75, art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 44.