1953 No. 689 (S. 61)

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) (Amendment No. 4) Regulations, 1953

Made - - - -	21*st April*, 1953
Laid before Parliament	22*nd April*, 1953
Coming into Operation	23*rd April*, 1953

In exercise of the powers conferred upon me by section 40 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) (Amendment No. 4) Regulations, 1953, and shall come into operation on the 23rd day of April, 1953.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948(c), as amended(d), shall be amended as follows:—

(1) In paragraph (1) of regulation 2, after the definition of "drugs" there shall be inserted the following definition:—

"'health centre' means premises provided by the Secretary of State in accordance with the provisions of section 15 of the Act."

(2) In regulation 22, at the end of the regulation, there shall be added the following proviso:—

"Provided that where the Secretary of State has informed the Council that facilities for the provision of pharmaceutical services have been or will be made available under section 15 of the Act at a health centre situated within the area of the Council, the Council shall make arrangements for the provision of pharmaceutical services at such health centre which shall incorporate the terms of service contained or referred to in Part IA of the Fourth Schedule to these regulations."

(3) In the Fourth Schedule:—

(*a*) In Part I to the heading "Terms of Service for Chemists" there shall be added the words "providing pharmaceutical services elsewhere than at a Health Centre";

(*b*) after Part I there shall be added as Part IA the terms of service set out in the Schedule to these regulations.

Dated this 21st day of April, 1953.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) 10 & 11 Geo. 6. c. 27. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1948/1258; Rev. XV, p. 857; 1948 I, p. 2393.
(d) S.I. 1948/1770; Rev. XV, p. 857; 1948 I, p. 2421; S.I. 1949/566, 1168, 2344; 1950/465, 782, 1345, 1685; 1951/524, 1765; 1952/572; 1953/366, 541, 542: 1949 I, pp. 2655, 2656, 2659; 1950 I, pp. 1446, 1447, 1450, 1451; 1951 I, pp. 1416, 1419; 1952 II, p. 2099; 1953 I, pp. 1306, 1308.

SCHEDULE

PART IA

TERMS OF SERVICE FOR CHEMISTS PROVIDING PHARMACEUTICAL SERVICES AT A HEALTH CENTRE

Interpretation

1. In these terms of service, unless the context otherwise requires,

"the Act" means the National Health Service (Scotland) Act, 1947;

"the regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948, as amended;

"chemist" means a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933(a), who provides pharmaceutical services at a health centre;

"appliances" in relation to appliances ordered by a medical practitioner means appliances specified in Part I of the Third Schedule to the regulations;

"Council" means the Executive Council constituted for any area;

"drugs" includes medicines and such chemical reagents as are or may be prescribed, and in relation to drugs ordered by a dental practitioner means the drugs specified in the Third Schedule to the National Health Service (General Dental Services) (Scotland) Regulations, 1948(b); and

"health centre" means premises provided by the Secretary of State in accordance with the provisions of section 15 of the Act.

Incorporation of Provisions of Regulations, etc.

2. Any provisions of the regulations and of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948(c), and any scheme made thereunder affecting the rights and obligations of chemists shall so far as they are applicable be deemed to form part of these terms of service.

Provision of Pharmaceutical Services

3.—(1) (*a*) A chemist shall supply with reasonable promptness to any person who presents an order for drugs or appliances on a prescription form provided for the purpose by a Council and signed by a practitioner on the medical list of a Council or by his deputy or assistant such drugs or appliances as may be so ordered.

(*b*) A chemist shall supply with reasonable promptness to any person who presents an order for a drug on a prescription form provided for the purpose by a Council and signed by a dental practitioner on the dental list of a Council or by his deputy or assistant such drug as may be so ordered.

(*c*) A chemist shall supply in a suitable container any drugs which he is required to supply under this paragraph.

(2) All drugs and preparations supplied by chemists shall where a standard or formula is specified in the British Pharmacopoeia, the British Pharmaceutical Codex or the Drug Tariff conform to the standard or formula so specified, and in any other case shall be of a grade or quality not lower than the grade or quality ordinarily used for medical purposes.

All appliances supplied by chemists shall where a specification is included in the British Pharmaceutical Codex or the Drug Tariff conform to that specification or be of a grade or quality not inferior thereto, and in any other case shall conform to the ordinarily recognised standards of good quality.

(a) 23 & 24 Geo. 5. c. 25. (b) S.I. 1948/1257; Rev. XV, p. 910; 1948 I, p. 2354.
(c) S.I. 1948/1259; Rev. XV, p. 887; 1948 I, p. 2455.

(3) A chemist shall perform at a health centre such other duties as a chemist may reasonably be expected to perform.

(4) A chemist shall not provide at a health centre services other than pharmaceutical services under these terms of service.

Attendance

4. A chemist shall attend at a health centre on such days and at such hours as may be agreed between the Council and the chemist.

Dispensing of medicines

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmacist or by a person who for three years immediately prior to the sixteenth day of December, 1911, acted as a dispenser to a medical practitioner or a public institution.

(2) A chemist shall not dispense a prescription requiring the manufacture by him of a substance scheduled under the Therapeutic Substances Act, 1925(a), unless he holds a licence for the purpose.

Remuneration

6.—(1) The Council shall pay to the chemist such remuneration in respect of his obligations under these terms of service as the Secretary of State may from time to time determine.

(2) Except as provided in the regulations and in the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations, 1952(b), a chemist shall not suggest, demand or accept from any person to whom he is providing pharmaceutical services or from any other person the payment of any fee or remuneration in respect of any pharmaceutical services which he is required to give under these terms of service; the chemist shall account for and pay to the Council, in such manner as they may require, any sums received by him in respect of pharmaceutical services under the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations, 1952.

Records, etc.

7.—(1) A chemist shall keep such records relating to the provision of services under these terms of service as the Secretary of State may require, and shall if required to do so produce such records to the Secretary of State.

(2) A chemist shall furnish to the Council or to such other person or body as they may direct, on dates to be appointed by the Secretary of State, the forms upon which the orders for drugs and appliances supplied by him were given, arranged in such manner as the Council may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Council, with the approval of the Secretary of State, may from time to time require.

Revision of terms of service

8.—(1) The Council may, subject to the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration to each chemist providing pharmaceutical services at a health centre within the area of the Council, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of chemists, the Council shall before making an altera-

(a) 15 & 16 Geo. 5. c. 60. (b) S.I. 1952/1026; 1952 II, p. 2086.

tion consult with the Local Pharmaceutical Committee, and the alteration shall not come into operation within a period of three months from the date of issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice shall be given to the Local Pharmaceutical Committee only, the Council shall give notice to the Local Pharmaceutical Committee, and notice shall thereby be deemed to have been given to each chemist providing pharmaceutical services at a health centre in the area of the Council.

Termination of Service

9.—(1) A chemist is entitled at any time to give notice to the Council that he desires to withdraw his name from the list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Council may agree:

Provided that if representations are made to the Tribunal under the provisions of section 43 of the Act that the continued inclusion of a chemist in the list would be prejudicial to the efficiency of the service, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name from the list pending the termination of the proceedings on such representations.

(2) Any arrangement between the Council and a chemist for the provision of services at a health centre may be terminated by either party giving to the other three months' notice in writing:

Provided that if the chemist shall fail to comply with any of these terms of service the Council may terminate the arrangement by giving him one month's notice in writing.

(3) The Council may at any time suspend a chemist from the discharge of his duties, but such suspension shall not affect the right of the chemist to receive remuneration during the continuance thereof.

Disputes, Appeals, etc.

10. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948:—

(*a*) The investigation of complaints made by or on behalf of persons receiving general medical and general dental services against chemists and other investigations to be made by the pharmaceutical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;

(*b*) appeals to the Secretary of State from decisions of the Council.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The regulations set out terms of service for chemists providing services in health centres established under section 15 of the National Health Service (Scotland) Act, 1947.