

Health, Social Care and Sport Committee
Tuesday 24 September 2024
25th Meeting, 2024 (Session 6)

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2024 (SSI 2024/233)

Overview

2. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 30 October 2024. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.

3. More information about the instrument is summarised below:

Title of instrument: [The National Health Service \(Free Prescriptions and Charges for Drugs and Appliances\) \(Scotland\) Amendment Regulations 2024 \(SSI 2024/233\)](#)

Laid under: Sections 69(1) and 105(7) of the [National Health Service \(Scotland\) Act 1978](#).

Laid on: 5 September 2024

Procedure: Negative

Deadline for committee consideration: 28 October 2024 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 30 October 2024 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement:

Procedure

4. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.

5. Once laid, the instrument is referred to:

- the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
- a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

6. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

7. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

8. The DPLR Committee considered the instrument on 17 September 2024 and reported on it in its [53rd report, 2024](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

9. The purpose of the instrument is to amend 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. This is in alignment with the increased charges in England.
10. The Policy Note accompanying the instrument is included in Annexe B. It includes impact assessments carried out on the instrument, and the anticipated financial effects.

Committee consideration

11. So far, no motion recommending annulment has been lodged.
12. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

13. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
14. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
September 2024**

Annexe A: Scottish Government Policy Note

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