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STATUTORY INSTRUMENTS

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**2001 No. 746**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2001**

<i>Made</i>	- - - -	<i>15th March 2001</i>
<i>Laid before Parliament</i>		<i>16th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

The Secretary of State for Health, in exercise of powers conferred by sections 77, 83A and 126(4) of, the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2001 and subject to regulation 11 of these Regulations shall come into force on 1st April 2001.

(2) In these Regulations “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(2).

(3) These Regulations extend to England only.

**Amendment of regulation 3 of the principal Regulations**

2.—(1) In paragraphs (1) and (4) of regulation 3 of the principal Regulations (supply of drugs and appliances by chemists) for “£6.00” on each occasion it appears there shall be substituted “£6.10”.

(2) In paragraph (1)(a) of regulation 3 of the principal Regulations for “£12.00” there shall be substituted “£12.20”.

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(1) 1977 c. 49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 83 was amended by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 39 and by the Health and Social Security Act 1984 (c. 48), Schedule 8, Part 1. Section 83A was amended by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 6; by the 1990 Act, Schedule 9, paragraph 18(5); by the 1995 Act, Schedule 1, paragraph 40 and by article 2 of S.I.1998/2385. Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6). As regards Wales, the functions of the Secretary of State under the above mentioned powers are transferred to the National Assembly for Wales under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999/672 as amended by section 66(5) of the 1999 Act; these Regulations therefore extend only to England.

(2) S.I. 2000/620 as amended by S.I. 2000/2393 and S.I. 2000/3189.

### **Amendment of regulation 4 of the principal Regulations**

3.—(1) In paragraphs (1) and (4) of regulation 4 of the principal Regulations (supply of drugs and appliances by doctors) for “£6.00” on each occasion it appears there shall be substituted “£6.10”.

(2) In paragraph (1)(a) of regulation 4 of the principal Regulations for “£12.00” there shall be substituted “£12.20”.

### **Amendment of regulation 5 of the principal Regulations**

4.—(1) In paragraph (1)(a) and (d) and paragraph (5) of regulation 5 of the principal Regulations (supply of drugs and appliances by Health Authorities, NHS Trusts and Primary Care Trusts) for “£6.00” on each occasion it appears there shall be substituted “£6.10”.

(2) In paragraph (1)(a) and (c) of regulation 5 of the principal Regulations for “£12.00” on each occasion it appears there shall be substituted “£12.20”.

### **Amendment of regulation 6 of the principal Regulations**

5.—(1) In paragraph (1)(a) and (b) and paragraph (4) of regulation 6 of the principal Regulations (supply of drugs and appliances at Walk-in-Centres) for “£6.00” on each occasion it appears there shall be substituted “£6.10”.

(2) In paragraph (1)(a) of regulation 6 of the principal Regulations for “£12.00” there shall be substituted “£12.20”.

### **Amendment of regulation 6A of the principal Regulations**

6. In regulation 6A of the principal Regulations (supply of drugs under Patient Group Directions)(3) in paragraph (1) for “£6.00” there shall be substituted “£6.10”.

### **Amendment of regulation 9 of the principal Regulations**

7.—(1) In paragraph (5) in regulation 9 of the principal Regulations (pre-payment certificates) in paragraph (5) for “£31.40” there shall be substituted “£31.90” and for “£86.20” there shall be substituted “£87.60”.

(2) In paragraph (6) for “paragraphs (7) and (8)” in regulation 9 of the principal Regulations there shall be substituted “paragraphs (13) to (15)”.

(3) For paragraphs (7) and (8) in regulation 9 of the principal Regulations there shall be substituted the following paragraphs—

“(7) Where payment of a prescribed sum has been made and where on or after 1st April 2001 the person in respect of whom the payment was made dies or becomes resident in a hospital and thereafter dies during the relevant period as defined in paragraph (9) an application for a refund may be made, by or on behalf of that person or his estate, in accordance with paragraphs (13) to (15) in respect of each complete month following the date on which the person died or became resident in a hospital.

(8) The refund referred to in paragraph (7) shall be calculated as follows—

(a) in the case of a pre-payment certificate valid for 4 months, one quarter of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

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(3) Regulation 6A was inserted by [S.I. 2000/3189](#).

- (b) in the case of a pre-payment certificate valid for 12 months, one twelfth of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

and for the purposes of these calculations a complete month is a month beginning on the monthly anniversary of the date on which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month.

(9) In paragraph (7) “the relevant period” means the period of validity of the pre-payment certificate excluding the month in respect of which an application under paragraph (6) may be made.

(10) Where payment of a prescribed sum in respect of a pre-payment certificate valid for 12 months has been made and where on or after 1st April 2001 and during the relevant period defined in paragraph (12), the person in respect of whom the payment was made—

- (a) becomes a person to whom any of the provisions of regulation 7(1)(b) to (f) applies; or
- (b) becomes a person entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations,

an application for a refund may be made, by or on behalf of that person or his estate in accordance with paragraphs (13) to (15).

(11) The refund referred to in paragraph (10) shall be for the sum which is the difference between the prescribed sum paid and the sum which was prescribed for a pre-payment certificate valid for four months on the date that the prescribed sum was paid.

(12) In paragraph (10) the “relevant period” means the period of 3 months immediately following the month in respect of which an application under paragraph (6) may be made.

(13) Applications under this regulation shall be made to the Health Authority which received the prescribed sum and shall be accompanied by the certificate (where granted) and a declaration in support of the claim and any repayment shall be made in such manner and subject to such conditions as the Secretary of State may determine.

(14) Subject to paragraph (15) an application under this regulation shall be made where the person in respect of whom the payment of the prescribed sum was made—

- (a) dies or becomes resident in a hospital and thereafter dies, within 24 months of the date of his death; or
- (b) has a pre-payment certificate valid for 4 months and becomes a person;
  - (i) to whom any of the provisions of regulation 7(1)(b) to (f) apply, or
  - (ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations,within four months of the date on which the pre-payment certificate became valid; or
- (c) has a pre-payment certificate valid for 12 months and becomes a person;
  - (i) to whom any of the provisions of regulation 7(1)(b) to (f) apply; or
  - (ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations,within seven months of the date on which the pre-payment certificate became valid; or
- (d) becomes resident in hospital and remains there until the expiry of the pre-payment certificate within 3 months of the date of expiry.

(15) Where an application under this regulation is made outside the time limits specified in paragraph (14) in respect of a death which occurs on or after 1st April 2001 or in respect of a person who becomes a person to whom paragraph 14(b) to (d) applies on or after 1st April 2001, the Health Authority shall accept it if the Secretary of State is satisfied that the delay was for good cause.”

#### **Amendment of Schedule 1 to the principal Regulations**

- 8.** In column 2 of Schedule 1 to the principal Regulations (charges for fabric supports and wigs)—
- (a) for “£20.30” there shall be substituted “£20.60” (surgical brassiere)
  - (b) for “£30.50” there shall be substituted “£31.00” (abdominal or spinal support)
  - (c) for “£49.90” there shall be substituted “£50.70” (stock modacrylic wig)
  - (d) for “£131.50” there shall be substituted “£133.70” (partial human hair wig)
  - (e) for “£192.20” there shall be substituted “£195.40” (full bespoke human hair wig).

#### **Transitional provisions**

- 9.** Where, on or after 1st April 2001—
- (a) any appliance specified in Schedule 1 to the principal Regulations is supplied pursuant to an order given before that date; or
  - (b) any pre-payment certificate is granted under regulation 9 of the principal Regulations pursuant to an application under that regulation which was received before that date,

the principal Regulations shall have effect in relation to that supply or, as the case may be, grant as if these Regulations had not come into force.

Signed by authority of the Secretary of State for Health

15th March 2001

*Hunt*  
Parliamentary Under Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 (“the principal Regulations”).

Regulations 2 to 6, 7(1) and 8 increase the charges payable under the principal Regulations but regulation 11 provides for the old charges to apply in respect of certain appliances ordered and pre-payment certificates applied for before the coming into force of the Regulations.

Regulation 7 amends regulation 9 of the principal Regulations. It extends the period of a pre-payment certificate for which a refund may be claimed on the death of the holder to the full months unexpired on that death. It extends the period (from one month to 4 months) in respect of which a refund may be claimed when the holder of a 12 month pre-payment certificate becomes entitled to exemption from or remission of prescription charges. It also extends the period for making a claim for a refund and makes provision for acceptance of a claim outside the specified time limits in cases where the Secretary of State is satisfied that the delay was for good cause.