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STATUTORY INSTRUMENTS

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**1991 No. 574 (S.59)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>12th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19, 27, 69, 75(a), 105(7) and 108(1) of, and paragraph 1 of Schedule 11 to, the National Health Service (Scotland) Act 1978(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(2).

**Amendments to the principal Regulations: NHS trusts**

2.—(1) In the definition of “prescription form” in regulation 2(1) and in regulations 5(1) and (3) and 6(1) and (2) of the principal Regulations after the words “a Board” there shall be inserted the words “or an NHS trust”(3).

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(1) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 37 and was extended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; section 27 was amended by the 1980 Act, section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3), by S.I. 1987/2202 and by the 1990 Act, Schedule 9, paragraph 19(7), extended by the 1988 Act, section 17; section 105(7), which was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24, contains provisions relevant to the making of Regulations; and section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 1 of Schedule 11 was amended by the 1980 Act, Schedule 5, paragraph 5.

(2) S.I. 1989/326, amended by S.I. 1990/468 and 787.

(3) For the definition of NHS trust see the National Health Service (Scotland) Act 1978 (c. 29), section 108(1), as amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(22)(c).

(2) In regulation 6(4) and (5) of those Regulations after the words “the Board” there shall be inserted the words “or, as the case may be, the NHS trust”.

(3) In regulation 7(2)(c)—

(a) after the words “to a Board” there shall be inserted the words “to a Board or, as the case may be, to an NHS trust”; and

(b) after the words “that Board” there shall be inserted the words “or, as the case may be, that NHS trust”.

(4) In regulation 7(4) and (5) of those Regulations for the words “or a Board” there shall be substituted the words “, a Board or, as the case may be, an NHS trust”.

### **Amendments to the principal Regulations: amounts specified**

**3.**—(1) In regulation 3(1)(b) of the principal Regulations (“Supply of drugs and appliances by chemists”), for the figure “£3.05”, there shall be substituted the figure “£3.40”.

(2) In regulation 8(5) of the principal Regulations (“Prepayment certificates”)—

(a) for the figure “£15.80” there shall be substituted the figure “£17.60”; and

(b) for the figure “£43.50” there shall be substituted the figure “£48.50”.

(3) For Schedules 1, 2 and 3 to the principal Regulations there shall be substituted those Schedules as set out in the Schedule to these Regulations.

### **Application**

**4.** The principal Regulations, as amended by these Regulations, shall apply only in relation to supplies of drugs and appliances made after 31st March 1991 except that—

(a) regulation 6 (“Fabric supports and wigs”) of the principal Regulations, as so amended, shall apply only where the examination or first examination leading to the supply of the specified appliance takes place after that date; and

(b) regulation 8 (“prepayment certificates”) of the principal Regulations, as so amended, shall apply only where the application referred to in paragraph (1) of that regulation is received after that date.

St. Andrew’s House,  
Edinburgh  
8th March 1991

*Michael B. Forsyth*  
Minister of State, Scottish Office

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SCHEDULE

Regulation 3(3)

“SCHEDULE 1

Regulations 3, 4 and 5

CHARGES FOR ELASTIC HOSIERY

Column 1 Specified Appliance	Column 2 Specified Sum
Above knee stocking, below knee stocking or thigh stocking	£3.40 each (ie £6.80 per pair)

SCHEDULE 2

Regulation 5

CHARGES FOR TIGHTS

Column 1 Specified Appliance	Column 2 Specified Sum
Tights (per pair)	£6.80

SCHEDULE 3

Regulation 6

CHARGES FOR FABRIC SUPPORTS AND WIGS

Column 1 Specified Appliance	Column 2 Specified Sum
Surgical Brassiere	£14.50
Abdominal or Spinal Support	£19.00
Stock Modacrylic Wig	£29.00
Partial Human Hair Wig	£74.50
Full Bespoke Human Hair Wig	£108.00”

**EXPLANATORY NOTE**

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

These Regulations, which come into force on 1st April 1991, amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989 (“the principal Regulations”) which provide for the making and recovery of charges for drugs and appliances (other than dental

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or optical appliances) supplied by chemists and doctors under or by virtue of the National Health Service (Scotland) Act 1978.

Regulation 2 provides for amendments to the principal Regulations consequent upon the establishment of National Health Service trusts.

Regulation 3 provides for increases in the charges specified for the supply of drugs and appliances, elastic hosiery and fabric supports and wigs.

The charge for most items on prescription or supplied to an out-patient is increased from £3.05 to £3.40. The charge for an elastic stocking is increased from £3.05 to £3.40 and for tights from £6.10 to £6.80 per pair. The charge for surgical brassieres is increased from £13.00 to £14.50 and for fabric supports from £17.00 to £19.00. The charges for wigs are increased from £26.00 to £29.00 (modacrylic wig), from £67.00 to £74.50 (partial human hair wig) and from £97.00 to £108.00 (full bespoke human hair wig). The sums prescribed for the provision of prepayment certificates of exemption from charges are increased from £15.80 to £17.60 for a four monthly certificate and from £43.50 to £48.50 for a twelve monthly certificate.