

1999 No. 767

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Charges for Drugs and
Appliances and Travelling Expenses and Remission of
Charges) Amendment Regulations 1999**

<i>Made</i> - - - -	<i>10th March 1999</i>
<i>Laid before Parliament</i>	<i>11th March 1999</i>
<i>Coming into force</i>	<i>1st April 1999</i>

The Secretary of State for Health, in exercise of powers conferred on him by sections 77, 83A and 126(4) of the National Health Service Act 1977(a) 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 and Travelling Expenses and Remission of Charges) Amendment Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations—

“the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 1989(b);

“the Remission Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(c).

Amendment of the Charges Regulations

2.—(1) The Charges Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2—

(a) in paragraph (1) (interpretation)—

(i) for the definition of “elastic hosiery” there is substituted—

“ “elastic hosiery” means anklet, legging, knee-cap, below-knee, above-knee or thigh stocking;”;

(a) 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 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by paragraph 18(5) of Schedule 9 to the 1990 Act. Section 126(4) was amended by the 1990 Act, section 65(2).

(b) S.I. 1989/419, amended by S.I. 1990/537, 1991/579, 1992/365, 1993/420, 1994/690, 1994/2402, 1995/643, 1995/2737, 1996/583, 1997/559, 1998/491 and 1998/646.

(c) S.I. 1988/551 as amended by S.I. 1989/394 and 517, 1990/548, 918 and 1661, 1991/557, 1992/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393 and 1998/2417.

(ii) for the definition of “prescription form” there is substituted–

““prescription form” means a form provided by a Health Authority, a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(a), a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972(b), or an NHS trust and issued by a doctor, dentist or nurse prescriber to enable a person to obtain pharmaceutical services;”;

(b) in paragraph (1A) (meaning of “nurse prescriber”) in sub-paragraphs (a)(iii) and (b)(ii) for the words “or who is performing personal medical services in connection with a pilot scheme”(c) there are substituted the words “or who, at that time, is assisting in the performance of personal medical services under a pilot scheme.”.

(3) In regulation 3 (supply of drugs and appliances by chemists)–

(a) after paragraph (1) there is inserted–

“(1A) where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid.”;

(b) in sub-paragraph (b) of paragraph (2), after the word “Regulations”, there are added the words “and a declaration of entitlement to remission on the prescription form is duly completed by or on behalf of the patient”.

(4) In regulation 4 (supply of drugs and appliances by doctors)–

(a) after paragraph (1) there is inserted–

“(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid.”;

(b) for sub-paragraph (a) of paragraph (2) there is substituted–

“(a) there is exemption under regulation 6 and a declaration of entitlement to exemption on the prescription form is duly completed by or on behalf of the patient;”;

(c) in sub-paragraph (b) of paragraph (2), after the word “Regulations”, there are added the words “and a declaration of entitlement to remission on the prescription form is duly completed by or on behalf of the patient”.

(5) In regulation 5 (supply of drugs and appliances by health authorities and NHS trusts)–

(a) in paragraph (1), for the words “subject to paragraph (2)” there are substituted the words “subject to paragraphs (2) and (2A)”;

(b) after paragraph (1) there is inserted–

“(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing that the relevant charge has been paid.”;

(c) in sub-paragraph (a) of paragraph (2), there are added, at the end, the words “and who, in the case described in paragraph 1(1)(c) of that Schedule, completes a declaration of entitlement to such exemption and provides such evidence of entitlement as the Health Authority or NHS trust may reasonably require”;

(d) in sub-paragraph (b) of paragraph (2), for the words “and who provides such evidence” there are substituted the words “and who completes a declaration of entitlement to such exemption and provides such evidence”;

(a) 1978 c.29.

(b) S.I. 1972/1265 (NI 14).

(c) Those words were inserted by S.I. 1996/548.

- (e) in sub-paragraph (c) of paragraph (2), after the word “Regulations” there are added the words “and who completes a declaration of entitlement to such remission and provides such evidence of entitlement as the Health Authority or NHS trust may reasonably require”;
- (f) after paragraph (2) there is inserted—

“(2A) A partially remitted charge shall be made and recovered under this regulation from a patient who is entitled to partial remission under regulation 6(3) if a declaration in writing is provided that the relevant part of the charge has been paid and a declaration of entitlement, and such other evidence of entitlement, to partial remission as may be required, is provided.”.
- (6) In regulation 6 (exemptions)—
 - (a) in paragraph (1) for the words “No charge shall be payable under regulation 3 or regulation 4 by —” there are substituted the words “Subject to paragraph (2A), no charge shall be payable under regulation 3 or regulation 4 by —”;
 - (b) in paragraph (2) for the words “No charge shall be payable under regulation 5” – there are substituted the words “Subject to paragraph (2A), no charge shall be payable under regulation 5 —”;
 - (c) after paragraph (2) there is inserted—

“(2A) A person who wishes to claim entitlement to exemption under paragraph (1) or (2) shall provide any declaration of entitlement required under regulations 3(2) or 4(2) and any declaration or evidence of entitlement required under regulation 5(2).”.
 - (d) after paragraph (3), there is inserted—

“(3A) Where a charge is remitted in part under paragraph (3) the person making the part payment shall on doing so sign a declaration in writing that the relevant part of the charge has been paid and complete a declaration of entitlement, and provide such other evidence of entitlement, to partial remission as may be required;”.

Increase in charges under the Charges Regulations and transitional provisions

3.—(1) For each amount specified in column (3) of the Schedule to these Regulations, where it appears in the provision of the Charges Regulations specified in relation to it in column (1) (the subject matter of which is indicated in column (2)), there shall be substituted the amount specified in relation to it in column (4).

- (2) Where, on or after 1st April 1999
 - (a) any appliance specified in Schedule 1 to the Charges Regulations is supplied pursuant to any order given before that date; or
 - (b) any pre-payment certificate is granted under regulation 8 of the Charges Regulations pursuant to an application under that regulation which was received before that date,
 the Charges Regulations shall have effect in relation to that supply or, as the case may be, that grant as if paragraph (1) not come into force.

Amendment of the Remission Regulations

4.—(1) The Remission Regulations are amended in accordance with the following paragraphs of this regulation.

- (2) For paragraph (1) of regulation 7 (claims for remission or payment) there is substituted—

“(1) Subject to paragraph (1A), a person who wishes to claim entitlement under regulation 3(1) or 5(1) (full or partial remission of relevant charges or payment of relevant travelling expenses) shall—

 - (a) if he is a person—
 - (i) within a description prescribed by regulation 4(aa), (bb), (k) or (l) make a claim to the Secretary of State in writing,
 - (ii) within a description prescribed by regulation 4(e), (f) or (m) or 5(1) make a claim to the Secretary of State on a form provided by the Secretary of State for that purpose,

and shall send or deliver it to an appropriate office or to the Secretary of State;

- (b) provide any declaration of entitlement required under regulation 3(2) or 4(2) or any declaration or evidence of entitlement required under regulation 5(2) of the National Health Service (Charges for Drugs and Appliances) Regulations 1989^(a).”.

Signed by authority of the Secretary of State for Health

10th March 1999

John Denham
Minister of State,
Department of Health

^(a) S.I. 1989/419 amended as noted in footnote (b) on page 1 of this instrument.

SCHEDULE
AMOUNTS SUBSTITUTED IN THE CHARGES REGULATIONS

Regulation 3(1)

<i>(1)</i> <i>Provision in the</i> <i>Charges Regulations</i>	<i>(2)</i> <i>Subject matter</i>	<i>(3)</i> <i>Old amount</i>	<i>(4)</i> <i>New amount</i>
Regulation 3–	Supply of drugs and appliances by chemists		
paragraph (1)(a)	charge for elastic hosiery– per item	£5.80	£5.90
	per pair	£11.60	£11.80
paragraph (1)(c)	charge for drugs and for appliances not specified in paragraph 1(a)	£5.80	£5.90
paragraph (3)	charge for drugs supplied by instalments	£5.80	£5.90
Regulation 4–	Supply of drugs and appliances by doctor–		
paragraph (1)(a)	charge for elastic hosiery– per item	£5.80	£5.90
	per pair	£11.60	£11.80
paragraph (1)(b)	charge for drugs and appliances not specified in paragraph 1(a)	£5.80	£5.90
paragraph (3)	charge for drugs supplied by instalments	£5.80	£5.90
Regulation 5–	Supply of drugs and appliances to out-patients by Health Authorities and NHS trusts–		
paragraph (1)(a)	charge for elastic hosiery– per item	£5.80	£5.90
	per pair	£11.60	£11.80
paragraph (1)(c)	charge for tights	£11.60	£11.80
paragraph (1)(d)	charge for drugs and for appliances not specified in paragraph 1(a) or (c), or in Schedule 1	£5.80	£5.90
paragraph (3)	charge for drugs supplied by instalments	£5.80	£5.90
Regulation 8(5)	Pre-payment certificate for– 4 months	£30.10	£30.80
	12 months	£82.70	£84.60
Schedule 1–	Charges for fabric supports and wigs–		
	surgical brassière	£19.75	£19.95
	abdominal or spinal support	£29.50	£29.95
	stock modacrylic wig	£48.00	£49.00
	partial human hair wig	£126.00	£129.00
	full bespoke human hair wig	£184.50	£188.50

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 1989 (“the Charges Regulations”) and the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the Remission Regulations”).

Regulation 2 amends the Charges Regulations by substituting new definitions of “elastic hosiery” and “prescription form” and by extending the definition of “nurse prescriber”, by making provision for a declaration to be made by or on behalf of a patient (typically on a prescription form) that a charge has been paid and by making further provision regarding requirements for the provision of declarations and evidence of entitlement to exemptions from NHS charges. Regulation 3 increases the charges payable under the Charges Regulations but 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 4 amends the Remission Regulations and makes further provision regarding requirements for the provision of declarations and evidence of entitlement to exemptions from NHS charges provided for under those Regulations.

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