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STATUTORY INSTRUMENTS

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**2005 No. 578**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005**

<i>Made</i>	- - - -	<i>9th March 2005</i>
<i>Laid before Parliament</i>		<i>10th March 2005</i>
<i>Coming into force</i>		
<i>Regulations 1-15, 17, 18 and 20</i>		<i>1st April 2005</i>
<i>Regulation 16</i>		<i>6th April 2005</i>
<i>Regulation 19</i>		<i>11th April 2005</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 37(1C), 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, application and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 and

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(1) 1977 (c. 49) Section 37(1C) was inserted by section 12(3) of the Health and Medicines Act 1988(c. 49) (“the 1988 Act”). Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by section 25 of, and paragraph 6 of Schedule 2 to, the 1988 Act, section 41(10) of, and paragraph 19 of Schedule 2 to, the National Health Service (Primary Care ) Act 1997 (c. 46), article 2 of S.I. 1998/2385, article 3(1) of, and paragraph 5 and 13 of Schedule 1 to, S.I. 2000/90, section 66(1) of, and paragraph 18 (5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 2(1) of, and paragraph 40 of Schedule 1 to, the Health Authorities Act 1995 (c. 17), section 2(5) of, and paragraphs 1 and 32 of Part 1 of Schedule 2 to, the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the Reform Act”) and by sections 34 and 184 of, and paragraphs 23 and 32(b) of Schedule 4 to, and paragraphs 7 and 31 of Schedule 11 to, the Health and Social Care (Community Health and Standards Act 2003(c. 43)(“the 2003 Act”). Section 126(4) has been amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37 of Schedule 4 to, the Health Act 1999 (c. 8)(“the 1999 Act”), section 67(1) of, and paragraph 5 and 13 of Part 1 of Schedule 5 to, the Health and Social Care Act 2001 (c. 15), sections 6(3)(c) and 37(1) of the Reform Act 2002 and and sections 184 and 196 of, and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to the 2003 Act . The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

shall come into force on 1<sup>st</sup> April 2005 except for regulation 16 which comes into force on 6<sup>th</sup> April 2005 and regulation 19 which comes into force on 11<sup>th</sup> April 2005.

(2) These Regulations apply in relation to England.

(3) In these Regulations—

- (a) “the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000<sup>(2)</sup>;
- (b) “the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003<sup>(3)</sup>; and
- (c) “the Income Support Regulations” means the Income Support (General) Regulations 1987<sup>(4)</sup>.

### **Amendment of the Charges Regulations to increase charges**

2.—(1) The Charges Regulations are amended as follows.

(2) In each of the following provisions, for “£6.40” in each place that it occurs substitute “£6.50”—

- (a) regulation 3(1)(a) and (b), (1A)(a) and (b) and (4) (charges for the supply of drugs and appliances by chemists);
- (b) regulation 4(1)(a) and (b) and (4) (charges for the supply of drugs and appliances by doctors);
- (c) regulation 5(1)(a) and (d) and (5) (charges for the supply of drugs and appliances by NHS trusts and Primary Care Trusts);
- (d) regulation 6(1)(a) and (b) and (4) (charges for the supply of drugs and appliances at Walk-in Centres); and
- (e) regulation 6A(1) (charges for the supply of drugs under Patient Group Directions).

(3) In each of the following provisions, for “£12.80” in each place that it occurs substitute “£13.00”—

- (a) regulation 3(1)(a) and (1A)(a) (charge for the supply of a pair of elastic hosiery by chemists);
- (b) regulation 4(1)(a) (charge for the supply of a pair of elastic hosiery by doctors);
- (c) regulation 5(1)(a) and (c) (charge for the supply of a pair of elastic hosiery or tights by NHS trusts or Primary Care Trusts); and
- (d) regulation 6(1)(a) (charge for the supply of a pair of elastic hosiery at Walk-in Centres).

(4) In regulation 9(5) (pre-payment certificates) substitute—

- (a) for “£33.40”, “£33.90”; and
- (b) for “£91.80”, “£93.20”.

(5) In column (2) of Schedule 1 (charges for fabric supports and wigs) substitute—

- (a) for “£21.50”, “£21.80”;
- (b) for “£32.50”, “£33.00”;
- (c) for “£53.10”, “£53.90”;

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(2) S.I. 2000/620, as amended by S.I. 2000/2393, S.I. 2000/3189, S.I. 2001/746, S.I. 2001/2887, S.I. 2002/548, S.I. 2002/1386, S.I. 2002/2352, S.I. 2003/585, S.I. 2003/699, S.I. 2003/1084, and S.I. 2004/663

(3) S.I. 2003/2382, as amended by S.I. 2004/663, S.I. 2004/936 and S.I. 2005/26.

(4) S.I. 1987/1967.

- (d) for “£140.15”, “£142.30”; and
- (e) for “£204.90”, “£208.10”.

### **Amendment of regulation 2 of the Charges Regulations**

- 3.** In regulation 2 (interpretation) of the Charges Regulations—
- (a) after the definition of “the Act” insert—
    - ““advanced electronic signature” means an electronic signature which is—
    - (a) uniquely linked to the signatory;
    - (b) capable of identifying the signatory;
    - (c) created using means that the signatory can maintain under his sole control; and
    - (d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;”;
  - (b) after the definition of “appliance” insert—
    - ““bank holiday” means any day that is specified or proclaimed as a bank holiday in England and Wales pursuant to section 1 of the Banking and Financial Dealings Act 1971(5);”;
  - (c) in the definition of “batch issue”—
    - (i) for “prescriber”, in each place where it occurs, substitute “repeatable prescriber”; and
    - (ii) for “repeatable prescription”, in each place where it occurs, substitute “non-electronic repeatable prescription”;
  - (d) after the definition of “electronic communication” insert—
    - ““electronic prescription form” means a prescription form which falls within paragraph (b) of the definition of “prescription form”;
    - “electronic repeatable prescription” means a prescription form which falls within paragraph (a)(ii) of the definition of “repeatable prescription”;
    - “ETP service” means the electronic prescription service which forms part of the NHS Care Record Service;”;
  - (e) after the definition of “local pharmaceutical services” insert—
    - ““NHS Care Record” means the records relating to an individual patient held by the NHS Care Record Service;
    - “NHS Care Record Service” means the information technology systems procured by the Department of Health and used by the health service to hold medical records relating to patients;
    - “non-electronic prescription form” means a prescription form which falls within paragraph (a) of the definition of “prescription form”;
    - “non-electronic repeatable prescription” means a prescription which falls within paragraph (a) (i) of the definition of “repeatable prescription”;”;
  - (f) after the definition of “nurses and midwives' professional register” insert—
    - ““out of hours period” means—
    - (a) the period beginning at 6.30pm on any day from Monday to Thursday and ending at 8am on the following day;
    - (b) the period between 6.30pm on Friday and 8am on the following Monday; and

(c) Good Friday, Christmas Day and bank holidays;”;

“out of hours services” means services required to be provided in all or part of the out of hours period which would be essential services if provided in core hours,

and in this definition “core hours” means the period beginning at 8 am and ending at 6.30pm on any day from Monday to Friday except Good Friday, Christmas Day and bank holidays and “part” of an out of hours period means any part of one or more of the periods described in paragraphs (a) to (c) of the definition of “out of hours period”;;”;

(g) for the definition of “prescription form”, substitute—

““prescription form” means—

(a) a form provided by an NHS trust, an NHS foundation trust or a Primary Care Trust and issued by a prescriber; or

(b) data that are created in an electronic form, signed with a prescriber’s advanced electronic signature and transmitted as an electronic communication to the ETP service,

to enable a person to obtain pharmaceutical services or local pharmaceutical services and does not include a repeatable prescription;”;

(h) after the definition of “prisoner” insert—

““provider of out of hours services” means—

(a) an APMS contractor which provides out of hours services under its APMS contract;

(b) a practice which provides out of hours services;

(c) a GMS contractor or a PMS contractor which provides out of hours services under its GMS contract or PMS agreement;

(d) an out of hours services sub-contractor of a GMS contractor or PMS contractor, and for the purposes of this definition—

“APMS contractor” means a person who enters into arrangements with a Primary Care Trust under section 16CC(2)(b) of the Act (primary medical services)(6) for the provision of primary medical services and “APMS contract” shall be construed accordingly;

“GMS contractor” means a contractor within the meaning of the National Health Service (General Medical Services Contracts) Regulations 2004(7);

“PMS contractor” means a contractor within the meaning of the National Health Service (Personal Medical Services Agreements) Regulations 2004(8); and

“practice” means a practice established by a Primary Care Trust for the purposes of its provision of primary medical services under section 16CC(2)(a) of the Act;”;

(i) for the definition of “repeatable prescription” substitute—

““repeatable prescription” means a prescription which—

(a) either—

(i) is contained in a form provided by a Primary Care Trust and issued by a repeatable prescriber which is in the format specified in Part I of

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(6) Section 16CC(2) was inserted into the Act by section 174 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

(7) S.I. 2004/291, as amended by S.I. 2004/906, S.I. 2004/2694 and S.I. 2005/28.

(8) S.I. 2004/627, as amended by S.I. 2004/906, S.I. 2004/2694 and S.I. 2005/28.

- Schedule 1 to the GMS Contract Regulations and which is generated by a computer and signed in ink by a repeatable prescriber; or
- (ii) data that are created in an electronic form, signed with a repeatable prescriber's advanced electronic signature and transmitted as an electronic communication to the ETP service;
  - (b) is issued or created to enable a person to obtain pharmaceutical services or local pharmaceutical services; and
  - (c) indicates that the drugs or appliances ordered on that prescription may be provided more than once and specifies the number of occasions on which they may be provided;";
- (j) for the definition of supplementary prescriber substitute—
- ““supplementary prescriber” means a person—
- (a) whose name is registered in—
    - (i) the nurses and midwives' professional register;
    - (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) (the registers and registration) of the Pharmacy Act 1954(9);
    - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(10); or
    - (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(11),
- relating to—
- (aa) chiropodists and podiatrists,
  - (bb) physiotherapists,
  - (cc) radiographers: diagnostic or therapeutic; and
  - (b) against whose name is recorded in the relevant register an annotation signifying that he is qualified to order drugs and appliances as a supplementary prescriber;"; and
- (k) for the definition of “the Travelling Expenses and Remission of Charges Regulations” substitute—
- ““the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(12);”.

#### **Deletion of regulation 2A of the Charges Regulations**

4. Regulation 2A of the Charges Regulations is deleted.

#### **Amendment of regulation 3 of the Charges Regulations**

5.—(1) Regulation 3 of the Charges Regulations (supply of drugs and appliances by chemists) is amended as follows.

(2) In paragraph (1A) for the words “in respect of each” to the end of the paragraph substitute—  
“in respect of—

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(9) 1954 c. 61.

(10) S.I. 1976/1212 (N.I.22).

(11) S.I. 2002/254.

(12) S.I. 2003/2382, as amended by S.I. 2004/663, S.I. 2004/936 and S.I. 2005/26.

- (a) each batch issue; and
- (b) each electronic prescription form—
  - (i) in respect of an item of elastic hosiery a charge of £6.50, that is to say a charge of £13.00 per pair; and
  - (ii) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £6.50.”
- (3) Paragraph (1B) is deleted.
- (4) For paragraph (2) substitute—
  - “(2) Where a charge is paid under paragraph (1), the person making the payment shall on so doing either—
    - (a) where a non-electronic prescription form has been issued, sign a declaration in writing on the non-electronic prescription form that the relevant charge has been paid; or
    - (b) where an electronic prescription form has been created, provide a declaration that the relevant charge has been paid on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a chemist.”.
- (5) After paragraph (2) insert—
  - “(2A) Where a charge is paid under regulation (1A), the person making the payment shall on so doing either—
    - (a) in respect of a batch issue, sign a declaration in writing on the batch issue that the relevant charge has been paid; or
    - (b) in respect of an electronic repeatable prescription, provide a declaration that the relevant charge has been paid on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic repeatable prescriptions and issued by a chemist.”.
- (6) In paragraph (3)(a)(i) after “cases” insert “involving a batch issue”.
- (7) After paragraph (3)(a)(i) insert—
  - “(ia) in cases involving an electronic repeatable prescription falling within paragraph (1A) on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic repeatable prescriptions and issued by a chemist,”.
- (8) For paragraph (3)(a)(ii) substitute—
  - “(ii) in cases involving an electronic prescription form, on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a chemist, or”.
- (9) In paragraph (3)(a)(iii) after “on the” insert “non-electronic”.
- (10) In paragraph (3)(b), for “regulation 3 of the Travelling Expenses and Remission of Charges Regulations” substitute “regulation 5 of the Travel Expenses and Remission of Charges Regulations”.
- (11) In paragraph 3(b)(i) after “cases” insert “involving a batch issue”.
- (12) After paragraph (3)(b)(i) insert—
  - “(ib) in cases involving an electronic repeatable prescription falling within paragraph (1A) on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic repeatable prescriptions and issued by a chemist,”.
- (13) For paragraph (3)(b)(ii) substitute—

“(ii) in cases involving an electronic prescription form, on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a chemist, or”.

(14) In paragraph (3)(b)(iii) after “on the” insert “non-electronic”.

(15) In paragraph (3)(c) after “inserted on the” insert “non-electronic”.

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

6.—(1) Regulation 4 of the Charges Regulations (supply of drugs and appliances by doctors) is amended as follows.

(2) For paragraph (2) substitute—

“(2) Where a charge is paid under paragraph (1), the person making the payment shall on so doing either—

(a) where a non-electronic prescription form has been issued, sign a declaration in writing on the non-electronic prescription form that the relevant charge has been paid; or

(b) where an electronic prescription form has been created, provide a declaration that the relevant charge has been paid on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a doctor.”.

(3) In paragraphs (3)(a) and (b)—

(a) after “either on the” insert “non-electronic”; and

(b) for the words from “falling within” to the end of each paragraph substitute “involving an electronic prescription form, on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a doctor;”.

(4) In paragraph (3)(b), for “regulation 3 of the Travelling Expenses and Remission of Charges Regulations” substitute “regulation 5 of the Travel Expenses and Remission of Charges Regulations”.

#### **Amendment of the Charges Regulations concerning out of hours supply of drugs and appliances**

7. After regulation 4 of the Charges Regulations insert—

##### **“Out of hours supply of drugs and appliances by providers of out of hours services**

4A.—(1) A provider of out of hours services who supplies drugs or appliances to a patient in the course of providing out of hours services shall, subject to paragraphs (3) and (7), make and recover from that patient—

(a) in respect of an item of elastic hosiery a charge of £6.50, that is to say a charge of £13.00 per pair;

(b) in respect of the supply of each appliance and of each quantity of a drug, a charge of £6.50.

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

(3) No charge shall be made and recovered under paragraph (1) where—

- (a) there is exemption under regulation 7 and a declaration of entitlement to exemption is duly completed by or on behalf of the patient on the supply form;
- (b) there is entitlement to remission of the charge under regulation 5 of the Travel Expenses and Remission of Charges Regulations and a declaration of entitlement to remission is duly completed by or on behalf of the patient on the supply form; or
- (c) the drugs or appliances are supplied in respect of two or more persons in a school or institution in which at least 20 persons are normally resident provided that the name of the school or institution is inserted on the supply form,

and where, in the cases described in sub-paragraphs (a) and (b), such evidence of entitlement to exemption or remission is provided as the provider of out of hours services may reasonably require.

(4) A provider of out of hours services shall be under no obligation to supply drugs or appliances in the course of out of hours services for which a charge is required to be made and recovered by paragraph (1) unless he is first paid the amount of that charge by the patient.

(5) A provider of out of hours services who makes and recovers a charge under paragraph (1) shall, if so required by the patient, give him a receipt for the amount received on the form provided for the purpose, which form shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.

(6) Any sum which would otherwise be payable by a Primary Care Trust to a provider of out of hours services in respect of the provision by him of primary medical services shall be reduced by the amount of charges which are required to be made and recovered under paragraph (1).

(7) Nothing in this regulation shall authorise the payment of a charge where the drug or appliance supplied either—

- (a) is needed for immediate treatment and no order for the drug or appliance is made on a supply form; or
- (b) is administered or applied to the patient by the provider of out of hours services personally.

(8) In this regulation, “supply form” means a form provided by a Primary Care Trust and completed by or on behalf of a provider of out of hours services for the purpose of recording the provision of drugs or appliances to a patient during the out of hours period.”

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

**8.** In regulation 5 of the Charges Regulations (supply of drugs and appliances by Health Authorities, NHS trusts and Primary Care Trusts), in paragraph (3)(c), for “regulation 3 of the Travelling Expenses and Remission of Charges Regulations” substitute “regulation 5 of the Travel Expenses and Remission of Charges Regulations”.

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

**9.** In regulation 6 of the Charges Regulations (supply of drugs and appliances at Walk-in Centres)

- (a) in paragraph (1), after “Where drugs or appliances are supplied to a patient,” insert “including during the out of hours period,”;
- (b) in paragraph (3)(a), for “paragraph 1(1)(a) to (d)” substitute “paragraph 1(1)(b) to (d)”; and



- (c) in paragraph (3)(c), for “regulation 3 of the Travelling Expenses and Remission of Charges Regulations” substitute “regulation 5 of the Travel Expenses and Remission of Charges Regulations”.

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

**10.** In regulation 6A(13) of the Charges Regulations (supply of drugs under Patient Group Directions)—

- (a) in paragraph (1), after “Where drugs are supplied to a patient in accordance with a Patient Group Direction” insert “, including during the out of hours period,”;
- (b) in paragraph (3)(a), for “paragraph 1(1)(a) to (d)” substitute “paragraph 1(1)(b) to (d)”;
- (c) in paragraph (3)(c), for “regulation 3 of the Travelling Expenses and Remission of Charges Regulations” substitute “regulation 5 of the Travel Expenses and Remission of Charges Regulations”.

#### **Amendment of regulation 7 of the Charges Regulations**

**11.**—(1) Regulation 7 of the Charges Regulations (exemptions) is amended as follows.

(2) In paragraph (3), at the beginning of the paragraph insert “Subject to paragraph (3A)”.

(3) After paragraph (3) insert—

“(3A) A person who falls within paragraph (1)(a) or (c) shall not be required to provide any declaration of entitlement required under regulations 3(3) or 4(3) where—

- (a) an electronic prescription form or an electronic repeatable prescription is issued and the person’s date of birth is recorded on the person’s NHS Care Record and is set out on the electronic prescription form or electronic repeatable prescription; or
- (b) a non-electronic prescription form or a non-electronic repeatable prescription is issued and the person’s date of birth is printed by means of computer on the non-electronic prescription form or non-electronic repeatable prescription.”.

(4) In paragraph (4), for “regulation 5 of the Travelling Expenses and Remission of Charges Regulations” substitute “regulation 6 of the Travel Expenses and Remission of Charges Regulations”.

#### **Amendment of regulation 8 of the Charges Regulations**

**12.** In regulation 8 of the Charges Regulations (certificates of exemption-application and issue)—

- (a) in paragraph (2); and
- (b) in paragraph (3)(a)

for “first day of the month in” substitute “date one month prior to the date on”.

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

**13.** In regulation 9 of the Charges Regulations (pre-payment certificates), in paragraphs (6)(b), (10)(b), (14)(b)(ii) and (14)(c)(ii), for “regulation 3 of the Travelling Expenses and Remission of Charges Regulations” substitute “regulation 5 of the Travel Expenses and Remission of Charges Regulations”.

### **Transitional provision relating to the Charges Regulations**

14. Where, on or after 1<sup>st</sup> April 2005—

- (a) any appliance specified in Schedule 1 to the Charges Regulations is supplied pursuant to an order given before that date; or
- (b) any pre-payment certificate is granted under regulation 9 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, grant, as if these Regulations had not come into force.

### **Amendments of regulation 2 of the Travel Expenses and Remission of Charges Regulations**

15.—(1) Regulation 2 of the Travel Expenses and Remission of Charges Regulations (interpretation) is amended as follows.

(2) After the definition of “abroad” insert—

““annuity contract” means a contract that provides for periodic payments starting from a stated or contingent date and continuing for a fixed period or for the life of the annuity;”.

(3) After the definition of “care home” insert—

““child” means a person under the age of 16;”.

(4) After the definition of “date of claim” insert—

““dependant child or young person” means any child or young person who is treated as the responsibility of the claimant or his partner, where that child or young person is a member of the claimant’s household;”.

(5) After the definition of “disability element” insert—

““earnings” has the meaning given in regulations 35 and 37 of the Income Support Regulations;”.

(6) After the definition of “health care professional” insert—

““household” means—

- (a) a group of people who have a common address as their only or main residence and who either share one meal a day or share the living accommodation at that residence; or
- (b) the only or main residence of a single person who does not share either one meal a day or the living accommodation at that residence with another person;”.

(7) After the definition of “NHS trust” insert—

““occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993(14);”.

(8) After the definition of “pension credit savings credit” insert—

““personal pension scheme” means a personal pension scheme—

- (a) as defined in section 1 of the Pension Schemes Act 1993; or
- (b) as defined in section 1 of the Pension Schemes (Northern Ireland Act) 1993(15);”.

(9) After the definition of “severe disability element” insert—

““single person” means a person who does not have a partner and is not responsible for, and is not a member of the same household as, a child or young person;”.

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(14) 1993 (c. 48).

(15) 1993 (c. 49).

- (10) After the definition of “working tax credit” insert—  
““young person” has the meaning prescribed in regulation 14 of the Income Support Regulations;”.

#### **Amendment of regulation 5 of the Travel Expenses and Remission of Charges Regulations**

**16.** In regulation 5(1)(e) of the Travel Expenses and Remission of Charges Regulations (entitlement to full remission and payment) for “£14,600” substitute “£15,050”.

#### **Amendment of regulation 8 of the Travel Expenses and Remission of Charges Regulations**

**17.—(1)** Regulation 8 of the Travel Expenses and Remission of Charges Regulations (notices of entitlement) is amended as follows.

- (2) After paragraph (5)(c) insert—  
“(d) in the case of a notice issued to a person mentioned in paragraph (5A) it is valid for the length of time specified in that paragraph.”
- (3) After paragraph (5) insert—  
“(5A) A notice of entitlement issued under paragraph (1) is valid for 5 years beginning on the date of the claim where the claimant is—  
(a) a single person aged not less than 65; or  
(b) one of a couple where one partner is aged not less than 60 and one partner is aged not less than 65,  
who does not receive any—  
(i) earnings;  
(ii) payments from an occupational pension scheme;  
(iii) payments from a personal pension scheme; or  
(iv) payments from an annuity contract.  
(5B) Paragraph (5A) does not apply to a person who has a dependant child or young person as a member of his household.”.
- (4) In paragraph (7) after “Subject to paragraphs” insert “(7A),”.
- (5) After paragraph (7) insert—  
“(7A) A claimant who is issued with a notice of entitlement which falls under paragraph (5A) must notify the Secretary of State of any change in the composition of his family or household during the life of the notice of entitlement and the Secretary of State may withdraw the notice of entitlement or vary the amounts referred to in paragraph (3) (b) stated on the notice of entitlement if the claimant no longer meets the requirements of paragraphs (5A) and (5B).”.

#### **Amendment of regulation 12 of the Travel Expenses and Remission of Charges Regulations**

**18.—(1)** In regulation 12 of the Travel Expenses and Remission of Charges Regulations (repayments), for paragraph (4) substitute the following—

- “(4) The Dental Practice Board, constituted under section 37 of the Act is authorised to—  
(a) carry on any activity of the Secretary of State under paragraph (1)(a) or (c) of this regulation;  
(b) receive on behalf of the Secretary of State a claim for repayment made in accordance with regulation 11(2); and

(c) exercise the Secretary of State's power under regulation 11(3), relating to the repayment of charges for dental appliances and dental treatment described in regulation 4(1)(b) or (c), including repayment of any amount due to a claimant.”.

**Modifications of the Income Support Regulations in Schedule 1 of the Travel Expenses and Remission of Charges Regulations**

**19.**—(1) Schedule 1 to the Travel Expenses and Remission of Charges Regulations (Modifications of Income Support Regulations) is amended as follows.

(2) In Table A, in the modifications of—

- (a) regulations 45 and 53 of the Income Support Regulations, for “£20,000”, in each place where it occurs, substitute “£20,500”; and
- (b) regulation 53 of the Income Support Regulations, for “£12,250” substitute “£12,500”.

**Transitional provision relating to the Travel Expenses and Remission of Charges Regulations**

**20.** A notice of entitlement falling under regulation 8(5A) (notices of entitlement) shall only be issued in respect of claims made under regulation 7 (claims to entitlement) which are received on or after 1st April 2005.

Signed by authority of the Secretary of State for Health

9th March 2005

*Rosie Winterton*  
Minister 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 Charges Regulations”) and the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (“the Travel Expenses and Remission of Charges Regulations”).

Regulation 2 increases prescription and other charges payable under the Charges Regulations.

Regulations 4, 5 and 6 amend the Charges Regulations to reflect the use of electronic prescribing in the NHS. The principal change made by these Regulations is that patients will make a different form of declaration of entitlement to exemption from, or remission of, charges under the Charges Regulations in cases where electronic prescriptions are used to cases in which non-electronic prescriptions are used.

Regulation 7 amends the Charges Regulations to reflect the position that a number of providers, apart from doctors, will be providing out of hours services and sets out the circumstances in which a provider of out of hours services will be able to make and recover charges for the supply of drugs and appliances to a patient and makes consequential provision.

The principal change made by regulation 11 to the Charges Regulations is to remove the requirement that persons aged under 16 and 60 or over, who are exempt from paying charges under the Charges Regulations by virtue of their age, and who have their date of birth set out on electronic prescription forms or non-electronic prescriptions forms, must declare that they are exempt by reason of their age when supplied with drugs or appliances by chemists under regulation 3 of the Charges Regulations or doctors under regulation 4 of the Charges Regulations.

Regulation 12 amends the Charges Regulations so that exemption certificates issued by the Secretary of State will be valid from the date one month prior to the date on which the Secretary of State received the application for an exemption certificate.

Other minor and consequential changes are made to the Charges Regulations by regulations 3,8, 9, 10, 13 and 14.

Regulations 16 and 19 amend the Travel Expenses and Remission of Charges Regulations to increase the amounts used as the basis for calculating entitlement to the payment of travel expenses and the remission of charges under those Regulations.

Regulation 17 amends the Travel Expenses and Remission of Charges Regulations to extend to 5 years the time period for which a notice of entitlement to remission of charges and the payment of travel expenses is valid where issued to a single person aged 65 or over, or to one of a couple where one partner is aged 60 or over and the other partner is aged 65 or over, where that person does not have certain types of income or a dependant child or young person in his household. Regulation 17 also provides that a person issued with a 5 year notice of entitlement must notify the Secretary of State of any changes in the composition of his family or household during the life of the notice and enables the Secretary of State to withdraw or vary the notice if the person no longer fulfils the necessary criteria to be issued with that notice. Regulation 15 makes consequential changes to the interpretation section of the Travel Expenses and Remission of Charges Regulations arising from the changes made by regulation 17..

Regulation 18 amends the Travel Expenses and Remission of Charges Regulations to enable the Dental Practice Board to receive claims for repayment of charges relating to the supply of dental

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appliances or the provision of dental treatment on behalf of the Secretary of State and to decide whether such a claim for repayment should be allowed outside the usual time limit of 3 months.