

**2008 No. 2593**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and  
Appliances) Amendment Regulations 2008**

<i>Made</i>	- - - -	<i>2nd October 2008</i>
<i>Laid before Parliament</i>		<i>8th October 2008</i>
<i>Coming into force</i>	- -	<i>3rd November 2008</i>

The Secretary of State for Health makes these Regulations in exercise of the powers conferred by sections 172, 182, 184 and 272(7) of the National Health Service Act 2006(a).

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2008 and shall come into force on 3rd November 2008.

**Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 2000**

2.—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 2000(b) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) insert the following definition after the definition of “chemist”—

““community treatment order” means an order under section 17A(1) of the Mental Health Act 1983(c);” and

(b) insert the following definition after the definition of “local pharmaceutical services”—

““mental disorder” has the same meaning as in section 1 of the Mental Health Act 1983(d);”.

(3) In regulation 5 (supply of drugs and appliances by certain NHS bodies) the following paragraph is substituted for paragraph (3A)—

“(3A) No charge shall be made and recovered under this regulation from a patient who is accepted by the person supplying the drug as—

- (a) suffering from tuberculosis, in respect of any drug supplied to that patient for the treatment of tuberculosis; or
- (b) being subject to a community treatment order, in respect of any drug supplied to that patient for the treatment of mental disorder.”.

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(a) 2006 c.41.

(b) S.I. 2000/620; relevant amending instruments are S.I. 2000/3189, 2002/2352, 2005/578, 2006/552, 2007/1975 and 2008/571.

(c) 1983.c.20; section 17A was inserted by section 32 of the Mental Health Act 2007, c.12.

(d) The definition of “mental disorder” was substituted by section 1(2) of the Mental Health Act 2007.

(4) In regulation 6A (supply of drugs under Patient Group Directions) the following paragraph is substituted for paragraph (3A)—

“(3A) No charge shall be made and recovered under this regulation from a patient who is accepted by the person supplying the drug as—

- (a) suffering from tuberculosis, in respect of any drug supplied to that patient for the treatment of tuberculosis; or
- (b) being subject to a community treatment order, in respect of any drug supplied to that patient for the treatment of mental disorder.”.

Signed by authority of the Secretary of State for Health

2nd October 2008

*Dawn Primarolo*  
Minister of State,  
Department of Health

### **EXPLANATORY NOTE**

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

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 to provide for medicines for the treatment of mental disorder to be provided free of charge to persons who are subject to community treatment orders under the Mental Health Act 2007 (regulation 2).

A full impact assessment has not been published for these Regulations as they have no impact on the costs of business, charities or voluntary bodies.

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