
STATUTORY INSTRUMENTS

2008 No. 571

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008

<i>Made</i>	- - - -	<i>3rd March 2008</i>
<i>Laid before Parliament</i>		<i>10th March 2008</i>
<i>Coming into force</i>	- -	<i>1st April 2008</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 172, 174, 182, 183, 184 and 272(7) and (8) of the National Health Service Act 2006(1).

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 2008 and shall come into force on 1st April 2008.

(2) These Regulations apply in relation to England.

(3) In these Regulations—

“the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(2); and

“the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(3).

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 “£6.85” in each place that it occurs substitute “£7.10”—

(1) 2006 c.41.

(2) S.I. 2000/620; relevant amendments are made by S.I. 2000/3189, 2001/2887, 2002/548, 2002/2352, 2003/1084, 2004/663, 2004/696, 2004/865, 2005/578, 2006/552, 2007/543, 2007/1510 and 2007/1975.

(3) S.I. 2003/2382; relevant amendments are made by S.I. 2004/696, 2004/865 and 2006/562.

- (a) regulation 3(1)(a) and (b), (1A)(b)(i) and (ii) 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 4A(1)(a) and (b) (charges for the out of hours supply of drugs and appliances by providers of out of hours services);
 - (d) regulation 5(1)(a) and (d) and (5) (charges for the supply of drugs and appliances by NHS trusts, NHS foundation trusts and Primary Care Trusts);
 - (e) regulation 6(1)(a) and (b) and (4) (charges for the supply of drugs and appliances at Walk-in Centres); and
 - (f) regulation 6A(1) (charges for the supply of drugs under Patient Group Directions).
- (3) In each of the following provisions, for “£13.70” in each place that it occurs substitute “£14.20”—
- (a) regulation 3(1)(a) and (1A)(b)(i) (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 4A(1)(a) (charge for the out of hours supply of a pair of elastic hosiery by providers of out of hours services);
 - (d) regulation 5(1)(a) and (c) (charge for the supply of a pair of elastic hosiery or tights by NHS trusts, NHS foundation trusts or Primary Care Trusts); and
 - (e) regulation 6(1)(a) (charge for the supply of a pair of elastic hosiery at Walk-in Centres).
- (4) In regulation 9 (pre-payment certificates)—
- (a) in paragraphs (4), (6)(a), (11)(a) and (12), for “£26.85” substitute “£27.85”;
 - (b) in paragraphs (4), (6)(b), (11)(b), (c)(i) and (ii), for “£98.70”, in each place that it occurs, substitute “£102.50”; and
 - (c) in paragraph (6)(c), for “£9.87” substitute “£10.25”.
- (5) In column (2) of Schedule 1 (charges for fabric supports and wigs) substitute—
- (a) for “£23.10”, “£24.00”;
 - (b) for “£34.95”, “£36.30”;
 - (c) for “£57.00”, “£59.20”;
 - (d) for “£150.75”, “£156.60”; and
 - (e) for “£220.50”, “£229.05”.

Amendment of regulation 2 of the Charges Regulations

- 3.—(1) Regulation 2 of the Charges Regulations (interpretation) is amended as follows.
- (2) After the definition of “the 2000 Act”, insert—
- ““the 2006 Act” means the National Health Service Act 2006(4);”.
- (3) After the definition of “chemist”, insert—
- ““detainee” means a person who is detained—
- (a) under the Immigration Act 1971(5) or section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by the Secretary of State)(6); and

(4) 2006 c.41.

(5) 1971 c.77.

- (b) in a removal centre in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the 2006 Act by, or under arrangements made by, a Primary Care Trust otherwise than by virtue of section 21(5) of the 2006 Act (provision of services etc),

and for the purposes of this definition, “removal centre” has the same meaning as in section 147 of the Immigration and Asylum Act 1999 (interpretation of Part VIII)(7);”.

Amendment of regulation 3 of the Charges Regulations

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

(2) In paragraph (1), for “paragraph (3)”, substitute “paragraphs (3) and (3A)”.

(3) After paragraph (3), insert—

“(3A) No charges shall be made and recovered under paragraph (1) where there is exemption under regulation 7A(2).”.

Amendment of regulation 4 of the Charges Regulations

5. In regulation 4 of the Charges Regulations (supply of drugs and appliances by doctors), in paragraph (3)—

(a) at the end of sub-paragraph (c), for the full stop substitute “; or”; and

(b) after sub-paragraph (c), insert—

“(d) there is exemption under regulation 7A(2).”.

Amendment of regulation 7A of the Charges Regulations

6.—(1) Regulation 7A of the Charges Regulations (exemption from charges for prisoners)(8) is amended as follows.

(2) Regulation 7A is re-numbered as paragraph (1) of that regulation.

(3) After paragraph (1) as re-numbered insert—

“(2) No charge shall be payable under regulation 3(1) or 4 by a person in respect of the supply of drugs or appliances ordered on a non-electronic prescription form—

(a) where that person was a prisoner at the time that the non-electronic prescription form was issued to him by a prescriber; and

(b) where that non-electronic prescription form has printed upon it—

(i) the letters “HMP”; and

(ii) the name and address of the prison in which the prisoner was issued with that non-electronic prescription form.

(3) For the purposes of paragraph (2), “prisoner” means a person detained in a prison.”.

Amendments of the Charges Regulations concerning detainees

7. After regulation 7A of the Charges Regulations (exemption from charges for prisoners), insert—

(6) 2002 c.41; section 62 was amended by the Prevention of Terrorism Act 2005 (c.2), section 16(2)(c).

(7) 1999 c.33; section 147 was amended by the Nationality, Immigration and Asylum Act 2002, sections 62(14) and 66.

(8) Regulation 7A was inserted by S.I. 2004/663.

“7B Exemption from charges for detainees

A detainee shall not be liable to pay any charge under these Regulations.”.

Transitional provision relating to the Charges Regulations

8. Where, on or after 1st April 2008—
- (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, the grant of, or any refund in relation to, that certificate, as if these Regulations had not come into force.

Amendment of regulation 2 of the Travel Expenses and Remission of Charges Regulations

9. In regulation 2 of the Travel Expenses and Remission of Charges Regulations (interpretation), after the definition of “the 1990 Act”, insert—

““the 2006 Act” means the National Health Service Act 2006(9);”.

Amendment of regulation 3 of the Travel Expenses and Remission of Charges Regulations

10.—(1) Regulation 3 of the Travel Expenses and Remission of Charges Regulations (NHS travel expenses) is amended as follows.

(2) In paragraph (1), in sub-paragraph (a), for “(except primary medical services” to the end of the sub-paragraph, substitute “to which paragraph (1A) applies; or”.

(3) After paragraph (1), insert—

“(1A) This paragraph applies to services under the 2006 Act which are—

- (a) not primary medical services or primary dental services;
- (b) provided pursuant to a referral by a medical practitioner or dental practitioner; and
- (c) not provided during the same visit and at the same premises at which the primary medical services or primary dental services which lead to the referral by a medical practitioner or dental practitioner are provided.”.

(4) In paragraph (5), in sub-paragraph (b), after “mileage allowance”, insert “, road and toll charges”.

Signed by authority of the Secretary of State for Health.

3rd March 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 (“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.

Regulation 3 inserts new definitions into the Charges Regulations.

Regulations 4 to 6 provide that no charge shall be payable under the Charges Regulations by a person who is supplied with drugs or appliances by a chemist, or a doctor providing pharmaceutical or dispensing services, pursuant to a non-electronic prescription form issued to that person when he was detained in prison, but who is no longer detained, and where that prescription form is printed in a particular format.

Regulation 7 provides that persons detained in immigration removal centres where healthcare is commissioned by Primary Care Trusts will not be liable to pay any charge under the Charges Regulations. Such detainees will only obtain free drugs and appliances while in one of these centres and therefore will not be required to prove entitlement to exemption from paying charges.

Regulation 8 makes transitional provision in relation to the supply of appliances and the grant of, or refunds in relation to, pre-payment certificates under the Charges Regulations.

Regulation 10 amends the definition of NHS travel expenses in the Travel Expenses and Remission of Charges Regulations. A person who is eligible under the Regulations for the full or partial payment of such expenses will be able to claim payment for expenses necessarily incurred in attending any place in the UK for the provision of services under the National Health Service Act 2006, except primary medical services or primary dental services, subject to two conditions. The conditions are that the services must be provided pursuant to a referral by a doctor or a dentist, and that the services must not be provided on the same visit and on the same premises at which the primary medical services or primary dental services are provided which lead the doctor or dentist to make the referral. Regulation 10 also provides that road and toll charges may be taken into account when calculating the amount of a person’s NHS travel expenses by private car.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the private and voluntary sectors.