

**EXPLANATORY MEMORANDUM TO**  
**THE NATIONAL HEALTH SERVICE (CHARGES FOR DRUGS AND**  
**APPLIANCES) AND (TRAVEL EXPENSES AND REMISSION OF CHARGES)**  
**AMENDMENT REGULATIONS 2008**

**2008 No. 571**

**1.** This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

**2. Description**

These Regulations amend (a) the National Health Service (Charges for Drugs and Appliances) Regulations 2000 and (b) the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003.

**3. Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 These regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 in the following manner:

i) increase the prescription charge per item from £6.85 to £7.10 and increase the charges for prescription pre-payment certificates, wigs and fabric supports by the same percentage as the increase in the prescription charge.

ii) Provide that persons detained in immigration removal centres where healthcare is commissioned by Primary Care Trusts will not be liable to pay any charges under the Charges Regulations. The drugs and appliances will be provided free of charge whilst the person is detained in the centre.

iii) Provide that a person issued with a prescription form by a prescriber whilst the person is detained in a prison will not pay any charges under the Charges Regulations in respect of that prescription when he is released and that prescription is dispensed in the community by a chemist or dispensing doctor, provided that the prescription form is printed in the prescribed format.

4.2 These regulations amend the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 in the following manner:

i) amend the definition of NHS travel expenses to provide that a person who is eligible under the Regulations can claim full or partial payment of necessary travel expenses incurred in attending any place for the provision of services under the National Health Services Act 2006 except primary medical or primary dental services. This is subject to the conditions that the services are provided pursuant to a referral by a doctor or dentist, and the services not being provided on the same visit and on the same premises as the primary medical or primary dental services which led the doctor or dentist to make the referral..

ii) Provide that road and toll charges may be taken in to account in the persons expense claim where travel is by private car.

## **5. Extent**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1. The National Health Service (Charges for Drugs and Appliances) Regulations 2000 provide for NHS prescription charges to be recovered from patients for the supply of drugs or appliances. The change increases the current prescription charge by 25p and will help maintain the contribution charges make to NHS funding. The increases in the other charges made by these Regulations are in line with the rate of increase in the prescription charge. The increase in the prescription charge is 3.65 per cent.

7.2 Immigration Removal Centres (IRCs): On 1 April 2008, responsibility for commissioning health services in two Prison Service run IRCs in England will be transferred to the National Health Service (NHS) from the Home Office. Currently, detainees do not pay for their medicines as supply is outside the NHS and NHS charging regulations do not apply. As a consequence of transferring responsibility to the NHS, in the absence of any amendment to the Charges Regulations, NHS charging arrangements would apply to detainees as they are not exempt as a group. It is not reasonable to start imposing charges simply because responsibility for providing treatment has moved from the Home Office to the NHS, whilst detainees in other centres continue to be outside NHS charging arrangements. The amendment provides that the people detained in the centres where commissioning has moved to the NHS will continue to receive their medicines free of charge.

7.3 Prison: On 1 April 2003, funding responsibility for health services in the publicly run prisons in England was transferred from the Home Office to the Department. In April 2006 responsibility for commissioning prison health services in England was fully devolved to NHS primary care trusts (PCTs). The Charges

Regulations were amended to reflect this and provide that prisoners are exempt from prescription charges.

The Department has committed substantial funding for an Integrated Drug Treatment System (IDTS) for prisons as part of the Government's National Drug and Reducing Re-offending Strategies. As a result, by 2008 substantial numbers of prisoners will be on maintenance methadone programs. The amendment is required to support the IDTS and ensure that this vulnerable group continue to comply with their medicine programmes and do not revert to illegal substance misuse immediately on release. Released prisoners need time to assess their access to primary care in the community and to determine whether are entitled to the remission of charges e.g. on low income grounds. The amendment provides a window of opportunity for them to do this.

7.4 Hospital Travel Costs Scheme (HTCs): To reflect the delivery of more care in community settings, the White Paper published in January 2006, *Our health, our care, our say*, made a commitment to widen HTCS for eligible patients so that NHS travel expenses could be claimed by eligible persons for visits to receive services pursuant to referrals by health care professionals, not just referrals by consultants. This amendment partly meets this commitment by changing the definition of NHS travel expenses so that 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 for the provision of services under the National Health Service Act 2006, except primary medical 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 dentist, and that the services must not be provided on the same visit and on the same premises as the primary medical or primary dental service which lead the doctor or dentist to make the referral. The amendment further 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.

## 8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2. The cost to the public is an additional 25p per prescribed item dispensed to those who are not entitled to free prescriptions. The additional cost per prepayment certificate or appliance is in the table

Item	Current Charges	From 1 April
Prescription	£6.85	£7.10
12-month PPC*	£98.70	£102.50
3-month PPC *	£26.85	£27.85
Surgical brassiere	£23.10	£24.00
Abdominal or spinal support	£34.95	£36.30
Stock modacrylic wig	£57.00	£59.20
Partial human hair wig	£150.75	£156.60
Full bespoke human hair wig	£220.50	£229.05

## 9. Contact

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