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STATUTORY INSTRUMENTS

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**2009 No. 29**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2009**

<i>Made</i>	- - - -	<i>13th January 2009</i>
<i>Laid before Parliament</i>		<i>19th January 2009</i>
<i>Coming into force</i>	- -	<i>9th February 2009</i>

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

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2009 and come into force on 9th February 2009.

(2) In these Regulations—

“the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(b).

**Amendment of regulation 7 of the principal Regulations**

2. In regulation 7 of the principal Regulations (exemptions), after paragraph (1)(e) insert—

“(ea) a person with a valid exemption certificate issued by the Secretary of State on the ground that the person is undergoing treatment for—

- (i) cancer;
- (ii) the effects of cancer, or
- (iii) the effects of cancer treatment,

where the certificate is used in respect of drugs or appliances which are supplied on or after 1st April 2009;

(eb) a person with a valid exemption certificate issued on any of the grounds in subparagraph (ea) under equivalent arrangements which have effect in Scotland, Wales or Northern Ireland where the certificate is used in respect of drugs or appliances which are supplied on or after 1st April 2009;”.

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(a) 2006 c.41.  
(b) 2000/620.

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

3.—(1) Regulation 8 of the principal Regulations (certificates of exemption – application and issue) is amended as follows.

(2) Substitute the following paragraph for paragraph (1)—

“8.—(1) A person who wishes to claim exemption under the provisions of regulation 7(1)(d), (e), (ea) or (f) shall apply for a certificate conferring exemption (in these Regulations referred to as an “exemption certificate”) as follows—

- (a) a claim for an exemption under regulation 7(1)(d) shall be made to the Secretary of State on a form supplied by the Secretary of State;
- (b) a claim for an exemption under regulation 7(1)(e) or (ea) shall be made to the Secretary of State on form “FP92A – 1 January 2009” supplied by the Secretary of State; and
- (c) a claim for an exemption under regulation 7(1)(f) shall be made to an office of the Ministry of Defence on a form supplied by the Secretary of State.”.

(3) After paragraph (3) insert the following paragraph—

“(3A) Where Secretary of State is satisfied that an applicant is not a person entitled to exemption under the provisions of regulation 7(1)(a), (b), (c) or (e) but is a person entitled to exemption under the provisions of regulation 7(1) (ea)—

- (a) the Secretary of State shall issue to the applicant an exemption certificate which shall be valid from 1st April 2009 or, if the application made under paragraph (1) is received after 1st May 2009, the date one month prior to the date on which the Secretary of State received the application; and
- (b) such a certificate shall be valid for such period which begins on or after 1st April 2009 as the Secretary of State may determine.”.

Signed by authority of the Secretary of State for Health.

*Dawn Primarolo*  
Minister of State,  
Department of Health

13th January 2009

### **EXPLANATORY NOTE**

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

These Regulations which apply to England amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 to provide an exemption from charges for the supply of drugs or appliances for cancer patients.

Regulation 2 provides that on or after on 1st April 2009 no charge shall be payable by a person who is undergoing treatment for cancer, the effects of cancer, or the effects of cancer treatment.

Regulation 3 makes provision in relation to claims for exemptions.

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

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