
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 67

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2001

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2001 and shall come into force on 1st April 2001.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(1).

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended as follows.

(2) In paragraph (1), after the definition of “terms of service” there is inserted—

““The Travelling Expenses and Remission of Charges Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(2).”

(3) In paragraph (1A)(3)—

(a) in sub-paragraph (a) for “Nurses, Medicines and Health Visitors Rules 1983” there is substituted “Nurses, Midwives and Health Visitors Rules 1983”;

(b) in sub-paragraph (b) for “nurse” in each place where it occurs there is substituted “health visitor”.

Amendments to the principal Regulations: amounts specified

3.—(1) In regulation 3(1)(b) of the principal Regulations (supply of drugs and appliances by chemists), for the figure “£6.00” there is substituted the figure “£6.10”.

(2) Subject to regulation 5 below, in regulation 8(5) of the principal Regulations (pre-payment certificates)—

(a) for the figure “£31.40” there is substituted the figure “£31.90”; and

(b) for the figure “£86.20” there is substituted the figure “£87.60”.

(3) For Schedules 1, 2 and, subject to regulation 5 below, 3 to the principal Regulations there is substituted those Schedules as set out in the Schedule to these Regulations.

Amendment of regulation 8 of the principal Regulations

4.—(1) Regulation 8 of the principal Regulations (pre-payment certificates) is amended in accordance with the following paragraphs.

(1) S.I.1989/326, relevant amending instruments are S.I. 1990/468 and 787, 1991/574, 1992/394, 1993/522, 1994/697, 1995/699 and 2739, 1996/740, 1997/697, 1998/609, 1999/612 and S.S.I. 2000/50.

(2) S.I. 1998/546 as amended by S.I. 1989/393 and 616, 1990/551, 917, 1665 and 575, 1992/754, 1993/642 and 2049, 1995/700 and 2381, 1996/429 and 2391, 1997/1012 and 2455 and 1998/2772 and S.S.I. 1999/63 and 2000/79.

(3) Paragraph 1A was inserted by S.I. 1996/1504 and substituted by S.S.I. 2000/396

(2) In paragraph (6) for “paragraphs (7) and (8)” there shall be substituted “paragraphs (13) to (15)”.

(3) Paragraphs (7) and (8) are deleted and after paragraph (6) there is added the following—

“(7) Where payment of a prescribed sum has been made and where, on or after 1st April 2001, the person in respect of whom the payment was made dies or becomes resident in a hospital and thereafter dies during the relevant period as defined in paragraph (9) an application for a refund may be made, by or on behalf of that person or his estate, in accordance with paragraphs (13) to (15).

(8) The refund referred to in paragraph (7) shall be calculated as follows:

- (a) in the case of a pre-payment certificate valid for 4 months, $\frac{1}{4}$ of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;
- (b) in the case of a pre-payment certificate valid for 12 months $\frac{1}{12}$ of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

and for the purposes of these calculations a complete month is a month beginning on the monthly anniversary of the date on which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month.

(9) In paragraph (7) “the relevant period” means the period of validity of the pre-payment certificate excluding the month in respect of which an application under paragraph (6) may be made.

(10) Where payment of a prescribed sum in respect of a pre-payment certificate valid for 12 months has been made and where, on or after 1st April 2001, and during the relevant period defined in paragraph (12), the person in respect of whom the payment was made—

- (a) becomes a person to whom any of the provisions of regulation 7(1)(b) to (f) applies, or
- (b) becomes a person entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations

an application for a refund may be made, by or on behalf of that person or his estate in accordance with paragraphs (13)-(15).

(11) The refund referred to in paragraph (10) shall be for the sum which is the difference between the prescribed sum paid and the sum which was prescribed for a pre-payment certificate valid for four months on the date that the prescribed sum was paid.

(12) In paragraph (10) “the relevant period” means the period of 3 months immediately following the month in respect of which an application under paragraph (6) may be made.

(13) Applications under this regulation shall be made to the Health Board which received the prescribed sum and shall be accompanied by the certificate (where granted) and a declaration in support of the claim and any repayment shall be made in such manner and subject to such conditions as the Scottish Ministers may determine.

(14) Subject to paragraph (15) an application under this regulation shall be made where the person in respect of whom the payment of the prescribed sum was made—

- (a) dies or becomes resident in a hospital and thereafter dies, within 24 months of the date of his death; or
- (b) has a pre-payment certificate valid for 4 months and becomes a person-
 - (i) to whom any of the provisions of regulation 7(1)(b)-(f) apply, or

- (ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations
within four months of the date on which the pre-payment certificate became valid;
or
 - (c) has a pre-payment certificate valid for 12 months and becomes a person;
 - (i) to whom any of the provisions of regulation 7(1)(b)-(f) apply, or
 - (ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations
within seven months of the date on which the pre-payment certificate became valid; or
 - (d) becomes resident in hospital and remains there until the expiry of a pre-payment certificate within 3 months of the date of expiry.
- (15) Where an application under this regulation is made outside the time limits specified in paragraph (14) in respect of a death which occurs on or after 1st April 2001 or in respect of a person who becomes a person to whom paragraph 14(b) to (d) applies on or after 1st April 2001, the Health Board shall accept the application if the Scottish Ministers are satisfied that the delay was for good cause.”.

Transitional provisions

5. These Regulations shall apply in relation to supplies of drugs and appliances made after 31st March 2001 except that—

- (a) the amendment of regulation 8 (pre-payment certificates) of the principal Regulations by regulation 3(2) above shall apply only where the application referred to in paragraph (1) of the said regulation 8 is received after that date; and
- (b) the substitution of Schedule 3 by regulation 3(3) above shall apply only where the examination or first examination leading to the supply of the specified appliance takes place after that date.

St Andrew's House,
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