

EXPLANATORY MEMORANDUM TO

The Charges for Drugs and Appliances (Abolition) and Supply of Appliances Regulations (Northern Ireland) 2010

SR 2010 No. 71

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Articles 98 and 106 of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972, with the approval of the Department of Finance and Personnel and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations revoke the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997 (“the principal Regulations”) as amended.
- 2.2. In revoking the principal Regulations, these Regulations abolish charges for drugs and appliances supplied by chemists and doctors providing pharmaceutical services, and by the Regional Board and HSC trusts to out-patients.
- 2.3. However, the Regulations do provide for the continuation of certain processes in relation to the supply, replacement and repair of appliances where – (i) an appliance supplied is, at the request of the person supplied, of a more expensive type than the standard type; (ii) an appliance supplied requires to be replaced or repaired, and there is reason to believe that such replacement or repair is necessitated by an act or omission (regulation 3).
- 2.4. These Regulations provide for the revocation of the principal Regulations and its amending Regulations (regulation 4(1) and the Schedule).
- 2.5. Transitional arrangements are made in respect of pre-payment certificates (where there was an entitlement to a refund under the principal Regulations) and repayment of charges (where a charge was paid under the principal Regulations by or on behalf of a person who was at the time of payment exempt from the requirement to pay that charge) (regulation 4(2) and (3)).

3. Background

- 3.1. The Health Minister announced on the 29th September 2008 that he intended to introduce a reduction of prescription charges from the 1st January 2009 with their eventual abolition from the 1st April 2010. These Regulations complete that process and abolish prescription charges from 1st April 2010.

4. Consultation

- 4.1. A cost and benefit review commissioned by the Minister was conducted during late 2007. As part of the review process a consultation event was conducted in October 2007 at the Glenavon House Hotel, Cookstown, with the four Health and Social Services Councils representing patients and the public interest. There was unanimous support for a change to the system of prescription charging.

5. Equality Impact

- 5.1. The Department has already conducted a screening assessment and, as the removal of prescriptions charges will have a beneficial effect on all section 75 categories, no differential adverse impact has been identified. Therefore the Department has concluded it is not necessary to conduct a full Equality Impact Assessment.

6. Regulatory Impact

- 6.1. The reductions will not have an adverse impact on business, charities, social enterprise or voluntary bodies.

7. Financial Implications

- 7.1. The overall financial implications have already been considered in a business case. Costs of the policy are containable within existing resources during the current CSR period.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable

10. Parity or Replicatory Measure

- 10.1. There are different arrangements throughout the UK. In Scotland prescription charges will be abolished from 1st April 2011 following a phased reduction from 1st April 2008. In Wales charges were abolished with effect from 1st April 2007 following a phased reduction which started on 1st October 2004. There is no equivalent legislation in England as prescription charges are being retained, although they added cancer to the list of medical exemptions from 1st April 2009.

11. Additional Information

- 11.1. Not applicable