

2006 No. 149

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2006

| | | |
|--|---------|------------------------|
| <i>Made</i> | - - - - | <i>14th March 2006</i> |
| <i>Laid before the Scottish Parliament</i> | | <i>16th March 2006</i> |
| <i>Coming into force</i> | | <i>1st April 2006</i> |

The Scottish Ministers in exercise of the powers conferred by sections 27(2), 69(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2006 and shall come into force on 1st April 2006.

(2) In these Regulations “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(b).

Amendment of the principal Regulations

2.—(1) Subject to regulation 3 below, the principal Regulations are amended as follows.

(2) In regulation 2(1) (interpretation)–

(a) in the definition of “prescription form”(c) insert–

(i) “either” after “means”; and

(ii) after paragraph (b)–

“or

a form on which domiciliary oxygen has been ordered–

(i) by a prescriber in England or Wales for a patient normally resident in England or Wales; and

(a) 1978 c.29; section 27(2) was substituted by the National Health Service (Amendment) Act 1986 (c.66), section 3(3) and amended by the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 19(7)(b); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2001/430; relevant amending instruments are S.S.I. 2002/100, 2003/130, 2004/66 and 2005/124.

(c) The definition of “prescription form” was substituted by S.S.I. 2003/295, and amended by S.S.I. 2004/212.

- (ii) in relation to which the patient named on the form (or a person on the patient’s behalf) completes and signs a declaration of entitlement to exemption or a statement that a charge has been paid, and includes a prescription form provided and issued under equivalent arrangements having effect in England, Wales and Northern Ireland;”.
- (b) in the definition of “supplementary prescriber”(a)–
 - (i) omit “or” at the end of paragraph (c); and
 - (ii) insert at the end of paragraph (d)–
 - “; or
 - (e) the register of optometrists maintained by the General Optical Council in terms of section 7 (register of opticians) of the Opticians Act 1989(b);”.
- (3) In regulation 3(1)(b) (supply of drugs and appliances by chemists)(c)–
 - (a) for “£6.50” substitute £6.65”;
 - (b) insert after “where”, “(i)”; and
 - (c) insert at the end–
 - “; or
 - (ii) a declaration of entitlement to exemption is duly completed and signed in respect of an order for domiciliary oxygen issued by a prescriber in England or Wales for a patient normally resident in England or Wales”.
- (4) In regulation 6 (fabric supports and wigs) omit paragraphs (3) to (5).
- (5) In regulation 7(1) (exemptions) omit “other than regulation 6”.
- (6) In regulation 7(2)(a) (exemptions)–
 - (a) insert after “chemist,” where it first appears “(i)”; and
 - (b) insert after “exemption” where it second appears–
 - “; or
 - (ii) a declaration of entitlement to exemption is duly completed and signed in respect of an order for domiciliary oxygen issued by a prescriber in England or Wales for a patient normally resident in England or Wales”.
- (7) In regulation 8(5) (pre-payment certificates)(d)–
 - (a) for “£33.90” substitute “£34.65”; and
 - (b) for “£93.20” substitute “£95.30”.
- (8) For Schedules 1, 2 and 3 (charges for elastic hosiery, for tights and for fabric supports and wigs)(e) substitute Schedules 1, 2 and 3 set out in the Schedule to these Regulations.

Transitional provisions

3. Regulation 2(3) to (8) shall apply in relation to supplies of drugs and appliances and payments for pre-payment certificates made on or after 1st April 2006 except that–

- (a) the amendment of regulation 8(5) (pre-payment certificates) of the principal Regulations by regulation 2(7) shall apply only where the application referred to in paragraph (1) of regulation 8 of the principal Regulations is received on or after that date; and

(a) The definition of “supplementary prescriber” was inserted by S.S.I. 2003/295 and amended by S.I. 2004/1771 and S.S.I. 2005/326.
 (b) (c.44) Section 7 was amended by S.I. 2005/848, Art 7.
 (c) Regulation 3 was amended by S.S.I. 2002/100, 2003/130, 2004/66, 2005/124 and 2005/617.
 (d) Regulation 8 was amended by S.S.I. 2002/100, 2003/130 and 2004/66.
 (e) Schedules 1, 2 and 3 were substituted by S.S.I. 2002/100, 2003/130, 2004/66 and 2005/124.

- (b) the substitution of Schedule 3 in the principal Regulations by regulation 2(8) shall apply only where the examination or first examination leading to the supply of the specified appliance takes place on or after that date.

LEWIS MACDONALD

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,
Edinburgh
14th March 2006

SCHEDULE

Regulation 2(8)

“SCHEDULE 1

Regulations 3, 4 and 5

CHARGES FOR ELASTIC HOSIERY

| <i>Column 1</i> | <i>Column 2</i> |
|--|-----------------------------------|
| Specified Appliance | Specified Sum |
| Above knee stocking, below knee stocking or thigh stocking | £6.65 each (i.e. £13.30 per pair) |

SCHEDULE 2

Regulation 5

CHARGES FOR ELASTIC HOSIERY

| <i>Column 1</i> | <i>Column 2</i> |
|---------------------|-----------------|
| Specified Appliance | Specified Sum |
| Tights (per pair) | £13.30 |

SCHEDULE 3

Regulation 6

CHARGES FOR FABRIC SUPPORTS AND WIGS

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------------------|-----------------|
| Specified Appliance | Specified Sum |
| Surgical Brassiere | £22.30 |
| Abdominal or Spinal Support | £33.75 |
| Stock Modacrylic Wig | £6.65 |
| Partial Human Hair Wig | £145.55 |
| Full Bespoke Human Hair Wig | £212.85 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 (“the principal Regulations”) which provide for the making and recovery of charges for drugs, medicines and appliances supplied by chemists providing pharmaceutical services, doctors providing services under a general medical services contract or section 17C arrangements, or by Health Boards to out-patients.

Regulation 2(2)(a) amends the definition of “prescription form” to provide for domiciliary oxygen ordered in England or Wales, but dispensed in Scotland, and to include prescription forms issued in England, Wales and Northern Ireland.

Regulation 2(2)(b) amends the definition of “supplementary prescriber” to include optometrists.

Regulation 2(3)(a) increases the charge in the principal Regulations for drugs, medicines and appliances (other than those specified in the Schedules) from £6.50 to £6.65.

Regulations 2(3)(b) and 2(8) make amendments consequential on the amendment of the definition of “prescription form” effected by regulation 2(2)(a).

Regulation 2(4) amends regulation 6 of the principal Regulations to remove a specific exemption from charge for stock modacrylic wigs.

Regulation 2(5) makes an amendment to regulation 7(1) of the principal Regulations consequent on the amendments to regulation 6.

Regulation 2(6) makes an amendment to regulation 7(2) of the principal regulations consequent on the amendment to the definition of “prescription form”.

Regulation 2(7) increases the sum payable in respect of a pre-payment certificate from £33.90 to £ 34.65 for a 4 month certificate, and from £93.20 to £95.30 for a 12 month certificate.

Regulation 2(8) increases the various charges set out in the Schedules to the principal Regulations. The charge for elastic stockings is increased from £6.50 to £6.65 each (from £13.00 to £13.30 per pair) and that for tights £13.00 to £13.30. The charge for surgical brassieres is increased from £21.80 to £22.30 and for fabric supports is increased from £33.00 to £33.75. The charge for stock modacrylic wigs is reduced from £53.90 to £6.65. The charge for partial human hair wigs is increased from £142.30 to £145.55. The charge for full human hair wigs is increased from £208.10 to £212.85.

Regulation 3 provides that the increase in charges made by regulation 2(3) to (8) shall be in respect of supplies made on or after 1st April 2006 or where examinations leading to the supply of an appliance take place on or after that date and, in respect of payments of sums for pre-payment certificates, where the pre-payment certificate itself was applied for on or after 1st April 2006.

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