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SCOTTISH STATUTORY INSTRUMENTS

2009 No. 37

NATIONAL HEALTH SERVICE

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

<i>Made</i> - - - -	<i>5th February 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>6th February 2009</i>
<i>Coming into force</i> - -	<i>1st April 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27(1) and (2), 69(1) and (2), 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

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

(2) In these Regulations “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008(b).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 3 (supply of drugs and appliances by chemists)–

- (a) in paragraph (1)(a)(i) for “£5.00” substitute “£4.00” and for £10.00” substitute “£8.00”;
- (b) in paragraph (1)(a)(ii) for “1st April 2008” substitute “1st April 2009”(c);
- (c) in paragraph(1)(b)(i) for “£5.00” substitute “£4.00”; 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) (“the 1990 Act”), Schedule 9, Part I, paragraph 19(7); section 75A was inserted by the Social Security Act 1988 (c.7), section 14(2), and amended by the Health and Medicines Act 1988 (c.49), Schedule 2, paragraph 13, the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, Part I, paragraphs 32 and 50, and the 1990 Act, Schedule 9, paragraph 19(13), and by S.I. 1998/2358; 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, paragraph 24, and by the Health Act 1999 (c.8) (“the 1999 Act”), 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. See section 66(1) of the 1999 Act in relation to any provision of that Act being taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers, by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2008/27, amended by S.S.I. 2008/105.

(c) The charge specified in regulation 3(1)(a) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000 (S.I. 2000/620) (“the 2000 Regulations”) as at 1st April 2009, is £7.20, that is to say a charge of £14.40 per pair.

- (d) in paragraph (1)(b)(ii) for “1st April 2008” substitute “1st April 2009”(a).
- (3) In regulation 4 (supply of drugs and appliances by doctors)–
 - (a) in paragraph (1)(a) for “£5.00” substitute “£4.00” and for “£10.00” substitute “£8.00”; and
 - (b) in paragraph (1)(b) for “£5.00” substitute “£4.00”.
- (4) In regulation 5 (supply of drugs and appliances to out-patients)–
 - (a) in paragraph (1)(a) for “£5.00” substitute “£4.00” and for “£10.00” substitute “£8.00”;
 - (b) in paragraph (1)(b) for “£10.00” substitute “£8.00; and
 - (c) in paragraph (1)(c) for “£5.00” substitute “£4.00”.
- (5) In regulation 7 (exemptions) in paragraph (1)(g) omit from “on” to the end.
- (6) In regulation 8 (pre-payment certificates), in paragraph (4) for “£17.00” substitute “£13.00” and for “£48.00” substitute “£38.00”.
- (7) In Schedule 1 (charges for fabric supports and wigs), in column 2 for “£5.00” each time it appears substitute “£4.00”.

Transitional provisions

3. Regulation 2(2) to (6) applies in relation to supplies of drugs and appliances and payments for pre-payment certificates made on or after 1st April 2009 except that–

- (a) the amendment of regulation 8(4) (pre-payment certificates) of the principal Regulations by regulation 2(6) shall apply in respect of such applications, as referred to in regulation 8(1) of the principal Regulations, as are received on or after that date; and
- (b) the amendments to Schedule 1 of the principal Regulations by regulation 2(7) shall apply only where the examination or first examination leading to the supply of the specified appliance takes place on or after that date.

S ROBISON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
5th February 2009

(a) The charge specified in regulation 3(1)(b) of the 2000 Regulations, as at 1st April 2009, is £7.20.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008 (“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) to (4) decreases the charge for drugs, medicines and appliances from £5.00 to £4.00. Regulations 2(2)(b) and (d) update the charge in the principal Regulations for a prescription presented on an English, Welsh or Northern Irish prescription form from £7.10 to £7.20 to reflect the English rate from 1st April 2009.

Regulation 2(5) removes the requirement that an exemption certificate from England, Wales or Northern Ireland must be on the ground that the person is suffering from one of the conditions specified in the principal Regulations.

Regulation 2(6) decreases the sum payable in respect of a pre-payment certificate from £17.00 to £13.00 for a 4 month certificate, and from £48.00 to £38.00 for a 12 month certificate.

Regulation 2(7) decreases the charge payable for fabric supports and wigs from £5.00 to £4.00.

Regulation 3 provides that the amendments made by regulation 2(2) to (6) shall apply in respect of supplies of drugs and appliances and payments for pre-payment certificates made on or after 1st April 2009, except that the amendment made by regulation 2(6) shall apply to applications for pre-payment certificates received on or after 1st April 2009, and the amendment made by regulation 2(7) applies where the examination leading to the supply of an appliance takes place on or after 1st April 2009.

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