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STATUTORY INSTRUMENTS

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**1995 No. 699 (S.57)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>9th March 1995</i>
<i>Laid before Parliament</i>		<i>10th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19, 27, 69, 75(a), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1), and of all other powers enabling him in that behalf, hereby makes 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 1995 and shall come into force on 1st April 1995.

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

**Amendments to the principal Regulations: amounts specified**

2.—(1) In regulation 3(1)(b) of the principal Regulations (supply of drugs and appliances by chemists), for the figure “£4.75” there shall be substituted the figure “£5.25”.

(2) In regulation 8(5) of the principal Regulations (pre-payment certificates)—

(a) for the figure “£24.60” there shall be substituted the figure “£27.20”; and

(b) for the figure “£67.70” there shall be substituted the figure “£74.80”.

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- (1) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 37 and was extended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; section 27 was amended by the 1980 Act, section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3), by S.I. 1987/2202 and by the 1990 Act, Schedule 9, paragraph 19(7) and was extended by the 1988 Act, section 17; section 105(7), which was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24, contains provisions relevant to the making of Regulations; and section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.
- (2) S.I. 1989/326, amended by S.I. 1990/468, 1990/787, 1991/574, 1992/394, 1993/522 and 1994/697.

(3) For Schedules 1, 2 and 3 to the principal Regulations there shall be substituted those Schedules as set out in the Schedule to these Regulations.

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

**3.—**(1) Regulation 8 of the principal Regulations (pre-payment certificates) shall be amended as follows.

(2) For paragraph (6) there shall be substituted the following paragraph—

“(6) Where payment of a sum prescribed under this regulation has been made and, not more than one month after the date on which his pre-payment certificate became valid, the person in respect of whom 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 National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(3); or
- (c) dies; or
- (d) becomes resident in a hospital and thereafter either—
  - (i) dies while resident in hospital before the expiry of the pre-payment certificate; or
  - (ii) remains in hospital until the expiry of the pre-payment certificate, a claim for repayment of that sum may be made, by or on behalf of that person or his estate, in accordance with paragraphs (7) and (8).”.

(3) After paragraph (7) there shall be inserted the following paragraph:—

“(8) A claim under paragraph (6) shall be made—

- (a) in a case falling within paragraph (6)(a), (b) or (c), not more than four months after the date on which the pre-payment certificate became valid;
- (b) in a case falling within paragraph (6)(d)(i), not more than three months after the date of death; or
- (c) in a case falling within paragraph (6)(d)(ii), not more than three months after the date on which the pre-payment certificate expired.”.

### **Application**

**4.** These Regulations shall apply in relation to supplies of drugs and appliances made after 31st March 1995 except that—

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

St Andrew's House,  
Edinburgh  
9th March 1995

*Fraser of Carmyllie*  
Minister of State, Scottish Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 2(3).

“SCHEDULE 1

Regulations 3, 4 and 5

CHARGES FOR ELASTIC HOSIERY

Column 1 Specified Appliance	Column 2 Specified Sum
Above knee stocking, below knee stocking or thigh stocking	£5.25 each (ie £10.50 per pair)

SCHEDULE 2

Regulation 5

CHARGES FOR TIGHTS

Column 1 Specified Appliance	Column 2 Specified Sum
Tights (per pair)	£10.50

SCHEDULE 3

Regulation 6

CHARGES FOR FABRIC SUPPORTS AND WIGS

Column 1 Specified Appliance	Column 2 Specified Sum
Surgical Brassiere	£19.00
Abdominal or Spinal Support	£27.00
Stock Modacrylic Wig	£44.00
Partial Human Hair Wig	£115.00
Full Bespoke Human Hair Wig	£167.00”

**EXPLANATORY NOTE**

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

These Regulations further amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989 (“the principal Regulations”) which provide for the making and recovery of charges for drugs and appliances supplied by doctors and pharmacists providing pharmaceutical services, and by Health Boards and NHS trusts to out-patients.

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Amendments made to the principal Regulations by regulation 2 and the Schedule increase the charge for items on prescription or supplied to out-patients from £4.75 to £5.25. The charge for elastic stockings is increased from £4.75 to £5.25 each (from £9.50 to £10.50 per pair) and that for tights from £9.50 to £10.50. The charges for partial human hair wigs and modacrylic wigs are increased from £104.00 to £115.00 and from £40.00 to £44.00 respectively. The charge for full human hair wigs is increased from £151.00 to £167.00. The charge for fabric supports is increased from £24.50 to £27.00 and the charge for surgical brassieres is increased from £18.50 to £19.00. The sums prescribed for the grant of pre-payment certificates are increased from £24.60 to £27.20 for a four monthly certificate and from £67.70 to £74.80 for a twelve monthly certificate.

Regulation 3 introduces time limits within which an application for a refund of the fee paid for a pre-payment certificate can be made in certain circumstances.