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STATUTORY INSTRUMENTS

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**2000 No. 122**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2000**

*Made* - - - - *20th January 2000*  
*Laid before Parliament* *24th January 2000*  
*Coming into force* - - *14th February 2000*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 77 and 126(4) of the National Health Service Act 1977(1), 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) Amendment Regulations 2000 and shall come into force on 14th February 2000.

(2) In these Regulations—

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

**Amendment of the principal Regulations**

2.—(1) The principal Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “patient” after sub-paragraph (b) insert the following new sub-paragraph—

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(1) 1977 c. 49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6). As regards Wales, the functions of the Secretary of State under sections 77 and 126(4) of the 1977 Act are transferred to the National Assembly for Wales under article 2 and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; these Regulations therefore extend only to England.

(2) S.I. 1989/419, amended by S.I. 1990/537, 1991/579, 1992/365, 1993/420, 1994/690 and 2402, 1995/643 and 2737, 1996/583, 1997/559, 1998/491, 646 and 2224 and 1999/767.

- “(bb) any person who seeks information or treatment from a Walk-in-centre;”;
- (ii) after the definition of “patient” add the following new definition—
- ““pilot scheme” shall be construed in accordance with section 1(1) of the National Health Service (Primary Care) Act 1997(3);”;
- (iii) after the definition of “treatment”, add the following new definition—
- ““Walk-in-Centre” means a centre at which information and treatment for minor conditions is provided to the public under arrangements made by or on behalf of the Secretary of State;”;
- (b) in paragraph (1A), (which describes nurse prescribers who may issue prescription forms)
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- (i) for sub-paragraph (a)(iii) substitute—
- “(iii) is, at the time of ordering the listed drug or medicine or listed appliance—
- (aa) employed as a district nurse by a Health Authority or an NHS trust;
- (bb) employed as a nurse by a doctor whose name is included in a medical list or who, at that time, is assisting in the performance of personal medical services under a pilot scheme; or
- (cc) assisting, in the capacity of a nurse, in the provision of services in a Walk-in-Centre.”;
- (ii) for sub-paragraph (b)(ii) substitute—
- “(ii) is, at the time of ordering the listed drug or medicine or listed appliance—
- (aa) employed as a health visitor by a Health Authority or an NHS trust;
- (bb) employed as a nurse by a doctor whose name is included in a medical list or who, at that time, is assisting in the performance of personal medical services under a pilot scheme; or
- (cc) assisting, in the capacity of a nurse, in the provision of services in a Walk-in-Centre;”.
- (3) After regulation 5 insert the following new regulation—

**“Supply of drugs and appliances at Walk-in-Centres**

**5A.**—(1) Where drugs or appliances are supplied to a patient, for the purposes of his treatment by a doctor or nurse prescriber at a Walk-in-Centre the Health Authority, NHS trust or other person responsible for the management of the Centre shall, except in the case of drugs administered or appliances fitted at the Centre and subject to paragraphs (3) and (4), make and recover from the patient—

- (a) in respect of an item of elastic hosiery a charge of £5.90, that is to say a charge of £11.80 per pair;
- (b) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £5.90.

(2) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing that the relevant charge has been paid.

(3) No charge shall be made and recovered under this regulation from a patient who is exempt—

- (a) under paragraph 1(1)(a) to (d) of Schedule 12 to the Act and who, in the case described in paragraph 1(1)(c) of that Schedule, completes a declaration of entitlement to such exemption and provides such evidence of entitlement as the Health Authority or NHS trust or other person may reasonably require;
- (b) under regulation 6 and who completes a declaration of entitlement to such exemption and who provides such evidence of his exemption as the Health Authority or NHS trust or other person supplying the drug or appliance may reasonably require;
- (c) by reason of being entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations(4) and who completes a declaration of entitlement to such remission and provides such evidence of entitlement as the Health Authority or NHS trust or other person supplying the drug or appliance may reasonably require.

(4) For the purpose of this regulation, where a drug ordered on a single written direction of a doctor is supplied by instalments, the charge of £5.90 payable for that drug shall be payable upon the supply of the first instalment.

(5) A Health Authority or NHS trust or other person making and recovering a charge under this regulation shall, if so required by a patient, give him a receipt for the amount received on a form which shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment shall be made.”.

Signed by authority of the Secretary of State for Health

20th January 2000

*John Denham*  
Minister of State,  
Department of Health

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(4) S.I. 1988/551 as amended by S.I. 1989/394, 517 and 614, 1990/548, 918 and 1661, 1991/557, 1992/1104, 1993/608, 1995/642 and 3252, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/2417 and 1999/767 and 2507.

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

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## **EXPLANATORY NOTE**

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

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

Amendments made to the principal Regulations make provision in relation to the recovery of charges for drugs and appliances supplied to patients attending Walk-in-Centres.