

2006 No. 675

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Charges for Drugs and
Appliances) and (Travel Expenses and Remission of Charges)
Amendment Regulations 2006**

<i>Made</i> - - - -	<i>10th March 2006</i>
<i>Laid before Parliament</i>	<i>10th March 2006</i>
<i>Coming into force</i> - -	<i>1st April 2006</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred on her by sections 77, 83A and 126(4) of the National Health Service Act 1977(a).

Citation, commencement, application and interpretation

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

(2) These Regulations apply in relation to England.

(3) In these Regulations—

- (a) “the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(b);
- (b) “the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(c); and
- (c) “the Income Support Regulations” means the Income Support (General) Regulations 1987(d).

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- (a) 1977 (c.49). Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c.7)(“the 1988 Act”) and amended by section 25 of, and paragraph 6 of Schedule 2 to, the 1988 Act, section 41(10) of, and paragraph 19 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46), article 2 of S.I. 1998/2385, article 3(1) of, and paragraph 5 and 13 of Schedule 1 to, S.I. 2000/90, section 66(1) of, and paragraph 18 (5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 2(1) of, and paragraph 40 of Schedule 1 to, the Health Authorities Act 1995 (c.17), section 2(5) of, and paragraphs 1 and 32 of Part 1 of Schedule 2 to, the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the Reform Act”) and by sections 34 and 184 of, and paragraphs 23 and 32(b) of Schedule 4 to, and paragraphs 7 and 31 of Schedule 11 to, the Health and Social Care (Community Health and Standards Act 2003(c.43)(“the 2003 Act”). Section 126(4) has been amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37 of Schedule 5 to, the Health and Social Care Act 2001 (c.15), sections 6(3)(c) and 37(1) of the Reform Act 2002 and sections 184 and 196 of, and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to the 2003 Act . The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.
 - (b) S.I. 2000/620, as amended by S.I. 2000/2393, S.I. 2000/3189, S.I. 2001/746, S.I. 2001/2887, S.I. 2002/548, S.I. 2002/1386, S.I. 2002/2352, S.I. 2003/585, S.I. 2003/699, S.I. 2003/1084, S.I. 2004/663 and S.I. 2005/578.
 - (c) S.I. 2003/2382, as amended by S.I. 2004/663, S.I. 2004/936, S.I. 2005/26 and 2005/578.
 - (d) S.I. 1987/1967.

Amendment of the Charges Regulations to increase charges

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

(2) In each of the following provisions, for “£6.50” in each place that it occurs substitute “£6.65”—

- (a) regulation 3(1)(a) and (b), (1A)(b)(i) and (ii) and (4) (charges for the supply of drugs and appliances by chemists);
- (b) regulation 4(1)(a) and (b) and (4) (charges for the supply of drugs and appliances by doctors);
- (c) regulation 4A(1)(a) and (b) (charges for the out of hours supply of drugs and appliances by providers of out of hours services);
- (d) regulation 5(1)(a) and (d) and (5) (charges for the supply of drugs and appliances by NHS trusts and Primary Care Trusts);
- (e) regulation 6(1)(a) and (b) and (4) (charges for the supply of drugs and appliances at Walk-in Centres); and
- (f) regulation 6A(1) (charges for the supply of drugs under Patient Group Directions).

(3) In each of the following provisions, for “£13.00” in each place that it occurs substitute “£13.30”—

- (a) regulation 3(1)(a) and (1A)(b)(i) (charge for the supply of a pair of elastic hosiery by chemists);
- (b) regulation 4(1)(a) (charge for the supply of a pair of elastic hosiery by doctors);
- (c) regulation 4A(1)(a) (charge for the out of hours supply of a pair of elastic hosiery by providers of out of hours services);
- (d) regulation 5(1)(a) and (c) (charge for the supply of a pair of elastic hosiery or tights by NHS trusts or Primary Care Trusts); and
- (e) regulation 6(1)(a) (charge for the supply of a pair of elastic hosiery at Walk-in Centres).

(4) In regulation 9(5) (pre-payment certificates) substitute—

- (a) for “£33.90”, “£34.65”; and
- (b) for “£93.20”, “£95.30”.

(5) In column (2) of Schedule 1 (charges for fabric supports and wigs) substitute—

- (a) for “£21.80”, “£22.30”;
- (b) for “£33.00”, “£33.75”;
- (c) for “£53.90”, “£55.10”;
- (d) for “£142.30”, “£145.55”; and
- (e) for “£208.10”, “£212.85”.

Amendment of regulation 2 of the Charges Regulations

3. In regulation 2 (interpretation) of the Charges Regulations—

- (a) in the definition of “prescription form”, at the end of the definition, insert “and includes a prescription form provided and issued under equivalent arrangements having effect in Scotland, Wales or Northern Ireland;”; and
- (b) in the definition of “supplementary prescriber” after paragraph (a)(iv) insert—
 - “(v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 (register of opticians) of the Opticians Act 1989(a); and”.

(a) 1989 (c.44). Section 7 was amended by S.I. 2005/848.

Miscellaneous amendments of the Charges Regulations

4. In—

- (a) paragraph (6) of regulation 5;
 - (b) paragraph (5) of regulation 6; and
 - (c) paragraph (5) of regulation 6A,
- for “a form which” substitute “ the form provided for the purpose, which form”.

Transitional provision relating to the Charges Regulations

5. Where, on or after 1st April 2006—

- (a) any appliance specified in Schedule 1 to the Charges Regulations is supplied pursuant to an order given before that date; or
 - (b) any pre-payment certificate is granted under regulation 9 of the Charges Regulations pursuant to an application under that regulation which was received before that date,
- the Charges Regulations shall have effect in relation to that supply, or as the case may be, grant, as if these Regulations had not come into force.

Amendment of regulation 6 of the Travel Expenses and Remission of Charges Regulations

- 6. In regulation 6(1)(b)(i) after “by less than the travel expenses”, insert “incurred in any week”.**

Modifications of the Income Support Regulations in Schedule 1 of the Travel Expenses and Remission of Charges Regulations

7.—(1) Schedule 1 to the Travel Expenses and Remission of Charges Regulations (Modifications of Income Support Regulations) is amended as follows.

(2) In Table A, in the modification of regulation 45 of the Income Support Regulations, for “£8,000” substitute “£16,000”.

(3) In Table B, in paragraph 1(2) of the inserted Schedule 4A which modifies the Income Support Regulations, for “£3,000” substitute “£6,000”.

Signed by authority of the Secretary of State for Health

10th March 2006

Jane Kennedy
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 (“the Charges Regulations”) and the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (“the Travel Expenses and Remission of Charges Regulations”).

Regulation 2 increases prescription and other charges payable under the Charges Regulations.

Other minor and consequential changes are made to the Charges Regulations by regulations 3 and 4 and transitional provision is made in regulation 5.

Regulation 6 provides that the calculation as to whether a person is to be entitled to payment in part of NHS travel expenses under regulation 6(1)(b)(i) of the Travel Expenses and Remission of Charges Regulations is made by reference to the travel expenses incurred in any week.

Regulation 7 amends the Travel Expenses and Remission of Charges Regulations to increase the amounts used as the basis for calculating entitlement to the payment of travel expenses and the remission of charges under those Regulations.

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