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STATUTORY INSTRUMENTS

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**2008 No. 1697**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and  
Appliances) and (Travel Expenses and Remission  
of Charges) Amendment (No.2) Regulations 2008**

<i>Made</i>	- - - -	<i>26th June 2008</i>
<i>Laid before Parliament</i>		<i>3rd July 2008</i>
<i>Coming into force</i>		
<i>regulations 1, 2 and 5</i>		<i>1st August 2008</i>
<i>regulations 3 and 4</i>		<i>27th October 2008</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 172, 182, 183, 184 and 272(7) and (8) of the National Health Service Act 2006(1).

**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 (No.2) Regulations 2008 and shall come into force on 1<sup>st</sup> August 2008, except for regulations 3 and 4 which shall come into force on 27<sup>th</sup> October 2008.

(2) These Regulations apply in relation to England.

(3) In these Regulations—

“the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(2);

“the Income Support Regulations” means the means the Income Support (General) Regulations 1987(3);

“the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(4).

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(1) 2006 c.41.

(2) S.I. 2000/620; relevant amendments are made by S.I. 2004/865 and 2006/913.

(3) S.I. 1987/1967.

(4) S.I. 2003/2382; relevant amendments are made by S.I. 2004/663, 2005/578, and 2007/1975.

### **Amendment of regulation 2 of the Charges Regulations**

2. In regulation 2 of the Charges Regulations (interpretation), in paragraph (1)—
- (a) after the definition of “Nursing and Midwifery Register” insert—
    - ““optometrist independent prescriber” means a person—
    - (a) who is registered in the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989<sup>(5)</sup>; and
    - (b) against whose name in that register is recorded an annotation that the person is qualified to order drugs, medicines and appliances as an optometrist independent prescriber;”;
  - (b) in the definition of “prescriber”, after “pharmacist independent prescriber,” insert “optometrist independent prescriber;”.

### **Amendment of regulation 2 of the Travel Expenses and Remission of Charges Regulations**

- 3.—(1) Regulation 2 of the Travel Expenses and Remission of Charges Regulations (interpretation) is amended as follows.
- (2) In the definition of “family”, after sub-paragraph (a), insert—
    - “(aa) in regulation 5(1)(cc), in relation to a person who is receiving income-related employment and support allowance it has the meaning given in regulation 2 of the Employment and Support Allowance Regulations 2008<sup>(6)</sup>.”
  - (3) After the definition of “income-based jobseeker’s allowance” insert—
    - ““income-related employment and support allowance” means an employment and support allowance, entitlement to which is based on section 1(2)(b) of the Welfare Reform Act 2007<sup>(7)</sup>.”

### **Amendment of regulation 5 of the Travel Expenses and Remission of Charges Regulations**

4. In regulation 5 of the Travel Expenses and Remission of Charges Regulations (entitlement to full remission and payment), in paragraph (1)—
- (a) after sub-paragraph (c) insert—
    - “(cc) he is receiving income-related employment and support allowance;”;
  - (b) in sub-paragraph (d), after “income based jobseeker’s allowance” insert “, income-related employment and support allowance”.

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

- 5.—(1) Schedule 1 to the Travel Expenses and Remission of Charges Regulations (Modifications of the Income Support (General) Regulations 1987) is amended as follows.
- (2) In Table A, in the modifications of regulation 66A of the Income Support Regulations (treatment of student loans), in the first entry, for “Guide to Student Support issued by the Student Awards Agency for Scotland 2007-2008” substitute “Guide to Student Support issued by the Student Awards Agency for Scotland 2008-2009<sup>(8)</sup>”.

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(5) 1989 c.44.

(6) S.I. 2008/794.

(7) 2007 c. 5.

(8) The Guide is available on the Student Awards Agency for Scotland website at <http://www.saas.gov.uk>.

Signed by authority of the Secretary of State for Health.

26th June 2008

*Dawn Primarolo*  
Minister of State,  
Department of Health

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## 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 provides that an optometrist independent prescriber will be a prescriber for the purposes of the Charges Regulations and inserts a new definition of optometrist independent prescriber into the Charges Regulations.

Regulation 3 inserts new definitions into the Travel Expenses and Remission of Charges Regulations which relate to the amendment made by regulation 4. Regulation 4 amends regulation 5 of the Travel Expenses and Remission of Charges Regulations to provide that a person who is receiving income-related employment and support allowance (or a member of that person’s family) will be entitled to the full remission of an NHS charge and the full payment of NHS travel expenses without needing to make a claim for such payment or remission.

Regulation 5 updates the reference to the publication which describes additional loans paid under the Education (Student Loans) (Scotland) Regulations 2007. These loans are disregarded in the calculation of a student’s loan income when a person’s entitlement to the payment of NHS travel expenses and the remission of NHS charges is being established under the Travel Expenses and Remission of Charges Regulations.

A full impact assessment has not been produced for this instrument as it has no impact on the private and voluntary sectors.