
WELSH STATUTORY INSTRUMENTS

2001 No. 1358

National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” (“*y Ddeddf*”) means the National Health Service Act 1977;

“accepted disablement” (“*anabledd wedi'i dderbyn*”) means physical or mental injury or disease which is accepted by the National Assembly as attributable to or aggravated by service in the armed forces of the Crown or such other service as it may determine;

“appliance” (“*cyfarpar*”) means a listed appliance within the meaning of section 41 of the Act but does not include a contraceptive appliance;

“chemist” (“*fferyllydd*”) includes any person, other than a doctor, providing pharmaceutical services;

“doctor” (“*meddyg*”) means a registered medical practitioner;

“drugs” (“*cyffuriau*”) includes medicines, but does not include contraceptive substances;

“elastic hosiery” (“*hosan elastig*”) means anklet, legging, knee-cap, below-knee or thigh stocking;

“exemption” (“*esemptiad*”) means any remission granted under these regulations from charges payable under these regulations;

“exemption certificate” (“*tystyysgrif esemptio*”) has the meaning assigned to it by regulation 9(1);

“medical list” (“*rhestr feddygol*”) means the list, prepared under section 29 of the Act, of medical practitioners who have undertaken to provide general medical services;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“nurse prescriber” (“*nyrs sy'n rhagnodi*”) means a nurse or health visitor of a description specified in paragraph (2);

“patient” (“*claf*”) means—

- (a) any person for whose treatment a doctor is responsible under his terms of service or in connection with a pilot scheme;
- (b) any person who applies to a chemist for the provision of pharmaceutical services and includes for the purposes of these Regulations a person acting on behalf of such a person;
- (c) any person who seeks information or treatment from a Walk-in centre;
- (d) any person who applies to be supplied with a drug in accordance with a Patient Group Direction;

“Patient Group Direction” (“*Cyfarwyddyd Grw p Cleifion*”) is to be construed in accordance with regulation 7(6);

“pilot scheme” (“*cynllun peilot*”) shall be construed in accordance with section 1(1) of the National Health Service (Primary Care) Act 1997(1);

“pre-payment certificate” (“*tystysgrif ragdalu*”) has the meaning assigned to it by regulation 10(1);

“prescription form” (“*ffurflen bresgripsiwn*”) means a form provided by a Health Authority, an NHS trust and issued by a doctor, dentist or nurse prescriber to enable a person to obtain pharmaceutical services and includes a prescription form provided and issued under equivalent arrangements having effect in England, Scotland, or Northern Ireland;

“terms of service” (“*telerau gwasanaeth*”) means the terms on which general medical services, general dental services, general ophthalmic services and pharmaceutical services are provided under the Act;

“the Travelling Expenses and Remission of Charges Regulations” (“*y Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl*”) means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(2);

“treatment” (“*triniaeth*”) includes examination and diagnosis;

“Walk-in centre” (“*Canolfan cerdded i mewn*”) 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 National Assembly

(2) The specified description of a nurse or health visitor mentioned in the definition of “nurse prescriber” in paragraph (1) is—

(a) a person who is registered in Part 1 or 12 of the register maintained under the Nurses, Midwives and Health Visitors Act 1997(3) (referred to below in this paragraph as “the professional register”), has a district nursing qualification additionally recorded in the professional register maintained under rule 11 of the Nurses, Midwives and Health Visitors Rule 1983(4), and is, at the time of ordering the listed drug or medicine or listed appliance—

(i) employed as a district nurse by a Health Authority, an NHS trust or by a local authority in connection with arrangements under section 31(2)(c) of the Health Act 1999(5);

(ii) 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

(iii) assisting, in the capacity of a nurse, in the provision of services walk in centre;

(b) a person who is registered in Part 11 of the professional register as a health visitor and is, at the time of ordering the listed drug or medicine or listed appliance—

(i) employed as a nurse by a Health Authority, an NHS trust or by a local authority in connection with arrangements under section 31(2)(c) of the Health Act 1999;

(ii) 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 pilot scheme;

(iii) assisting, in the capacity of a nurse, in the provision of services at a Walk-in centre;

(1) 1997 (c. 46)

(2) 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, 1999/767, 2507 and 2840.

(3) 1997 (c. 24)

(4) S.I.1983/873 to which there are amendments

(5) 1999 (c. 8)

against whose name (in each case) is recorded in the professional register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients.

- (3) For the purposes of these Regulations the supply against an order on one prescription form—
- (a) of quantities of the same drug in more than one container shall be treated as the supply of only one quantity of a drug;
 - (b) of more than one appliance of the same type, except in the case of elastic hosiery and tights, or of two or more component parts of the same appliance, shall be treated as the supply of only one appliance.

(4) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation in, or Schedule to, these Regulations which bears that number, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.