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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1358**

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

**Exemptions**

- 8.—(1) Subject to paragraph (3), no charge shall be payable under regulations 3, 4, 6 or 7 by—
- (a) a person who is under 25 years of age;
  - (b) a person who has attained the age of 60 years;
  - (c) a woman with a valid exemption certificate issued by a Health Authority on the ground that she is an expectant mother or has within the last twelve months given birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953<sup>(1)</sup> or with a valid exemption certificate issued under equivalent arrangements having effect in England, Scotland or Northern Ireland;
  - (d) a person with a valid exemption certificate issued by a Health Authority on the ground that he or she is suffering from one or more of the following conditions—
    - (i) permanent fistula (including caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance;
    - (ii) the following disorders—
      - forms of hypoadrenalism (including Addison's disease) for which specific substitution therapy is essential
      - diabetes insipidus and other forms of hypopituitarism
      - diabetes mellitus – except where treatment is by diet alone
      - hypoparathyroidism
      - myasthenia gravis
      - myxoedema
    - (iii) epilepsy requiring continuous anti-convulsive therapy;
    - (iv) a continuing physical disability which prevents the patient from leaving his residence without the help of another person;
- or by a person with a valid exemption certificate issued under equivalent arrangements having effect in England, Scotland or Northern Ireland;
- (e) a person with a valid exemption certificate issued by the National Assembly in respect of the supply of drugs and appliances for the treatment of accepted disablement, but in either case only in respect of those supplies to which the certificate relates;
  - (f) a person with a valid pre-payment certificate or with a valid pre-payment certificate granted under equivalent arrangements having effect in England, Scotland or Northern Ireland.
- (2) Subject to paragraph (3), no charge shall be payable under regulation 5—

- (a) in respect of the supply of an appliance specified in column (1) of Schedule 1 by a person of a description specified in paragraph (1)(e);
  - (b) in respect of the supply of an appliance not so specified or of tights or of drugs, by a person of a description specified in any of sub-paragraphs (b) to (f) of paragraph (1).
- (3) A person who wishes to claim entitlement to exemption under paragraph (1) or (2) shall provide any declaration of entitlement required under regulations 3(3) or 4(3) and any declaration or evidence of entitlement required under regulations 5(3), 6(3) or 7(3).
- (4) A charge referred to in column (1) of Schedule 1 shall, in the case of a person referred to in regulation 5 of the Travelling Expenses and Remission of Charges Regulations, be remitted to the extent specified in that regulation.
- (5) Where a charge is remitted in part under paragraph (4) the person making the part payment shall on doing so sign a declaration in writing that the relevant part of the charge has been paid and complete a declaration of entitlement, and provide such other evidence of entitlement, to partial remission as may be required.
- (6) An exemption by reference to age or the validity of an exemption certificate shall be determined by reference to the age or validity on the day on which—
- (a) in the case of pharmaceutical services provided by a chemist, the order for drugs or appliances is presented for dispensing;
  - (b) in any other case, the drugs or appliances are supplied.
- (7) Where a claim to exemption has been made but is not substantiated and in consequence of the claim a charge has not been recovered, the Health Authority or, where the drugs or appliances were supplied by an NHS trust, that NHS trust shall recover such charge from the person concerned.