

STATUTORY INSTRUMENTS

**2000 No. 620**

**NATIONAL HEALTH SERVICE, ENGLAND**

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

<i>Made</i>	- - - -	<i>9th March 2000</i>
<i>Laid before Parliament</i>		<i>10th March 2000</i>
<i>Coming into force</i>	- -	<i>1st April 2000</i>

The Secretary of State for Health, in exercise of powers conferred by sections 77, 83, 83A and 126(4) of, and paragraph 1 of Schedule 12 to, the National Health Service Act 1977<sup>M1</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Marginal Citations**

**M1** 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 83 was amended by the [Health Authorities Act 1995 \(c. 17\)](#) (“the 1995 Act”), Schedule 1, paragraph 39 and by the [Health and Social Security Act 1984 \(c. 48\)](#), [Schedule 8, Part 1](#). Section 83A was amended by the [Health and Medicines Act 1988 \(c. 49\)](#), [Schedule 2, paragraph 6](#); by the 1990 Act, Schedule 9, paragraph 18(5); by the 1995 Act, Schedule 1, paragraph 40 and by article 2 of [S.I. 1998/2385](#). 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 the above mentioned powers are transferred to the National Assembly for Wales under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999/672 as amended by section 66(5) of the 1999 Act; these Regulations therefore extend only to England.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Regulations 2000 and shall come into force on 1st April 2000.

(2) These regulations extend to England only.

**Interpretation**

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

“the Act” means the National Health Service Act 1977;

*Status: Point in time view as at 09/02/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

[<sup>F1</sup>“the 2000 Act” means the Electronic Communications Act 2000;]

[<sup>F2</sup>“the 2006 Act” means the National Health Service Act 2006;]

[<sup>F3</sup>“advanced electronic signature” means an electronic signature which is—

- (a) uniquely linked to the signatory;
- (b) capable of identifying the signatory;
- (c) created using means that the signatory can maintain under his sole control; and
- (d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;]

“accepted disablement” means physical or mental injury or disease which is accepted by the Secretary of State as attributable to or aggravated by service in the armed forces of the Crown or such other service as he may determine;

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

[<sup>F4</sup>“bank holiday” means any day that is specified or proclaimed as a bank holiday in England and Wales pursuant to section 1 of the Banking and Financial Dealings Act 1971;]

[<sup>F5</sup>“batch issue” means a form provided by a Primary Care Trust and issued by a [<sup>F6</sup>repeatable prescriber] at the same time as a [<sup>F7</sup>non- electronic repeatable prescription] to enable a chemist to receive payment for the provision of repeat dispensing services, which is in the format specified in Part 2 of Schedule 1 to the GMS Contract Regulations, and which—

- (a) is generated by a computer and not signed by a [<sup>F6</sup>repeatable prescriber];
- (b) relates to a particular [<sup>F7</sup>non- electronic repeatable prescription] and contains the same date as that prescription;
- (c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs or appliances ordered on the [<sup>F7</sup>non- electronic repeatable prescription] may be provided; and
- (d) specifies a number denoting its place in the sequence referred to in paragraph (c);]

“chemist” includes any person, other than a doctor, providing pharmaceutical services [<sup>F8</sup>or local pharmaceutical services];

[<sup>F9</sup>“community treatment order” means an order under section 17A(1) of the Mental Health Act 1983;]

[<sup>F10</sup>“detainee” means a person who is detained—

- (a) under the Immigration Act 1971 or section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by the Secretary of State); and
- (b) in a removal centre in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the 2006 Act by, or under arrangements made by, a Primary Care Trust otherwise than by virtue of section 21(5) of the 2006 Act (provision of services etc),

and for the purposes of this definition, “removal centre” has the same meaning as in section 147 of the Immigration and Asylum Act 1999 (interpretation of Part VIII);.]

[<sup>F11</sup>“dispensing services” means services corresponding to pharmaceutical services provided [<sup>F12</sup>under the terms of a GMS contract which give effect to paragraphs 47 to 51 of Schedule 6 to the GMS Contract Regulations or under the terms of a PMS agreement which give effect to paragraphs 45 to 51 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004];]

“doctor” means a registered medical practitioner;

“drugs” includes medicines, but does not include contraceptive substances;

[<sup>F13</sup>“Drug Tariff” means the aggregate of the determinations made by the Secretary of State which are published in accordance with regulation 56(f) (provisions relating to determinations) of the National Health Service (Pharmaceutical Services) Regulations 2005]

“elastic hosiery” means anklet, legging, knee-cap, below-knee or thigh stocking;

[<sup>F14</sup>“electronic communication” has the same meaning as in section 15 of the 2000 Act;]

[<sup>F14</sup>“electronic prescription form” means a prescription form which falls within paragraph (b) of the definition of “prescription form”;

“electronic repeatable prescription” means a prescription form which falls within paragraph (a) (ii) of the definition of “repeatable prescription”;

“ETP service” means the electronic prescription service which forms part of the NHS Care Record Service;]

[<sup>F14</sup>“electronic signature” has the same meaning as in section 7 of the 2000 Act;]

“exemption” means any remission granted under these regulations from charges payable under these regulations;

“exemption certificate” has the meaning assigned to it by regulation 8(1);

[<sup>F15</sup>“the GMS Contract Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2004;

“GMS contract” means a general medical services contract under section 28Q of the Act;]

[<sup>F16</sup>“independent nurse prescriber” means a person—

- (a) who is registered in the Nursing and Midwifery Register; and
- (b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber, a nurse independent prescriber or a nurse independent/supplementary prescriber;]

[<sup>F17</sup>“local pharmaceutical services” means services that are both—

- (a) of a kind which may be provided under section 41 of the Act or by virtue of section 41A of the Act, other than practitioner dispensing services; and
- (b) provided under a pilot scheme as defined in section 28(2) of the Health and Social Care Act 2001;]

[<sup>F18</sup>“mental disorder” has the same meaning as in section 1 of the Mental Health Act 1983;]

[<sup>F19</sup>“NHS Care Record” means the records relating to an individual patient held by the NHS Care Record Service;

“NHS Care Record Service” means the information technology systems procured by the Department of Health and used by the health service to hold medical records relating to patients;

“non-electronic prescription form” means a prescription form which falls within paragraph (a) of the definition of “prescription form”;

“non-electronic repeatable prescription” means a prescription which falls within paragraph (a) (i) of the definition of “repeatable prescription”;

<sup>F20</sup>  
...

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[<sup>F21</sup>“Nursing and Midwifery Register” means the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;]

[<sup>F22</sup>“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; 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;]

[<sup>F23</sup>“out of hours period” means—

- (a) the period beginning at 6.30pm on any day from Monday to Thursday and ending at 8am on the following day;
- (b) the period between 6.30pm on Friday and 8am on the following Monday; and
- (c) Good Friday, Christmas Day and bank holidays;]

[<sup>F23</sup>“out of hours services” means services required to be provided in all or part of the out of hours period which would be essential services if provided in core hours, and in this definition “core hours” means the period beginning at 8 am and ending at 6.30pm on any day from Monday to Friday except Good Friday, Christmas Day and bank holidays and “part” of an out of hours period means any part of one or more of the periods described in paragraphs (a) to (c) of the definition of “out of hours period”];]

<sup>F24</sup> ...

“patient” means

- (a) [<sup>F25</sup>any person who is provided with primary medical services under Part 1 of the Act;]
- (b) any person who applies to a chemist for the provision of pharmaceutical services [<sup>F26</sup>or local 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) [<sup>F27</sup>any person who applies to be supplied with a drug in accordance with a Patient Group Direction;]

[<sup>F28</sup>“Patient Group Direction” is to be construed in accordance with regulation 6A(6);]

[<sup>F29</sup>“pharmacist independent prescriber” means a person—

- (a) who is registered in [<sup>F30</sup>Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007] or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976; and
- (b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;]

[<sup>F31</sup>“PMS agreement” means an agreement made under section 28C of the Act;]

<sup>F32</sup> ...

“pre-payment certificate” has the meaning assigned to it by regulation 9(1);

[<sup>F33</sup>“prescriber” means a doctor, [<sup>F34</sup>a pharmacist independent prescriber,][<sup>F35</sup>optometrist independent prescriber,] an independent nurse prescriber and a supplementary prescriber;]

[<sup>F36</sup>“prescription form” means—

- (a) a form provided by an NHS trust, an NHS foundation trust or a Primary Care Trust and issued by a prescriber; or
- (b) data that are created in an electronic form, signed with a prescriber's advanced electronic signature and transmitted as an electronic communication to the ETP service,

to enable a person to obtain pharmaceutical services or local pharmaceutical services and does not include a repeatable prescription [<sup>F37</sup>and includes a prescription form provided and issued under equivalent arrangements having effect in Scotland, Wales or Northern Ireland;]

[<sup>F38c</sup>“prison” includes a young offender institution but not a secure training centre or a naval, military or air force prison, and for the purposes of this definition—]

[<sup>F38c</sup>“prisoner” means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the Act by, or under arrangements made by, a Primary Care Trust otherwise than by virtue of section 18A(5) of the Act (provision of services etc.).]

[<sup>F39c</sup>“provider of out of hours services” means—

- (a) an APMS contractor which provides out of hours services under its APMS contract;
  - (b) a practice which provides out of hours services;
  - (c) a GMS contractor or a PMS contractor which provides out of hours services under its GMS contract or PMS agreement;
  - (d) an out of hours services sub-contractor of a GMS contractor or PMS contractor,
- and for the purposes of this definition—

“APMS contractor” means a person who enters into arrangements with a Primary Care Trust under section 16CC(2)(b) of the Act (primary medical services) for the provision of primary medical services and “APMS contract” shall be construed accordingly;

“GMS contractor” means a contractor within the meaning of the National Health Service (General Medical Services Contracts) Regulations 2004;

“PMS contractor” means a contractor within the meaning of the National Health Service (Personal Medical Services Agreements) Regulations 2004; and

“practice” means a practice established by a Primary Care Trust for the purposes of its provision of primary medical services under section 16CC(2)(a) of the Act;]

[<sup>F40c</sup>“repeat dispensing services” means pharmaceutical services or local pharmaceutical services which involve the provision of drugs or appliances by a chemist in accordance with a repeatable prescription;]

[<sup>F41c</sup>“repeatable prescriber” has the same meaning as in the National Health Service (Pharmaceutical Services) Regulations 2005;]

[<sup>F42c</sup>“repeatable prescription” means a prescription which—

- (a) either—
  - (i) is contained in a form provided by a Primary Care Trust and issued by a repeatable prescriber which is in the format specified in Part I of Schedule 1 to the GMS Contract Regulations and which is generated by a computer and signed in ink by a repeatable prescriber; or
  - (ii) data that are created in an electronic form, signed with a repeatable prescriber's advanced electronic signature and transmitted as an electronic communication to the ETP service;
- (b) is issued or created to enable a person to obtain pharmaceutical services or local pharmaceutical services; and

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(c) indicates that the drugs or appliances ordered on that prescription may be provided more than once and specifies the number of occasions on which they may be provided;]

[<sup>F38</sup>“secure training centre” means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders) may be detained and given training and education and prepared for their release; and]

[<sup>F43</sup>“supplementary prescriber” means a person—

- (a) whose name is registered in—
  - (i) the Nursing and Midwifery Register,
  - (ii) [<sup>F44</sup>Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;]
  - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976,
  - (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001 relating to—
    - (aa) chiropodists and podiatrists,
    - (bb) physiotherapists, or
    - (cc) diagnostic or therapeutic radiographers, or
  - (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989; and
- (b) against whose name is recorded in the relevant register an annotation signifying that he is qualified to order drugs and appliances as a supplementary prescriber or, in the case of the Nursing and Midwifery Register, a nurse independent/supplementary prescriber;]

“terms of service” means the terms on which <sup>F45</sup> ... <sup>F46</sup> ... <sup>F47</sup> ... pharmaceutical services are provided under the Act;

[<sup>F48</sup>“the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003;]

“treatment” includes examination and diagnosis;

“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.

[<sup>F38</sup>“young offender institution” means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life; and]

<sup>F49</sup>(2) .....

(3) For the purposes of these Regulations the supply against an order on one prescription form [<sup>F50</sup>, or on one repeatable prescription (but only where the supply is against one batch issue relating to that repeatable prescription)]—

- (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.

[<sup>F51</sup>(3A) For as long as there are in existence [<sup>F51</sup>contracts entered into under article 13 of the General Medical Services Transitional and Consequential Provisions Order 2004 (“default contracts”) any reference in these Regulations to a GMS contract shall be read as including a reference to a contract

entered into under that article and any reference to a term of a GMS contract shall be read as including a reference to the equivalent term of the default contract.

(3B) For as long as there are in existence transitional agreements as defined in article 1(4) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004, any reference in these Regulations to a personal medical services agreement shall be read as including a reference to a transitional agreement and any reference to a term of a personal medical services agreement shall be read as including a reference to any equivalent term in the transitional agreement.]

(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.

#### Textual Amendments

- F1** Words in reg. 2(1) inserted (11.9.2001) by The National Health Service (Charges for Drugs and Appliances) (Electronic Communications) Order 2001 (S.I. 2001/2887), arts. 1(1), **2(2)(a)**
- F2** Words in reg. 2 inserted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **3(2)**
- F3** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(a)**
- F4** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(b)**
- F5** Words in reg. 2(1) substituted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(a)**
- F6** Words in reg. 2 substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(c)(i)**
- F7** Words in reg. 2 substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(c)(ii)**
- F8** Words in reg. 2(1) inserted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **2(a)**
- F9** Words in reg. 2(1) inserted (3.11.2008) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2008 (S.I. 2008/2593), regs. 1, **2(2)(a)**
- F10** Words in reg. 2 inserted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **3(3)**
- F11** Words in reg. 2 inserted (1.4.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2002 (S.I. 2002/548), regs. 1(1), **2(2)(a)**
- F12** Words in reg. 2(1) substituted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(b)**
- F13** Words in reg. 2(1) substituted (1.4.2007) by The National Health Service (Pharmaceutical Services) (Remuneration for Persons providing Pharmaceutical Services) (Amendment) Regulations 2007 (S.I. 2007/674), regs. 1(1), **11**

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- F14** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(d)**
- F15** Words in reg. 2(1) inserted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(c)**
- F16** Words in reg. 2(1) substituted (1.5.2006) by The National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 (S.I. 2006/913), regs. 1(1), **2(a)**
- F17** Words in reg. 2(1) inserted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **2(b)**
- F18** Words in reg. 2(1) inserted (3.11.2008) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2008 (S.I. 2008/2593), regs. 1, **2(2)(b)**
- F19** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(e)**
- F20** Words in reg. 2(1) omitted (1.4.2004) by virtue of The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(d)**
- F21** Words in reg. 2(1) substituted (1.5.2006) by The National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 (S.I. 2006/913), regs. 1(1), **2(b)**
- F22** Words in reg. 2(1) inserted (1.8.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2008 (S.I. 2008/1697), regs. 1(1), **2(a)**
- F23** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(f)**
- F24** Words in reg. 2(1) omitted (4.4.2003) by virtue of The National Health Service (Amendments Relating to Prescribing by Nurses and Pharmacists etc.) (England) Regulations 2003 (S.I. 2003/699), regs. 1(1), **4(2)(c)**
- F25** Words in reg. 2(1) substituted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(e)**
- F26** Words in reg. 2(1) inserted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **2(c)**
- F27** Words in reg. 2(1) added (11.12.2000) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 2) Regulations 2000 (S.I. 2000/3189), regs. 1(1), **2(a)**
- F28** Words in reg. 2(1) inserted (11.12.2000) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 2) Regulations 2000 (S.I. 2000/3189), regs. 1(1), **2(b)**
- F29** Words in reg. 2(1) inserted (1.5.2006) by The National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 (S.I. 2006/913), regs. 1(1), **2(c)**
- F30** Words in reg. 2 substituted (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by The Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), **Sch. 1 para. 24(a)**
- F31** Words in reg. 2(1) inserted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(g)**
- F32** Words in reg. 2(1) omitted (1.4.2004) by virtue of The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(f)**
- F33** Words in reg. 2(1) inserted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(h)**
- F34** Words in reg. 2(1) inserted (1.5.2006) by The National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 (S.I. 2006/913), regs. 1(1), **2(d)**
- F35** Words in reg. 2(1) inserted (1.8.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2008 (S.I. 2008/1697), regs. 1(1), **2(b)**



- F36** Words in reg. 2 substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(g)**
- F37** Words in reg. 2 inserted (1.4.2006) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/675), regs. 1(1), **3(a)** (with reg. 5)
- F38** Words in reg. 2(1) inserted (1.4.2004) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2004 (S.I. 2004/663), regs. 1(1), **3(1)** (with reg. 4)
- F39** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(h)**
- F40** Words in reg. 2(1) substituted (7.5.2003) by The National Health Service (Pharmaceutical Services) (General Medical Services) and (Charges for Drugs and Appliances) Amendment Regulations 2003 (S.I. 2003/1084), regs. 1(1), **18(a)(ii)**
- F41** Words in reg. 2(1) substituted (1.5.2006) by The National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 (S.I. 2006/913), regs. 1(1), **2(e)**
- F42** Words in reg. 2 substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(i)**
- F43** Words in reg. 2(1) substituted (1.5.2006) by The National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 (S.I. 2006/913), regs. 1(1), **2(f)**
- F44** Words in reg. 2 substituted (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by The Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), **Sch. 1 para. 24(b)**
- F45** Words in reg. 2(1) omitted (1.4.2004) by virtue of The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(2)(l)**
- F46** Words in reg. 2(1) omitted (1.4.2006) by virtue of The General Dental Services, Personal Dental Services and Abolition of the Dental Practice Board Transitional and Consequential Provisions Order 2006 (S.I. 2006/562), art. 1(1), **Sch. 1 para. 9**
- F47** Words in reg. 2(1) omitted (1.8.2008) by virtue of The Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008 (S.I. 2008/1700), reg. 1(2), **Sch. 1 para. 7**
- F48** Words in reg. 2 substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **3(k)**
- F49** Reg. 2(2) repealed (1.4.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2002 (S.I. 2002/548), regs. 1(1), **2(3)**
- F50** Words in reg. 2(3) inserted (7.5.2003) by The National Health Service (Pharmaceutical Services) (General Medical Services) and (Charges for Drugs and Appliances) Amendment Regulations 2003 (S.I. 2003/1084), regs. 1(1), **18(b)**
- F51** Reg. 2(3A)(3B) inserted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(3)**

<sup>F52</sup>**2A.** . . . . .

#### Textual Amendments

- F52** Reg. 2A repealed (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **4**

Status: Point in time view as at 09/02/2009.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)

**Supply of drugs and appliances by chemists**

3.—(1) [F53Except as provided in paragraph (1A), a chemist] who provides pharmaceutical services [F54or local pharmaceutical services] to a patient shall, subject to [F55paragraphs (3) and (3A)], make and recover from that patient—

- (a) in respect of an item of elastic hosiery a charge of [F56£7.10], that is to say a charge of [F57£14.20], per pair;
- (b) in respect of the supply of each other appliance and of each quantity of a drug, a charge of [F56£7.10].

[F58(1A) A chemist who provides repeat dispensing services to a patient shall, subject to paragraph (3), make and recover from that patient [F59in respect of—

- (a) each batch issue; and
- (b) each electronic prescription form—
  - (i) in respect of an item of elastic hosiery a charge of [F60£7.10], that is to say a charge of [F61£14.20] per pair; and
  - (ii) in respect of the supply of each other appliance and of each quantity of a drug, a charge of [F60£7.10].]

[F62(1B) .....

[F63(2) Where a charge is paid under paragraph (1), the person making the payment shall on so doing either—

- (a) where a non-electronic prescription form has been issued, sign a declaration in writing on the non-electronic prescription form that the relevant charge has been paid; or
- (b) where an electronic prescription form has been created, provide a declaration that the relevant charge has been paid on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a chemist.]

[F64(2A) Where a charge is paid under regulation (1A), the person making the payment shall on so doing either—

- (a) in respect of a batch issue, sign a declaration in writing on the batch issue that the relevant charge has been paid; or
- (b) in respect of an electronic repeatable prescription, provide a declaration that the relevant charge has been paid on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic repeatable prescriptions and issued by a chemist.]

[F65(3) No charges shall be made and recovered under paragraph (1) or paragraph (1A) where—

- (a) there is exemption under regulation 7 and a declaration of entitlement to exemption is duly completed by or on behalf of the patient—
  - (i) in cases [F66involving a batch issue] falling within paragraph (1A), on the batch issue at the time that the drug or appliance is supplied,
  - [F67in cases involving an electronic repeatable prescription falling within paragraph (1A) on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic repeatable prescriptions and issued by a chemist.]

- (ii) <sup>F68</sup>in cases involving an electronic prescription form, on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a chemist, or]
  - (iii) in all other cases, on the <sup>F69</sup>non-electronic] prescription form;
  - (b) there is entitlement to remission of the charge under <sup>F70</sup>regulation 5 of the Travel Expenses and Remission of Charges Regulations] and a declaration of entitlement to remission is duly completed by or on behalf of the patient either—
    - (i) in cases <sup>F71</sup>involving a batch issue] falling within paragraph (1A), on the batch issue at the time that the drug or appliance is supplied,
      - <sup>F72</sup>in cases involving an electronic repeatable prescription falling within paragraph (1A) on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic repeatable prescriptions and issued by a chemist,]
    - (ii) <sup>F73</sup>in cases involving an electronic prescription form, on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a chemist, or]
    - (iii) in all other cases, on the <sup>F74</sup>non-electronic] prescription form; or
  - (c) the patient is resident in a school or institution the name of which is inserted on the <sup>F75</sup>non-electronic] prescription form by a <sup>F76</sup>prescriber pursuant to the term of a general medical services contract which gives effect to paragraph 44(2) of Schedule 6 to the GMS Contract Regulations or the equivalent term of a PMS agreement or of other arrangements for the provision of primary medical services made under section 16CC(2) of the Act.]]
- <sup>F77</sup>(3A) No charges shall be made and recovered under paragraph (1) where there is exemption under regulation 7A(2).]
- (4) For the purposes of this regulation, where a drug ordered on a single prescription form is supplied by instalments, the charge of <sup>F78</sup>£7.10] payable for that drug shall be payable upon the supply of the first instalment.
- (5) A chemist, notwithstanding the provisions of his terms of service <sup>F79</sup>on agreement to provide local pharmaceutical services], shall be under no obligation to provide pharmaceutical services <sup>F80</sup>or local pharmaceutical services] in respect of an order on a prescription form <sup>F81</sup>or repeatable prescription] unless he is first paid by the patient any charge required to be made and recovered by paragraph (1) <sup>F82</sup>or paragraph (1A)] in respect of that order.
- (6) A chemist who makes and recovers a charge under paragraph (1) <sup>F83</sup>or paragraph (1A)] shall, if so required by the patient, give him a receipt for the amount received on the form provided for the purpose which form shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment shall be made.
- (7) Any sum which would otherwise be payable by a <sup>F84</sup>Primary Care Trust] to a chemist in respect of the provision by him of pharmaceutical services <sup>F85</sup>or local pharmaceutical services] shall be reduced by the amount of any charges which are required to be made and recovered by the preceding provisions of this regulation.

#### Textual Amendments

- F53** Words in reg. 3(1) substituted (7.5.2003) by [The National Health Service \(Pharmaceutical Services\) \(General Medical Services\) and \(Charges for Drugs and Appliances\) Amendment Regulations 2003 \(S.I. 2003/1084\)](#), regs. 1(1), **19(2)**

*Status: Point in time view as at 09/02/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

- F54** Words in reg. 3(1) inserted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **3(a)**
- F55** Words in reg. 3(1) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **4(2)**
- F56** Sum in Reg. 3(1)(a)(b) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(a)**
- F57** Sum in Reg. 3(1)(a) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(3)(a)**
- F58** Reg. 3(1A) inserted (7.5.2003) by The National Health Service (Pharmaceutical Services) (General Medical Services) and (Charges for Drugs and Appliances) Amendment Regulations 2003 (S.I. 2003/1084), regs. 1(1), **19(3)**
- F59** Words in reg. 3(1A) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(2)**
- F60** Sum in Reg. 3(1A)(b)(i)(ii) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(a)**
- F61** Sum in Reg. 3(1A)(b)(i) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(3)(a)**
- F62** Reg. 3(1B) repealed (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(3)**
- F63** Reg. 3(2) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(4)**
- F64** Reg. 3(2A) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(5)**
- F65** Reg. 3(3) substituted (7.5.2003) by The National Health Service (Pharmaceutical Services) (General Medical Services) and (Charges for Drugs and Appliances) Amendment Regulations 2003 (S.I. 2003/1084), regs. 1(1), **19(4)**
- F66** Words in reg. 3(3)(a)(i) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(6)**
- F67** Reg. 3(3)(a)(ia) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(7)**
- F68** Reg. 3(3)(a)(ii) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(8)**
- F69** Words in reg. 3(3)(a)(iii) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(9)**
- F70** Words in reg. 3(3)(b) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(10)**
- F71** Words in reg. 3(3)(b)(i) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(11)**

- F72** Reg. 3(3)(b)(ib) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(12)**
- F73** Reg. 3(3)(b)(ii) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(13)**
- F74** Words in reg. 3(3)(b)(iii) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(14)**
- F75** Words in reg. 3(3)(c) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **5(15)**
- F76** Words in reg. 3(3)(c) substituted (1.4.2004) by virtue of The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(4)**
- F77** Reg. 3(3A) inserted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **4(3)**
- F78** Sum in Reg. 3(4) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(a)**
- F79** Words in reg. 3(5) inserted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **3(b)(i)**
- F80** Words in reg. 3(5) inserted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **3(b)(ii)**
- F81** Words in reg. 3(5) inserted (7.5.2003) by The National Health Service (Pharmaceutical Services) (General Medical Services) and (Charges for Drugs and Appliances) Amendment Regulations 2003 (S.I. 2003/1084), regs. 1(1), **19(5)(a)**
- F82** Words in reg. 3(5) inserted (7.5.2003) by The National Health Service (Pharmaceutical Services) (General Medical Services) and (Charges for Drugs and Appliances) Amendment Regulations 2003 (S.I. 2003/1084), regs. 1(1), **19(5)(b)**
- F83** Words in reg. 3(6) inserted (7.5.2003) by The National Health Service (Pharmaceutical Services) (General Medical Services) and (Charges for Drugs and Appliances) Amendment Regulations 2003 (S.I. 2003/1084), regs. 1(1), **19(6)**
- F84** Words in reg. 3(7) substituted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **3(c)(i)**
- F85** Words in reg. 3(7) inserted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **3(c)(ii)**

### Supply of drugs and appliances by doctors

4.—(1) A doctor who provides pharmaceutical [<sup>F86</sup>or dispensing] services to a patient shall, subject to paragraph (3), make and recover from that patient—

- (a) in respect of an item of elastic hosiery a charge of [<sup>F87</sup>£7.10], that is to say a charge of [<sup>F88</sup>£14.20], per pair;
- (b) in respect of the supply of each other appliance and of each quantity of a drug, a charge of [<sup>F87</sup>£7.10].

[<sup>F89</sup>(2) Where a charge is paid under paragraph (1), the person making the payment shall on so doing either—

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*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

- (a) where a non-electronic prescription form has been issued, sign a declaration in writing on the non-electronic prescription form that the relevant charge has been paid; or
- (b) where an electronic prescription form has been created, provide a declaration that the relevant charge has been paid on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a doctor.]
- (3) No charge shall be made and recovered under paragraph (1) where—
- (a) there is exemption under regulation 7 and a declaration of entitlement to exemption <sup>F90</sup>... is duly completed by or on behalf of the patient [<sup>F91</sup>either on the [<sup>F92</sup>non-electronic] prescription form or, in cases [<sup>F93</sup>involving an electronic prescription form, on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a doctor;]]
- (b) there is entitlement to remission of the charge under [<sup>F94</sup>regulation 5 of the Travel Expenses and Remission of Charges Regulations] and a declaration of entitlement to remission <sup>F95</sup>... is duly completed by or on behalf of the patient [<sup>F96</sup>either on the [<sup>F92</sup>non-electronic] prescription form or, in cases [<sup>F93</sup>involving an electronic prescription form, on a form provided by a Primary Care Trust for the purpose of recording patient declarations in respect of electronic prescription forms and issued by a doctor;]]
- (c) the drugs or appliances are supplied in respect of two or more persons in a school or institution in which at least 20 persons are normally resident of whom at least 10 are his patients [<sup>F97</sup>; or]
- <sup>F98</sup>(d) there is exemption under regulation 7A(2).]
- (4) For the purposes of this regulation, where a drug ordered on a single prescription form is supplied by instalments, the charge of [<sup>F99</sup>£7.10] payable for that drug shall be payable upon the supply of the first instalment.
- (5) A doctor shall be under no obligation to provide pharmaceutical [<sup>F100</sup>or dispensing] services for which a charge is required to be made and recovered by paragraph (1) unless he is first paid the amount of that charge by the patient.
- (6) A doctor who makes and recovers a charge under paragraph (1) shall, if so required by the patient, give him a receipt for the amount received on the form provided for the purpose which form shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment shall be made.
- <sup>F101</sup>(7) Any sum which would otherwise be payable by a [<sup>F102</sup>Primary Care Trust] to a [<sup>F103</sup>contractor under a GMS contract, a PMS agreement or arrangements made under section 16CC(2) of the Act] shall be reduced by the amount of charges which are required to be made and recovered under paragraph (1).]
- (8) Nothing in this regulation shall authorise the payment of a charge where the drug or appliance supplied either—
- (a) is needed for immediate treatment and no order for the drug or appliance is made on a prescription form; or
- (b) is administered or applied to the patient by the doctor personally.

#### Textual Amendments

**F86** Words in reg. 4(1) inserted (1.4.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment Regulations 2002 \(S.I. 2002/548\)](#), regs. 1(1), **4(2)**

- F87** Sum in reg. 4(1)(a)(b) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(b)**
- F88** Sum in reg. 4(1)(a) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(3)(b)**
- F89** Reg. 4(2) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **6(2)**
- F90** Words in reg. 4(3)(a) revoked (11.9.2001) by The National Health Service (Charges for Drugs and Appliances) (Electronic Communications) Order 2001 (S.I. 2001/2887), arts. 1(1), **4(b)**
- F91** Words in reg. 4(3)(a) added (11.9.2001) by The National Health Service (Charges for Drugs and Appliances) (Electronic Communications) Order 2001 (S.I. 2001/2887), arts. 1(1), **4(b)**
- F92** Word in reg. 4(3)(a)(b) inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **6(3)(a)**
- F93** Words in reg. 4(3)(a)(b) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **6(3)(b)**
- F94** Words in reg. 4(3)(b) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **6(4)**
- F95** Words in reg. 4(3)(b) revoked (11.9.2001) by The National Health Service (Charges for Drugs and Appliances) (Electronic Communications) Order 2001 (S.I. 2001/2887), arts. 1(1), **4(b)**
- F96** Words in reg. 4(3)(b) added (11.9.2001) by The National Health Service (Charges for Drugs and Appliances) (Electronic Communications) Order 2001 (S.I. 2001/2887), arts. 1(1), **4(b)**
- F97** Word in reg. 4(3)(c) substituted for punctuation mark (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **5(a)**
- F98** Reg. 4(3)(d) inserted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **5(b)**
- F99** Sum in Reg. 4(4) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(b)**
- F100** Words in reg. 4(5) inserted (1.4.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2002 (S.I. 2002/548), regs. 1(1), **4(2)**
- F101** Reg. 4(7) substituted (1.10.2000) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2000 (S.I. 2000/2393), regs. 1(1), **2**
- F102** Words in reg. 4(7) substituted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **4**
- F103** Words in reg. 4(7) substituted (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), art. 1(1), **Sch. 1 para. 26(5)**

#### **[<sup>F104</sup>Out of hours supply of drugs and appliances by providers of out of hours services**

**4A.—(1)** A provider of out of hours services who supplies drugs or appliances to a patient in the course of providing out of hours services shall, subject to paragraphs (3) and (7), make and recover from that patient—

- (a) in respect of an item of elastic hosiery a charge of [<sup>F105</sup>£7.10], that is to say a charge of [<sup>F106</sup>£14.20] per pair;

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*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

- (b) in respect of the supply of each appliance and of each quantity of a drug, a charge of [<sup>F105</sup>£7.10].
- (2) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the supply form that the relevant charge has been paid.
- (3) No charge shall be made and recovered under paragraph (1) where—
- (a) there is exemption under regulation 7 and a declaration of entitlement to exemption is duly completed by or on behalf of the patient on the supply form;
  - (b) there is entitlement to remission of the charge under regulation 5 of the Travel Expenses and Remission of Charges Regulations and a declaration of entitlement to remission is duly completed by or on behalf of the patient on the supply form; or
  - (c) the drugs or appliances are supplied in respect of two or more persons in a school or institution in which at least 20 persons are normally resident provided that the name of the school or institution is inserted on the supply form,
- and where, in the cases described in sub-paragraphs (a) and (b), such evidence of entitlement to exemption or remission is provided as the provider of out of hours services may reasonably require.
- (4) A provider of out of hours services shall be under no obligation to supply drugs or appliances in the course of out of hours services for which a charge is required to be made and recovered by paragraph (1) unless he is first paid the amount of that charge by the patient.
- (5) A provider of out of hours services who makes and recovers a charge under paragraph (1) shall, if so required by the patient, give him a receipt for the amount received on the form provided for the purpose, which form shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.
- (6) Any sum which would otherwise be payable by a Primary Care Trust to a provider of out of hours services in respect of the provision by him of primary medical services shall be reduced by the amount of charges which are required to be made and recovered under paragraph (1).
- (7) Nothing in this regulation shall authorise the payment of a charge where the drug or appliance supplied either—
- (a) is needed for immediate treatment and no order for the drug or appliance is made on a supply form; or
  - (b) is administered or applied to the patient by the provider of out of hours services personally.
- (8) In this regulation, “supply form” means a form provided by a Primary Care Trust and completed by or on behalf of a provider of out of hours services for the purpose of recording the provision of drugs or appliances to a patient during the out of hours period.]

#### Textual Amendments

- F104** Reg. 4A inserted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), 7
- F105** Sum in [reg. 4A\(1\)\(a\)\(b\)](#) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(2)(c)**
- F106** Sum in [reg. 4A\(1\)\(a\)](#) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(3)(c)**



## Supply of drugs and appliances by Health Authorities, NHS trusts and Primary Care Trusts

5.—(1) <sup>F107</sup>...An NHS trust<sup>F108</sup>, an NHS foundation trust] or a Primary Care Trust which supplies to a patient for the purposes of his treatment, drugs, otherwise than for administration at a hospital, or appliances, shall, subject to paragraphs (3)<sup>F109</sup>, (3A)] and (4), make and recover from the patient—

- (a) in respect of an item of elastic hosiery a charge of [<sup>F110</sup>£7.10], that is to say a charge of [<sup>F111</sup>£14.20] per pair;
- (b) in respect of an appliance specified in column (1) of Schedule 1, the charge specified in relation to it in column (2) of that Schedule;
- (c) in respect of tights, a charge of [<sup>F112</sup>£14.20];
- (d) in respect of the supply of each other appliance and of each quantity of a drug, a charge of [<sup>F113</sup>£7.10].

(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,
- (b) under regulation 7, or
- (c) by reason of being entitled to remission under [<sup>F114</sup>regulation 5 of the Travel Expenses and Remission of Charges Regulations],

and who, in the case described in paragraph 1(1)(c) of Schedule 12 to the Act and in the cases described in sub-paragraphs (b) and (c), completes a declaration of entitlement to such exemption or remission and provides such evidence of entitlement as the<sup>F115</sup>... NHS trust<sup>F116</sup>, NHS foundation trust] or Primary Care trust may reasonably require.

<sup>F117</sup>(3A) No charge shall be made and recovered under this regulation from a patient who is accepted by the person supplying the drug as—

- (a) suffering from tuberculosis, in respect of any drug supplied to that patient for the treatment of tuberculosis; or
- (b) being subject to a community treatment order, in respect of any drug supplied to that patient for the treatment of mental disorder.]

(4) A partially remitted charge shall be made and recovered under this regulation from a patient who is entitled to partial remission under regulation 7(4) if a declaration in writing is provided that the relevant part of the charge has been paid and a declaration of entitlement and such other evidence of entitlement, to partial remission as may be required, is provided.

(5) For the purposes of this regulation, where a drug ordered on a single written direction is supplied by instalments, the charge of [<sup>F118</sup>£7.10] payable for that drug shall be payable upon the supply of the first instalment.

(6) [<sup>F119</sup>An] NHS trust<sup>F120</sup>, NHS foundation trust] or Primary Care Trust which makes and recovers a charge under this regulation shall, if so required by the patient, give him a receipt for the amount received on [<sup>F121</sup>the form provided for the purpose, which form] shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment shall be made.

### Textual Amendments

**F107** Words in reg. 5(1) omitted (1.10.2002) by virtue of [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), 5(a)

*Status: Point in time view as at 09/02/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

- F108** Words in reg. 5(1) inserted (1.4.2004) by The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004 (S.I. 2004/696), arts. 1(1)(b), 3(4), **Sch. 4**
- F109** Word in reg. 5(1) inserted (1.9.2007) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2007 (S.I. 2007/1975), regs. 1(1), **2(2)**
- F110** Sum in reg. 5(1)(a) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(d)**
- F111** Sum in reg. 5(1)(a) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(3)(d)**
- F112** Sum in reg. 5(1)(c) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(3)(d)**
- F113** Sum in reg. 5(1)(d) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(d)**
- F114** Words in reg. 5(3)(c) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **8**
- F115** Words in reg. 5(3) omitted (1.10.2002) by virtue of The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **5(b)**
- F116** Words in reg. 5(3) inserted (1.4.2004) by The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004 (S.I. 2004/696), arts. 1(1)(b), 3(3), **Sch. 3**
- F117** Reg. 5(3A) substituted (3.11.2008) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2008 (S.I. 2008/2593), regs. 1, **2(3)**
- F118** Sum in reg. 5(5) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(d)**
- F119** Word in reg. 5(6) substituted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **5(c)**
- F120** Words in reg. 5(6) inserted (1.4.2004) by The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004 (S.I. 2004/696), arts. 1(1)(b), 3(3), **Sch. 3**
- F121** Words in reg. 5(6) substituted (1.4.2006) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/675), regs. 1(1), **4(a)** (with reg. 5)

### Supply of drugs and appliances at Walk-in-Centres

6.—(1) <sup>F122</sup>Where drugs or appliances are supplied to a patient, [<sup>F123</sup>including during the out of hours period,] for the purposes of his treatment by a [<sup>F124</sup>prescriber] at a Walk-in-Centre the ... NHS trust<sup>F125</sup>, NHS foundation trust], Primary Care 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 [<sup>F126</sup>£7.10], that is to say a charge of [<sup>F127</sup>£14.20] per pair;
- (b) in respect of the supply of each other appliance and each quantity of a drug, a charge of [<sup>F126</sup>£7.10].

(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 [F128] paragraph 1(1)(b) to (d)] of Schedule 12 to the Act,
- (b) under regulation 7, or
- (c) by reason of being entitled to remission under [F129] regulation 5 of the Travel Expenses and Remission of Charges Regulations],

and who, in the case described in paragraph 1(1)(c) of Schedule 12 to the Act and in the cases described in sub-paragraphs (b) and (c), completes a declaration of entitlement to such exemption or remission and provides such evidence of entitlement as the F130... NHS trust[F131, NHS foundation trust] or Primary Care Trust or other person supplying the drug or appliance may reasonably require.

(4) For the purposes of this regulation, where a drug ordered on single written direction is supplied by instalments, the charge of [F132]£7.10] payable for that drug shall be payable upon the supply of the first instalment.

(5) [F133]An] NHS trust[F134, NHS foundation trust], Primary Care 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 [F135]the form provided for the purpose, which form] shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment shall be made.

#### Textual Amendments

- F122** Words in reg. 6(1) omitted (1.10.2002) by virtue of [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **6(a)**
- F123** Words in reg. 6(1) inserted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **9(a)**
- F124** Word in reg. 6(1) substituted (1.4.2004) by [The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 \(S.I. 2004/865\)](#), art. 1(1), **Sch. 1 para. 26(6)**
- F125** Words in reg. 6(1) inserted (1.4.2004) by [The Health and Social Care \(Community Health and Standards\) Act 2003 \(Supplementary and Consequential Provision\) \(NHS Foundation Trusts\) Order 2004 \(S.I. 2004/696\)](#), arts. 1(1)(b), 3(3), **Sch. 3**
- F126** Sum in reg. 6(1)(a)(b) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(2)(e)**
- F127** Sum in reg. 6(1)(a) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(3)(e)**
- F128** Words in reg. 6(3)(a) substituted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **9(b)**
- F129** Words in reg. 6(3)(c) substituted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **9(c)**
- F130** Words in reg. 6(3) omitted (1.10.2002) by virtue of [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **6(b)**

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*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

- F131** Words in reg. 6(3) inserted (1.4.2004) by The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004 (S.I. 2004/696), arts. 1(1)(b), 3(3), **Sch. 3**
- F132** Sum in reg. 6(4) substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(2)(e)**
- F133** Word in reg. 6(5) substituted for words (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **6(c)**
- F134** Words in reg. 6(5) inserted (1.4.2004) by The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004 (S.I. 2004/696), arts. 1(1)(b), 3(3), **Sch. 3**
- F135** Words in reg. 6(5) substituted (1.4.2006) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/675), regs. 1(1), **4(b)** (with reg. 5)

### **[<sup>F136</sup>Supply of drugs under Patient Group Directions**

**6A.**—(1) Where drugs are supplied to a patient in accordance with a Patient Group Direction<sup>[<sup>F137</sup>, including during the out of hours period.]</sup> the person supplying the drugs shall, subject to paragraphs (3)<sup>[<sup>F138</sup>, (3A)]</sup> and (4), make and recover from the patient, in respect of the supply of each quantity, a charge of [<sup>F139</sup>£7.10].

(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 [<sup>F140</sup>paragraph 1(1)(b) to (d)] of Schedule 12 to the Act,
  - (b) under regulation 7, or
  - (c) by reason of being entitled to remission under [<sup>F141</sup>regulation 5 of the Travel Expenses and Remission of Charges Regulations],

and who, in the case described in paragraph 1(1)(c) of Schedule 12 of the Act and in the cases described in sub-paragraphs (b) and (c), completes a declaration of entitlement to such exemption or remission and provides such evidence of entitlement as the person supplying the drug may reasonably require.

[<sup>F142</sup>(3A) No charge shall be made and recovered under this regulation from a patient who is accepted by the person supplying the drug as—

- (a) suffering from tuberculosis, in respect of any drug supplied to that patient for the treatment of tuberculosis; or
- (b) being subject to a community treatment order, in respect of any drug supplied to that patient for the treatment of mental disorder.]

(4) No charge shall be made and recovered under this regulation where the drug is supplied for personal administration by the person making the supply in accordance with the Patient Group Direction.

(5) A 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 [<sup>F143</sup>the form provided for the purpose, which form] shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment shall be made.

(6) For the purposes of this regulation the reference to the supply of a drug in accordance with a Patient Group Direction is a reference to the supply of a drug for that purpose as provided for in

the Medicines (Pharmacy and General Sale—Exemption) Order 1980 or in the Prescription Only Medicines (Human Use) Order 1997.]

### Textual Amendments

- F136** Reg. 6A inserted (11.12.2000) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 2\) Regulations 2000 \(S.I. 2000/3189\)](#), regs. 1(1), **3**
- F137** Words in reg. 6A(1) inserted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **10(a)**
- F138** Word in reg. 6A(1) inserted (1.9.2007) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2007 \(S.I. 2007/1975\)](#), regs. 1(1), **3(2)**
- F139** Sum in reg. 6A(1) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(2)(f)**
- F140** Words in reg. 6A(3)(a) substituted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **10(b)**
- F141** Words in reg. 6A(3)(c) substituted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **10(c)**
- F142** Reg. 6A(3A) substituted (3.11.2008) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment Regulations 2008 \(S.I. 2008/2593\)](#), regs. 1, **2(4)**
- F143** Words in reg. 6A(5) substituted (1.4.2006) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2006 \(S.I. 2006/675\)](#), regs. 1(1), **4(c)** (with reg. 5)

### Exemptions

7.—(1) Subject to paragraph (3), no charge shall be payable under regulations [<sup>F144</sup>3, 4, 6 or 6A] by—

- (a) a person who is under 16 years of age;
- (b) a person who is under 19 years of age and is receiving qualifying full-time education within the meaning of paragraph 7 of Schedule 12 to the Act;
- (c) a person who has attained the age of 60 years;
- (d) a woman with a valid exemption certificate issued by [<sup>F145</sup>the Secretary of State] 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>M2</sup> or with a valid exemption certificate issued under equivalent arrangements having effect in Scotland, Wales or Northern Ireland;
- (e) a person with a valid exemption certificate issued by [<sup>F146</sup>the Secretary of State] on the ground that he 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

*Status: Point in time view as at 09/02/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

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 Scotland, Wales or Northern Ireland;

[<sup>F147</sup>(ea) a person with a valid exemption certificate issued by the Secretary of State on the ground that the person is undergoing treatment for—

(i) cancer;

(ii) the effects of cancer, or

(iii) the effects of cancer treatment,

where the certificate is used in respect of drugs or appliances which are supplied on or after 1st April 2009;

(eb) a person with a valid exemption certificate issued on any of the grounds in sub-paragraph (ea) under equivalent arrangements which have effect in Scotland, Wales or Northern Ireland where the certificate is used in respect of drugs or appliances which are supplied on or after 1st April 2009;]

(f) a person with a valid exemption certificate issued by the Secretary of State 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;

(g) a person with a valid pre-payment certificate or with a valid pre-payment certificate granted under equivalent arrangements having effect in Scotland, Wales 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)(f);

(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 (c) to (g) of paragraph (1).

(3) [<sup>F148</sup>Subject to paragraph (3A)] 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 [<sup>F149</sup>5(3), 6(3) or 6A(3)].

[<sup>F150</sup>(3A) A person who falls within paragraph (1)(a) or (c) shall not be required to provide any declaration of entitlement required under regulations 3(3) or 4(3) where—

(a) an electronic prescription form or an electronic repeatable prescription is issued and the person's date of birth is recorded on the person's NHS Care Record and is set out on the electronic prescription form or electronic repeatable prescription; or

(b) a non-electronic prescription form or a non-electronic repeatable prescription is issued and the person's date of birth is printed by means of computer on the non-electronic prescription form or non-electronic repeatable prescription.]

(4) A charge referred to in column (1) of Schedule 1 shall, in the case of a person referred to in [<sup>F151</sup>regulation 6 of the Travel 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 [<sup>F152</sup>or local 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.

[<sup>F153</sup>(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—

- (a) if the drugs or appliances were supplied by an NHS Trust [<sup>F154</sup>or NHS foundation trust], then that NHS Trust [<sup>F154</sup>or NHS foundation trust] shall recover that charge from the person concerned; or
- (b) if the drugs or appliances were supplied by—
  - (i) a Primary Care Trust,
  - (ii) a chemist on a Primary Care Trust's list; or
  - (iii) a chemist who has entered into an agreement with a Primary Care Trust to provide local pharmaceutical services,
 then that Primary Care Trust shall recover that charge from the person concerned.]

### Textual Amendments

- F144** Words in reg. 7(1) substituted (11.12.2000) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 2\) Regulations 2000 \(S.I. 2000/3189\)](#), regs. 1(1), **4(a)**
- F145** Words in reg. 7(1)(d) substituted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **7(a)**
- F146** Words in reg. 7(1)(e) substituted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **7(a)**
- F147** Reg. 7(1)(ea)(eb) inserted (9.2.2009) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment Regulations 2009 \(S.I. 2009/29\)](#), regs. 1(1), **2**
- F148** Words in reg. 7(3) inserted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **11(2)**
- F149** Words in reg. 7(3) substituted (11.12.2000) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 2\) Regulations 2000 \(S.I. 2000/3189\)](#), regs. 1(1), **4(b)**
- F150** Reg. 7(3A) inserted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **11(3)**
- F151** Words in reg. 7(4) substituted (1.4.2005) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2005 \(S.I. 2005/578\)](#), regs. 1(1), **11(4)**
- F152** Words in reg. 7(6)(a) inserted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **7(b)**

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**F153** Reg. 7(7) substituted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **7(c)**

**F154** Words in reg. 7(7) inserted (1.4.2004) by [The Health and Social Care \(Community Health and Standards\) Act 2003 \(Supplementary and Consequential Provision\) \(NHS Foundation Trusts\) Order 2004 \(S.I. 2004/696\)](#), arts. 1(1)(b), 3(2), **Sch. 2**

#### Marginal Citations

**M2** 1953 c. 20.

#### [<sup>F155</sup>Exemption from charges for prisoners

**7A.**—[

<sup>F156</sup>(1)] A prisoner shall not be liable to pay any charge under these Regulations.

[

<sup>F157</sup>(2) No charge shall be payable under regulation 3(1) or 4 by a person in respect of the supply of drugs or appliances ordered on a non-electronic prescription form—

- (a) where that person was a prisoner at the time that the non-electronic prescription form was issued to him by a prescriber; and
- (b) where that non-electronic prescription form has printed upon it—
  - (i) the letters “HMP”; and
  - (ii) the name and address of the prison in which the prisoner was issued with that non-electronic prescription form.

(3) For the purposes of paragraph (2), “prisoner” means a person detained in a prison.]]

#### Textual Amendments

**F155** Reg. 7A inserted (1.4.2004) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2004 \(S.I. 2004/663\)](#), regs. 1(1), **3(2)** (with reg. 4)

**F156** Reg. 7A renumbered as reg. 7A(1) (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **6(2)**

**F157** Reg. 7A(2)(3) inserted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **6(3)**

#### [<sup>F158</sup>Exemption from charges for detainees

**7B** A detainee shall not be liable to pay any charge under these Regulations.]

#### Textual Amendments

**F158** Reg. 7B inserted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **7**



## Certificates of exemption—application and issue

8.—<sup>F159</sup>(1) A person who wishes to claim exemption under the provisions of regulation 7(1)(d), (e), (ea) or (f) shall apply for a certificate conferring exemption (in these Regulations referred to as an “exemption certificate”) as follows—

- (a) a claim for an exemption under regulation 7(1)(d) shall be made to the Secretary of State on a form supplied by the Secretary of State;
- (b) a claim for an exemption under regulation 7(1)(e) or (ea) shall be made to the Secretary of State on form “FP92A – 1 January 2009” supplied by the Secretary of State; and
- (c) a claim for an exemption under regulation 7(1)(f) shall be made to an office of the Ministry of Defence on a form supplied by the Secretary of State.]

(2) <sup>F160</sup>The Secretary of State], on being satisfied that an applicant is entitled to exemption under paragraph (1)(d), shall issue an exemption certificate which shall be valid <sup>F161</sup>from the <sup>F162</sup>date one month prior to the date on] which the Secretary of State received the application made under paragraph (1)]—

- (a) in the case of an expectant mother until the end of her pregnancy and, where she gives birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953, until the end of the period of twelve months beginning with the expected date of confinement;
- (b) in the case of a mother who has given birth to a child, until the end of the period of twelve months beginning with the date of birth of that child.

<sup>F163</sup>(3) The Secretary of State, on being satisfied that an applicant, not being a person entitled to exemption under the provisions of regulation 7(1)(a), (b) or (c), is entitled to exemption under regulation 7(1)(e) shall issue to the applicant an exemption certificate which shall be valid—

- (a) from the <sup>F164</sup>date one month prior to the date on] which the Secretary of State received the application made under paragraph (1); and
- (b) for such period as the Secretary of State may determine.]

<sup>F165</sup>(3A) Where Secretary of State is satisfied that an applicant is not a person entitled to exemption under the provisions of regulation 7(1)(a), (b), (c) or (e) but is a person entitled to exemption under the provisions of regulation 7(1) (ea)—

- (a) the Secretary of State shall issue to the applicant an exemption certificate which shall be valid from 1st April 2009 or, if the application made under paragraph (1) is received after 1st May 2009, the date one month prior to the date on which the Secretary of State received the application; and
- (b) such a certificate shall be valid for such period which begins on or after 1st April 2009 as the Secretary of State may determine.]

(4) The Secretary of State, on being satisfied that an applicant is entitled to exemption under regulation 7(1)(f), shall issue to the applicant an exemption certificate which shall be valid for such period as he may determine.

### Textual Amendments

**F159** Reg. 8(1) substituted (9.2.2009) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment Regulations 2009 \(S.I. 2009/29\)](#), regs. 1(1), **3(2)**

**F160** Words in reg. 8(2) substituted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **8(b)(i)**

**F161** Words in reg. 8(2) inserted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **8(b)(ii)**

*Status: Point in time view as at 09/02/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)*

- F162** Words in reg. 8(2) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **12(a)**
- F163** Reg. 8(3) substituted (1.10.2002) by The National Health Service (Charges for Drugs and Appliances) Amendment (No. 3) Regulations 2002 (S.I. 2002/2352), regs. 1(1), **8(c)**
- F164** Words in reg. 8(3)(a) substituted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **12(b)**
- F165** Reg. 8(3A) inserted (9.2.2009) by The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2009 (S.I. 2009/29), regs. 1(1), **3(3)**

### Pre-payment certificates

[<sup>F166</sup>9.—(1) Subject to paragraph (5), where a person applies to the Secretary of State for a pre-payment certificate and—

- (a) pays, or undertakes to pay by means of direct debit in ten monthly instalments, to the Secretary of State the sum payable for the pre-payment certificate as prescribed in paragraph (4); and
- (b) provides the Secretary of State with the information the Secretary of State requires to determine that application by—
  - (i) duly completing and submitting an application for the pre-payment certificate on a form provided for the purpose; or
  - (ii) providing the Secretary of State with that information in a manner that is acceptable to the Secretary of State,

the Secretary of State shall grant a pre-payment certificate to that person as soon as reasonably practicable after that person has fulfilled the condition set out in paragraph (6).

(2) A pre-payment certificate shall be valid for a period of either 3 months or 12 months and an application for such a certificate shall indicate the period for which it is required to be valid.

(3) A pre-payment certificate which is granted confers on the person to whom it is granted exemption as provided by regulation 7(1)(g) in respect of drugs and appliances supplied during the period for which it is valid.

(4) The sum payable for a pre-payment certificate valid for 3 months shall be [<sup>F167</sup>£27.85] and for a pre-payment certificate valid for 12 months shall be [<sup>F168</sup>£102.50]

(5) The Secretary of State may refuse to accept payment for a pre-payment certificate valid for 12 months by means of direct debit in ten monthly instalments, and refuse to grant such a certificate to a person, where that person—

- (a) has previously been granted a pre-payment certificate valid for 12 months payable by direct debit in ten monthly instalments;
- (b) has failed to pay in full the sum payable for that previously granted pre-payment certificate without good reason; and
- (c) has failed to return without good reason that previously granted pre-payment certificate to the Secretary of State within 28 days of the date on which the Secretary of State requested its return.

(6) The condition referred to in paragraph (1) is that the person making an application for the pre-payment certificate in accordance with paragraph (1) has paid the Secretary of State—

- (a) in the case of a 3 month pre-payment certificate, [<sup>F169</sup>£27.85];

- (b) in the case of a 12 month pre-payment certificate payable by means of a single instalment, [<sup>F170</sup>£102.50]; or
- (c) in the case of a 12 month pre-payment certificate payable by means of direct debit in ten monthly instalments, the first such instalment amounting to [<sup>F171</sup>£10.25], and the payment amount referred to for each type of pre-payment certificate in sub-paragraphs (a) to (c) is referred to in this regulation as “the issuing amount”.
- (7) A pre-payment certificate shall be valid—
- (a) from a date before the application is made, where that date—
- (i) was specified by the applicant when making the application; and
- (ii) is no more than one month prior to the date upon which the application was made under paragraph (1); or
- (b) from a date after the application is made, where that date—
- (i) was specified by the applicant when making the application; and
- (ii) is no more than one month after the date upon which the application was made under paragraph (1); or
- (c) if the applicant does not specify a date under sub-paragraphs (a)(i) or (b)(i), from the date upon which the application is received.
- (8) Where payment of the issuing amount in respect of a pre-payment certificate valid for 3 months or 12 months has been made under this regulation and, not more than one month after the date on which the pre-payment certificate became valid, the person in respect of whom payment was made—
- (a) dies; or
- (b) becomes resident in hospital and thereafter dies while resident in hospital before the expiry of the pre-payment certificate,
- an application for repayment of the entirety of the sum payable for the pre-payment certificate which has already been paid may be made on behalf of that person’s estate in accordance with paragraphs (13) and (14).
- (9) Where payment of the issuing amount in respect of a pre-payment certificate valid for 12 months has been made under this regulation and during the period beginning with the date on which the pre-payment certificate became valid and ending with the date of its expiry, the person in respect of whom payment was made—
- (a) becomes a person to whom any of the provisions of regulation 7(1)(b) to (f) applies;
- (b) becomes a person entitled to remission under regulation 5 of the Travel Expenses and Remission of Charges Regulations; or
- (c) becomes resident in hospital and thereafter remains in hospital until the expiry of the pre-payment certificate,
- an application for a refund may be made, by or on behalf of that person or his estate, in accordance with paragraphs (13) and (14), and calculated in accordance with paragraph (11), in respect of each complete month following the date on which one of the events listed in sub-paragraphs (a) to (c) above occurred.
- (10) Where payment of the issuing amount in respect of a pre-payment certificate valid for 3 months or 12 months has been made under this regulation and during the period beginning one month after the date on which the pre-payment certificate became valid and ending with the date of its expiry, the person in respect of whom payment was made—
- (a) dies; or

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- (b) becomes resident in hospital and thereafter dies while resident in hospital before the expiry of the pre-payment certificate,

an application for a refund may be made on behalf of that person's estate in accordance with paragraphs (13) and (14), and calculated in accordance with paragraph (11), in respect of each complete month following the date on which the person died or became resident in hospital.

(11) The refund referred to in paragraphs (9) and (10) shall be calculated as follows—

- (a) in the case of a pre-payment certificate valid for 3 months, one third of [F172£27.85] for each complete month during which the pre-payment certificate is or was valid following the relevant date;
- (b) in the case of a pre-payment certificate valid for 12 months where a person has paid for the pre-payment certificate by means of a single payment, one twelfth of [F173£102.50] for each complete month during which the pre-payment certificate is or was valid following the relevant date;
- (c) in the case of a pre-payment certificate valid for 12 months where a person is paying for the pre-payment certificate in ten monthly instalments by means of direct debit either—
- (i) where the sum payable for the pre-payment certificate has been paid in full, one twelfth of [F173£102.50] for each complete month during which the pre-payment certificate is or was valid following the relevant date; or
- (ii) where the sum payable for the pre-payment certificate has not been paid in full, the amount paid for the pre-payment certificate at the point of refund, minus [F173£102.50], plus one twelfth of [F173£102.50] for each complete month during which the pre-payment certificate is or was valid following the relevant date,

and for the purposes of these calculations, a “complete month” is a month beginning on the monthly anniversary of the date on which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month, “the relevant date” is the date on which one of the events listed in paragraphs (9)(a) to (c) or (10) (a) and (b) occurred, and if the calculations produce a minus figure for the refund, no refund will be payable.

(12) Where payment of the issuing amount in respect of a pre-payment certificate valid for 3 months has been made under this regulation and not more than one month after the date on which the pre-payment certificate became valid, the person in respect of whom payment was made—

- (a) becomes a person to whom any of the provisions of regulation 7(1)(b) to (f) applies;
- (b) becomes a person entitled to remission under regulation 5 of the Travel Expenses and Remission of Charges Regulations; or
- (c) becomes resident in hospital and remains there until expiry of the pre-payment certificate,

an application for a refund of two thirds of [F174£27.85] may be made by or on behalf of that person or his estate in accordance with paragraphs (13) and (14).

(13) An application for a refund under this regulation shall be made to the Secretary of State and shall be accompanied by the pre-payment certificate (where granted) and a declaration in support of the claim and any repayment shall be made in such manner and subject to such conditions as the Secretary of State may determine.

(14) An application for a refund under this regulation shall be made where the person in respect of whom the payment of the issuing amount was made—

- (a) dies or becomes resident in hospital and thereafter dies, within 24 months of the date of his death; or
- (b) becomes—
- (i) a person to whom any of the provisions of regulation 7(1)(b) to (f) applies; or

- (ii) a person entitled to remission under regulation 5 of the Travel Expenses and Remission of Charges Regulations,  
within 3 months of the date on which he becomes a person falling within sub-paragraphs (i) or (ii); or
- (c) becomes resident in hospital and remains there until the expiry of the pre-payment certificate, within 3 months of the date of expiry.]

### Textual Amendments

- F166** Reg. 9 substituted (1.7.2007) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No.2\) Regulations 2007 \(S.I. 2007/1510\)](#), regs. 1(1), **2** (with reg. 3)
- F167** Sum in reg. 9(4) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(a)** (with reg. 8)
- F168** Sum in reg. 9(4) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(b)** (with reg. 8)
- F169** Sum in reg. 9(6)(a) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(a)** (with reg. 8)
- F170** Sum in reg. 9(6)(b) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(b)** (with reg. 8)
- F171** Sum in reg. 9(6)(c) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(c)** (with reg. 8)
- F172** Sum in reg. 9(11)(a) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(a)** (with reg. 8)
- F173** Sum in reg. 9(11)(b)(c)(i)(ii) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(b)** (with reg. 8)
- F174** Sum in reg. 9(12) substituted (1.4.2008) by [The National Health Service \(Charges for Drugs and Appliances\) and \(Travel Expenses and Remission of Charges\) Amendment Regulations 2008 \(S.I. 2008/571\)](#), regs. 1(1), **2(4)(a)** (with reg. 8)

### Repayment of charges

**10.—(1)** Where a charge has been paid under these Regulations by or on behalf of a person who was at the time of payment exempt from the requirement to pay that charge, an application for repayment of that charge may be made in accordance with paragraph (2) by or on behalf of that person.

- (2) The application for repayment shall—
- be made to the person or body specified in the receipt which is given under regulation 3(6), 4(6), [<sup>F175</sup>5(6), 6(5) or 6A(5)] as being the person or body to whom application for repayment of charges is to be made;
  - be made in such form and manner as the Secretary of State may determine for the applicant, any class of applicant or applicants generally;
  - be made within 3 months from the date on which the drug or appliance was supplied to the applicant or within such period as Secretary of State may, for good cause, allow;

*Status: Point in time view as at 09/02/2009.*

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(d) be accompanied by the receipt [<sup>F176</sup>which is given under regulation 3(6), 4(6), 5(6), 6(5) or 6A(5)] for the charge paid and a declaration as to the grounds of exemption.

(3) In the case of a charge under regulation 5 in respect of an appliance specified in column (1) of Schedule 1, the application shall be accompanied by the exemption certificate referred to in regulation 7(1)(f) and, if the patient was referred by a doctor to the <sup>F177</sup>... NHS trust[<sup>F178</sup>, NHS foundation trust] or Primary Care Trust for treatment, either–

(a) a certificate from the doctor certifying that the treatment was for accepted disablement; or

(b) a statement that such a certificate was surrendered to the <sup>F177</sup>... NHS trust[<sup>F178</sup>, NHS foundation trust] or Primary Care Trust before the supply of the appliance.

(4) The Secretary of State shall make arrangements for the repayment of any charge paid under these Regulations by a person who is entitled to exemption.

#### Textual Amendments

**F175** Words in reg. 10(2)(a) substituted (11.12.2000) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 2\) Regulations 2000 \(S.I. 2000/3189\)](#), regs. 1(1), **5**

**F176** Words in reg. 10(2)(d) inserted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **10(a)**

**F177** Words in reg. 10(3) omitted (1.10.2002) by virtue of [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **10(b)**

**F178** Words in reg. 10(3) inserted (1.4.2004) by [The Health and Social Care \(Community Health and Standards\) Act 2003 \(Supplementary and Consequential Provision\) \(NHS Foundation Trusts\) Order 2004 \(S.I. 2004/696\)](#), arts. 1(1)(b), 3(3), **Sch. 3**

#### Arrangements between NHS bodies and Local Authorities

**11.** Any arrangements made by virtue of section 31(2)(c) of the Health Act 1999 <sup>M3</sup> (arrangements between NHS bodies and local authorities) for or in connection with the exercise by a local authority of any functions of [<sup>F179</sup>an] NHS trust[<sup>F180</sup>, NHS foundation trust] or Primary Care Trust shall not affect any power or duty to recover charges in respect of services provided in the exercise of those functions and these Regulations shall apply as if the functions were exercised by the <sup>F181</sup>... NHS trust[<sup>F180</sup>, NHS foundation trust] or Primary Care Trust with which the arrangements were made.

#### Textual Amendments

**F179** Word in reg. 11 substituted (1.10.2002) by [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **11(a)**

**F180** Words in reg. 11 inserted (1.4.2004) by [The Health and Social Care \(Community Health and Standards\) Act 2003 \(Supplementary and Consequential Provision\) \(NHS Foundation Trusts\) Order 2004 \(S.I. 2004/696\)](#), arts. 1(1)(b), 3(3), **Sch. 3**

**F181** Words in reg. 11 omitted (1.10.2002) by virtue of [The National Health Service \(Charges for Drugs and Appliances\) Amendment \(No. 3\) Regulations 2002 \(S.I. 2002/2352\)](#), regs. 1(1), **11(b)**

#### Marginal Citations

**M3** 1999 c. 8.

### **Transitional Provision**

**12.** Where an application under regulation 9 for a pre-payment certificate was received before the coming into force of these Regulations the prescribed sum payable shall be that which applied immediately before the coming into force of these Regulations.

### **Revocations**

**13.** The Regulations specified in column (1) of Schedule 2 are hereby revoked in relation to England to the extent specified in column (3) of that Schedule.

Signed by authority of the Secretary of State for Health

*Hunt*  
Parliamentary Under-Secretary of State,  
Department of Health

**Status:** Point in time view as at 09/02/2009.**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)

## SCHEDULE 1

Regulation 5(1)

## CHARGES FOR FABRIC SUPPORTS AND WIGS

<b>(1)</b> <b>Specified Appliance</b>	<b>(2)</b> <b>Specified Charge</b>
Surgical Brassiere	[ <sup>F182</sup> £24.00 ]
Abdominal or Spinal Support	[ <sup>F183</sup> £36.30 ]
Stock Modacrylic Wig	[ <sup>F184</sup> £59.20 ]
Partial Human Hair Wig	[ <sup>F185</sup> £156.60]
Full Bespoke Human Hair Wig	[ <sup>F186</sup> £229.05 ]

**Textual Amendments**

- F182** Sum in Sch. 1 substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(5)(a)** (with reg. 8)
- F183** Sum in Sch. 1 substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(5)(b)** (with reg. 8)
- F184** Sum in Sch. 1 substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(5)(c)** (with reg. 8)
- F185** Sum in Sch. 1 substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(5)(d)** (with reg. 8)
- F186** Sum in Sch. 1 substituted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **2(5)(e)** (with reg. 8)

## SCHEDULE 2

Regulation 13

## Regulations Revoked

<b>(1)</b> <b>Regulations revoked</b>	<b>(2)</b> <b>Reference</b>	<b>(3)</b> <b>Extent of revocation</b>
The National Health Service (Charges for Drugs and Appliances) Regulations 1989	S.I. 1989/419	The whole Regulations
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1990	S.I. 1990/537	The whole Regulations
The National Health Service (Charges for Drugs and	S.I. 1991/579	The whole Regulations



Appliances) Amendment Regulations 1991		
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1992	S.I. 1992/365	The whole Regulations
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1993	S.I. 1993/420	The whole Regulations
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1994	S.I. 1994/690	The whole Regulations
The National Health Service (Pharmaceutical Services and Charges for Drugs and Appliances) Amendment Regulations 1994	S.I. 1994/2402	regulation 3
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1995	S.I. 1995/643	The whole Regulations
The National Health Service (Charges for Drugs and Appliances) Amendment (No. 2) Regulations 1995	S.I. 1995/2737	The whole Regulations
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1996	S.I. 1996/583	The whole Regulations
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1997	S.I. 1997/559	The whole Regulations
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1998	S.I. 1998/491	The whole Regulations
The National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998	S.I. 1998/646	regulation 9
The National Health Service (Pilot Schemes for Personal Dental Services: Miscellaneous	S.I. 1998/2224	regulation 5

**Status:** Point in time view as at 09/02/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked). (See end of Document for details)

Provisions and Consequential  
Amendments) Regulations  
1998

The National Health Service (Charges for Drugs and Appliances and Travelling Expenses and Remission of Charges) Amendment Regulations 1999	S.I. 1999/767	regulations 2 and 3 and the Schedule
The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2000	S.I. 2000/122	The whole Regulations

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#### EXPLANATORY NOTE

(This note is not part of the Regulations)

<sup>M4</sup>These Regulations revoke and replace, with amendments, the National Health Service (Charges for Drugs and Appliances) Regulations 1989 as amended. They provide for the making and recovery of charges for drugs and appliances supplied under the National Health Service Act 1977. Provision for dental charges and optical charges is made separately .

Accordingly, these Regulations provide for charges for drugs and appliances supplied by doctors and chemists providing pharmaceutical services (regulations 3 and 4) and by Health Authorities, NHS trusts and Primary Care Trusts (regulation 5) and at walk-in centres (regulation 6). Provision is also made in relation to cases where a local authority acts in partnership arrangements with an NHS body (regulation 11). The Regulations also provide for exemption and remission from charges in certain cases (regulation 7), for the issue of exemption certificates (regulation 8), for the issue of pre-payment certificates (regulation 9) and for repayment of charges in certain cases (regulation 10).

The main changes made by these Regulations are to increase charges (by approximately 2%) and to include provision in relation to Primary Care Trusts established under section 16A of the National Health Services Act 1977 (as amended by the Health Act 1999).

**Status:**

Point in time view as at 09/02/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Charges for Drugs and Appliances) Regulations 2000 (revoked).