

EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (CHARGES FOR DRUGS AND
APPLIANCES) AMENDMENT REGULATIONS

2008 No. 2593

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000.

3. Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 These regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 to provide that drugs supplied to a person subject to a community treatment order for the treatment of mental disorder are free of charge when supplied by an NHS Trust, NHS Foundation Trust or Primary Care Trust or under a Patient Group Direction.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1. The National Health Service (Charges for Drugs and Appliances) Regulations 2000 provide for NHS prescriptions charges to be recovered from patients for the supply of drugs and appliances. Section 17A of the Mental Health Act 1983 as amended by the Mental Health Act 2007 will introduce supervised community treatment (SCT). SCT is a new way to manage the care and treatment of certain patients in the community. Patients on SCT must have been detained for treatment for mental disorder under the Act, and are required to comply with certain conditions while in the community. Such patients may be required to take medication as set out in their treatment plan as a condition of SCT. Patients on SCT will be required to pay a

prescription charge unless otherwise exempt. It is undesirable that a patient under legal powers requiring compliance with a medicinal regime should have to pay for that medication.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Eleanor Shenton at the Department of Health Tel: 020 7972 2923 or e-mail: eleanor.shenton@dh.gsi.gov.uk can answer any queries regarding the instrument.