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STATUTORY INSTRUMENTS

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**2018 No. 1114**

**The National Health Service (Pharmaceutical Services,  
Charges and Prescribing) (Amendment) Regulations 2018**

**PART 3**

**Amendments to the Charges Regulations**

**Amendment of Regulation 4 of the Charges Regulations**

**13.**—(1) Regulation 4 of the Charges Regulations<sup>(1)</sup> (supply of drugs and appliances by doctors) is amended as follows.

(2) In paragraph (2)(b), after “by a doctor” insert “or the prescriber”.

(3) In paragraph (3), for sub-paragraphs (a) and (b) substitute—

“(a) in cases involving a non-electronic prescription form, there is—

(i) an exemption by virtue of regulation 10(1) or entitlement to remission of the charge by virtue of regulation 5 of the Travel Expenses and Remission of Charges Regulations (entitlement to full remission and payment), and

(ii) subject to regulation 10(5)(b), a declaration of entitlement to an exemption or remission is duly completed by or on behalf of the patient on the non-electronic prescription form;

(b) in cases involving an electronic prescription form, there is—

(i) an exemption by virtue of regulation 10(1) or entitlement to remission of the charge by virtue of regulation 5 of the Travel Expenses and Remission of Charges Regulations, and

(ii) subject to regulation 10(5)(a), entitlement to that exemption or remission has been declared to the doctor by or on behalf of the patient and the doctor has duly entered into the records managed by the Information Centre that are accessible as part of the Electronic Prescription Service a record of that entitlement (if that entitlement is not already recorded in those records);”.

(4) After paragraph (3) insert the following paragraphs—

“(3A) Where a declaration is made under paragraph (3)(b)(ii), subject to paragraph (3B), the patient or a person acting on the patient’s behalf must duly complete a record of that declaration on an approved form provided by the Board for recording such declarations and issued by the doctor or the prescriber.

(3B) The record referred to in paragraph (3A) is not required where a check, known as a real time exemption check, by the doctor of electronic records that are managed by the NHS BSA for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable

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(1) Relevant amendments have been made to regulation 4 by [S.I. 2018/201](#).

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under these Regulations has confirmed that no charge is to be made and recovered under paragraph (1).”.