
STATUTORY INSTRUMENTS

2021 No. 1346

The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021

PART 3

Amendments to the National Health Service (Charges for Drugs and Appliances) Regulations 2015

Amendment of regulation 2 of the Charges Regulations

- 11.**—(1) Regulation 2 of the Charges Regulations⁽¹⁾ (interpretation) is amended as follows.
- (2) In paragraph (1), at the appropriate places in the alphabetical order insert—
- ““exemption certificate” means a certificate conferring exemption that is to be applied for in accordance with regulation 15(1);” and
- ““health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002⁽²⁾ (the Professional Standards Authority for Health and Social Care);”.

Amendment of regulation 13 of the Charges Regulations

- 12.**—(1) Regulation 13 of the Charges Regulations⁽³⁾ (exemptions from charges: risks to health) is amended as follows.
- (2) In paragraph (1)(b), omit “form”.

Amendment of regulation 15 of the Charges Regulations

- 13.**—(1) Regulation 15 of the Charges Regulations (certificates of exemption: application and issue) is amended as follows.
- (2) For paragraph (1) substitute—
- “(1) A person who wishes to claim exemption from charges payable under these Regulations (“an applicant”) by virtue of—

(1) Amended by S.I. 2015/1879, 2016/696 and 1077, 2018/1114, 2019/248, 990 and 1094 and 2021/169.

(2) 2002 c. 17. Section 25(3) had been amended by: the Health and Social Care Act 2008 (c. 14), Schedule 10, paragraph 17; the Health and Social Care Act 2012 (c. 7), Schedule 15, paragraph 56(b); the Children and Social Work Act 2017 (c. 16), Schedule 4, paragraph 2(2); and S.I. 2010/231.

(3) Amended by S.I. 2021/169.

- (a) regulation 10(1)(d), (e) or (f), or a health care professional making such an application on an applicant's behalf, must apply for a certificate conferring exemption on an approved form provided by the Secretary of State; or
 - (b) regulation 10(1)(h), must apply for a certificate conferring exemption to the Ministry of Defence on an approved form provided by the Secretary of State.”.
- (3) In paragraph (2)—
- (a) for “that mother’s pregnancy, and in the case of a mother who gives birth” substitute “the period of twelve months beginning with the expected date of confinement, or in respect of applications received after an applicant has given birth”; and
 - (b) in sub-paragraph (a), after “the expected date of confinement” insert “or the date of birth (depending on which is requested)”.
- (4) After paragraph (2) insert—
- “(2A) Where an exemption certificate is issued to an applicant who is an expectant mother the period of the validity of the certificate may be extended so that the twelve months is calculated from the child’s date of birth if—
- (a) that date is later than the expected date of confinement; and
 - (b) the mother requests such an extension following the birth of a child as mentioned in paragraph (2)(a) or (b).”.

New regulation 15A of the Charges Regulations

14. After regulation 15 of the Charges Regulations (certificates of exemption: application and issue), insert—

“Sharing of data relating to applications for medical and maternity exemption certificates

15A.—(1) As regards any application made for an exemption certificate mentioned in regulation 15(1)(a) (either by the applicant or by a health care professional making an application on the applicant’s behalf), paragraph (2) applies to the data (which may be electronic data) arising from—

- (a) the completion of the application form (by whosoever completes it);
 - (b) the processing of the application form for the purposes of assessing whether or not an applicant meets the entitlement criteria for the exemption certificate;
 - (c) the issuing of an exemption certificate to an applicant where it is appropriate to do so; and
 - (d) the management of these processes to ensure that they are performed effectively, efficiently and economically.
- (2) Where paragraph (3) applies, the processing of data which is or is part of data described in paragraph (1) is—
- (a) necessary for the performance of a task carried out in the public interest;
 - (b) the exercise of a function conferred on a person by an enactment (whether or not it would be so but for this sub-paragraph); and
 - (c) if the data is personal data concerning health, necessary for the management of health care systems or services.
- (3) This paragraph applies where the processing—

- (a) is by or on behalf of a relevant body or a provider of NHS services, including by another body on behalf of the relevant body or the provider of NHS services; and
 - (b) is for the purposes of performing, or facilitating the performance of, the functions mentioned in paragraph (1).
- (4) A person who—
- (a) is employed or engaged by a relevant body or provider of NHS services, or by a body processing data on their behalf as mentioned in paragraph (3)(a); and
 - (b) in the course of being so employed or engaged is required, for the purposes of performing, or facilitating the performance of, the functions mentioned in paragraph (1), to undertake the processing of data which is or is part of data described in that paragraph,
- owes a duty of confidentiality in respect of that data (whether or not that person would do so but for this paragraph), but that duty is such that the person is able for those purposes, lawfully, to process that data by virtue of this regulation.
- (5) Words and expressions used in both—
- (a) paragraphs (2) to (4); and
 - (b) Parts 1 and 2 (preliminary and general processing) of, and paragraph 2(2)(f) of Schedule 1 (special categories of personal data and criminal convictions etc data – health or social care purposes) to, the Data Protection Act 2018(4),
- bear the meanings they bear in those provisions of the Data Protection Act 2018.”.