WELSH STATUTORY INSTRUMENTS

2009 No. 2607 (W.210)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2009

Made - - - -	*24 September 2009*
Laid before the National Assembly for Wales - -	*28 September 2009*
Coming into force - -	*20 October 2009*

The Welsh Ministers, in exercise of the powers conferred by sections 121, 130, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**), hereby make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2009 and they come into force on 20 October 2009.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

"the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(**2**).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation) insert in the appropriate place in the alphabetical order—

""the 2006 Act" ("*Deddf 2006*") means the National Health Service (Wales) Act 2006(**3**);".

Amendment of regulation 3 of the principal Regulations

3.—(1) Regulation 3 of the principal Regulations (supply of drugs and appliances by chemists) is amended in accordance with the following provisions of this regulation.

(2) For paragraph (10), substitute the following—

(**1**) 2006 c. 42.
(**2**) S.I.2007/121 (W.11), the relevant amending instrument is S.I. 2009/1175 (W.102).
(**3**) 2006 c. 42.

"(10) A chemist who makes and recovers a charge—

(a) under paragraph (2) from or on behalf of a patient who is a person described in regulation 11A(1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received in the form approved by the Welsh Ministers;

(b) under paragraph (2) or (5) from or on behalf of a patient who is not a person described in regulation 11A (1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received on the form provided for the purpose, which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.".

Amendment of regulation 4 of the principal Regulations

4.—(1) Regulation 4 of the principal Regulations (supply of drugs and appliances by doctors) is amended in accordance with the following provisions of this regulation.

(2) For paragraph (7), substitute the following—

"(7) A doctor who makes and recovers a charge under paragraph (2)—

(a) from or on behalf of a patient who is a person described in regulation 11A(1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received in the form approved by the Welsh Ministers;

(b) from or on behalf of a patient who is not a person described in regulation 11A(1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received on the form provided for the purpose, which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.".

Amendment of regulation 8 of the principal Regulations

5. In regulation 8 of the principal Regulations (exemptions), after paragraph (1)(e) insert the following—

"(ea) a person with a valid exemption certificate issued by a Local Health Board 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 1 November 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 England, Scotland or Northern Ireland where the certificate is used in respect of drugs or appliances which are supplied on or after 1 November 2009.".

Amendment of regulation 9 of the principal Regulations

6.—(1) Regulation 9 of the principal Regulations (certificates of exemption — application and issue) is amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) after sub-paragraph (c), insert the following—