WELSH STATUTORY INSTRUMENTS

2007 No. 121 (W.11)

NATIONAL HEALTH SERVICE, WALES

National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007

Made - - - -	*23 January 2007*
Coming into force - -	*1 April 2007*

The National Assembly for Wales in exercise of the powers conferred by sections 77, 83, 83A and 126(4) of, and paragraph 1 of Schedule 12 to, the National Health Service Act 1977(**1**) hereby makes the following Regulations:—

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 and they come into force on 1 April 2007.

(2) These regulations apply in relation to Wales.

Interpretation

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

"the Act" ("*y Ddeddf*") means the National Health Service Act 1977;

"accepted disablement" ("*anabledd wedi'i dderbyn*") means physical or mental injury or disease which is accepted by the National Assembly as attributable to or aggravated by service in the armed forces of the Crown or such other service as it may determine;

"accredited course" ("*cwrs a achredwyd*") means a course accredited by the Nursing and Midwifery Council;

"appliance" ("*cyfarpar*") means a listed appliance within the meaning of section 41 of the Act(**2**);

"batch issue" ("*swp-ddyroddiad*") means a form provided by a Local Health Board and issued by a repeatable prescriber at the same time as a repeatable prescription to enable a chemist to

(**1**) 1977 c. 49.
(**2**) Section 41 of the Act is replaced by section 80 of the National Health Service (Wales) Act 2006 (c. 42) with effect from 1 March 2007.

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 repeatable prescriber;

(b) relates to a particular 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 repeatable prescription may be provided; and

(d) specifies a number denoting its place in the sequence referred to in paragraph (c);

"the Charges Regulations 2000" ("*Rheoliadau Ffioedd 2000*") means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(**3**);

"the Charges Regulations 2001" ("*Rheoliadau Ffioedd 2001*") means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(**4**);

"chemist" ("*fferyllydd*") includes any person, other than a doctor, providing pharmaceutical services;

"dispensing services" ("*gwasanaethau gweinyddu*") means services corresponding to pharmaceutical services under the terms of a GMS contract which give effect to paragraphs 47 to 51 of Schedule 6 to the GMS Contract Regulations;

"doctor" ("*meddyg*") means a registered medical practitioner;

"Drug Tariff" ("*Tariff Cyffuriau*") means the statement compiled, published and amended from time to time by the National Assembly pursuant to regulation 18 of the National Health Service (Pharmaceutical Services) Regulations 1992(**5**) (standards of, and payments for, drugs and appliances);

"drugs" ("*cyffuriau*") includes medicines;

"elastic hosiery" ("*hosan elastig*") means anklet, legging, knee-cap, below-knee or thigh stocking;

"entitlement card" ("*cerdyn hawl*") has the meaning assigned to it by regulation 11(1);

"equivalent batch issue" ("*swp-ddyroddiad cyfatebol*") means a form provided under equivalent arrangements having effect in England, Scotland and Northern Ireland which is issued by a repeatable prescriber at the same time as an equivalent repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services;

"equivalent prescription form" ("*ffurflen brescripsiwn gyfatebol*") means a form provided and issued under equivalent arrangements having effect in England, Scotland or Northern Ireland to enable a person to obtain pharmaceutical services or local pharmaceutical services, or in Scotland pharmaceutical care services provided under Part 1 of the National Health Service (Scotland) Act 1978(**6**), and does not include—

(a) a Welsh prescription form;

(b) a Welsh repeatable prescription; or

(c) an equivalent repeatable prescription;

"equivalent repeatable prescription" ("*presgripsiwn amlroddadwy cyfatebol*") means a prescription contained in a form and issued in accordance with arrangements having effect

(**3**) S.I.2000/620, as last amended by S.I. 2006/675.
(**4**) S.I. 2001/1358 (W.86), as last amended by S.I. 2006/1792 (W.188).
(**5**) S.I. 1992/662, as last amended in relation to Wales by S.I. 2005/1013 (W.67).
(**6**) 1978 c. 29.

in England, Scotland and Northern Ireland to enable a person to obtain equivalent repeat dispensing services to those provided within Wales;

"exemption" ("*esemptiad*") means any exemption provided for in regulation 8;

"exemption certificate" ("*tystysgrif esemptio*") has the meaning assigned to it by regulation 9(1);

"the GMS Contract Regulations" ("*Rheoliadau Contract GMS*") means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(**7**);

"GMS contract" ("*contract GMS*") means a general medical services contract under section 28Q of the Act;

"independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*") means a person—

(a) who is registered in the Nursing and Midwifery Register, and

(b) in respect of whom an annotation signifying that he or she is qualified to order drugs, medicines and appliances from—

(i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or

(ii) the Nurse Prescribers' Extended Formulary for Community Practitioners in Part XVIIB(i) of the Drug Tariff,

is also recorded in that register;

"Local Health Board" ("*Bwrdd Iechyd Lleol*") has the meaning assigned to it by section 16BA of the Act(**8**);

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"nurse independent prescriber" ("*nyrs-ragnodydd annibynnol*") means a person—

(a) whose name is registered in the Nursing and Midwifery Register, and

(b) who, in respect of a person practising in Wales on or after 1 February 2007, has passed an accredited course to practise as a nurse independent prescriber;

"Nursing and Midwifery Register" ("*Cofrestr Nyrsio a Bydwreigiaeth*") means the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001(**9**);

"patient" ("*claf*") means—

(a) any person who is provided with primary medical services under Part 1 of the Act(**10**);

(b) any person who applies to a chemist for the provision of 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) any person who applies to be supplied with a drug in accordance with a Patient Group Direction;

"Patient Group Direction" ("*Cyfarwyddyd Grwp Cleifion*") is to be construed in accordance with regulation 7(2);

"pharmacist independent prescriber" ("*fferyllydd-ragnodydd annibynnol*") means a person—

(c) who is a pharmacist, and

(**7**) S.I. 2004/478 (W.48) as last amended by S.I. 2006/945 (W.94).
(**8**) Section 16BA of the Act is replaced by section 11 of the National Health Service (Wales) Act 2006 with effect from 1 March 2007.
(**9**) S.I. 2001/253.
(**10**) Primary medical services are provided under Part 4 of the National Health Service (Wales) Act 2006 with effect from 1 March 2007.

(d) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;

"prescriber" ("*rhagnodydd*") means—

(a) a doctor,

(b) an independent nurse prescriber,

(c) a supplementary prescriber,

(d) a nurse independent prescriber, and

(e) a pharmacist independent prescriber.

"Primary Care Trust" ("*Ymddiriedolaeth Gofal Sylfaenol*") means a Primary Care Trust established under section 16A of the Act(**11**);

"prison" ("*carchar*") 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—

"prisoner" ("*carcharor*") means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the Act(**12**) by, or under arrangements made by a Local Health Board otherwise than by virtue of section 7(2) of the Health and Medicines Act 1988(**13**) (extension of the powers of Secretary of State for financing the Health Service);

"secure training centre" ("*canolfan hyfforddi diogel*") means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000(**14**) (offenders under 18: detention and training orders) may be detained and given training and education and prepared for their release; and

"young offender institution" ("*sefydliad tramgwyddwyr ifanc*") means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life;

"qualifying patient" ("*claf cymwys*") has the meaning assigned to it by regulation 11(3);

"relevant register" ("*cofrestr berthnasol*") means—

(a) in relation to a nurse or a midwife, the Nursing and Midwifery Register;

(b) in relation to a pharmacist, the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954(**15**) or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**16**);

(c) in relation to a person whose name is registered in the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(**17**) relating to—

(i) chiropodists and podiatrists;

(ii) physiotherapists; or

(iii) radiographers: diagnostic or therapeutic;

that register; and

(**11**) Section 16A of the Act is replaced by section 18 of the National Health Service Act 2006 (c. 41) with effect from 1 March 2007.
(**12**) Medical, dental, ophthalmic and pharmaceutical services are provided under Parts 4, 5, 6, and 7 of the National Health Service (Wales) Act 2006 respectively with effect from 1 March 2007.
(**13**) 1988 c. 49.
(**14**) 2000 c. 6.
(**15**) 1954 c. 61.
(**16**) S.R. 1976/1213 (N.I. 22).
(**17**) S.I. 2001/254.

(d) in relation to a registered optometrist, the register of optometrists maintained under section 7(a) of the Opticians Act 1989(**18**);

"repeat dispensing services" ("*gwasanaethau amlweinyddu*") means pharmaceutical services which involve the provision of drugs or appliances by a chemist in accordance with a repeatable prescription;

"repeatable prescriber" ("*rhagnodydd amlroddadwy*") means a prescriber who is—

(a) a GMS contractor who provides repeatable prescribing services under the terms of its contract which give effect to paragraph 40 of Schedule 6 to the GMS Contract Regulations; or

(b) employed or engaged by a GMS contractor who provides repeatable prescribing services under the terms of a contract which give effect to paragraph 40 of Schedule 6 to the GMS Contract Regulations;

"supplementary prescriber" ("*rhagnodydd atodol*") means a person

(a) whose name is registered in—

(i) the Nursing and Midwifery Register,

(ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954;

(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,

(cc) radiographers: diagnostic or therapeutic, or

(v) the register of optometrists maintained by the General Optical Council in pursuance of section 7(a) of the Opticians Act 1989, and

(b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber;

"terms of service" ("*telerau gwasanaeth*") means the terms on which general ophthalmic services and pharmaceutical services are provided under the Act;

"the Travelling Expenses and Remission of Charges Regulations" ("*y Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl*") means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(**19**);

"treatment" ("*triniaeth*") includes examination and diagnosis;

"valid entitlement card" ("*cerdyn hawl dilys*") means an entitlement card which is in force and applies to the patient named on an equivalent prescription form;

"Walk-in centre" ("*Canolfan cerdded i mewn*") 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 National Assembly;

"Welsh prescription form" ("*ffurflen brescripsiwn Gymreig*") means a form provided by a Local Health Board or a Welsh NHS Trust and issued by a prescriber or a dentist to enable a person to obtain pharmaceutical services and does not include—

(**18**) 1989 c. 44.
(**19**) S.I. 1988/551, as last amended by S.I. 2006/2791 (W.232).