WELSH STATUTORY INSTRUMENTS

2006 No. 1792 (W.188)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006

Made - - - -	*4 July 2006*
Coming into force - -	*1 August 2006*

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, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006 and they come into force on 1 August 2006.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Charges for Drugs and Appliances) (Wales) (Regulations) 2001(**2**).

(**1**) 1977 c. 49; *see* section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 26(2)(g) and (i), for the definitions of "prescribed" and "regulations".
Section 83 was amended by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), section 2 and Schedule 1, paragraph 39, by S.I. 2000/90, article 3(1) and Schedule 1, paragraph 13(1) and (4) and by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) ("the 2003 Act"), section 196 and Schedule 14, Part 4.
Section 83A was inserted by the Social Security Act 1988 (c. 7) ("the 1988 Act"), section 14(1) and was amended by the 1990 Act, section 66(1) and Schedule 9, paragraph 18(5)(a) and (b); by the 1995 Act, section 2(1) and Schedule 1, paragraph 40; by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) ("the 2002 Act"), section 2(5) and Schedule 2 paragraphs 1 and 32; by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 31 and also by section 196 and Schedule 14.
Section 126(4) was amended by the 1990 Act, section 66(2) and the Health Act 1999 (c. 8) ("the 1999 Act"), section 65(1) and Schedule 4, paragraphs 37(1) and (6); by the 2002 Act, section 6(3)(c) and by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 38.
Paragraph 1 of Schedule 12 was amended by the Health Services Act 1980 (c. 53), section 25(2) and Schedule 5, paragraph 1; by the 1988 Act, section 16 and Schedule 5; by the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, paragraph 31 and by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 44.
The functions of the Secretary of State under sections 77, 83, 83A and 126(4) of and paragraph 1 of Schedule 12 to the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, as amended by the 1999 Act, section 66(4) and (5), the Health and Social Care Act 2001 (c. 15), section 68(1), the 2002 Act, section 40(1) and the 2003 Act, section 197(1).

(**2**) S.I.2001/1358 (W.86). Relevant amending instruments are S.I.2001/2359 (W.196), S.I.2004/1018 (W.115) and 2004/1605 (W.164), S.I.2005/427 (W.44) and 2005/1915 (W.158).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)—

(a) in the appropriate place in the alphabetical order insert—

""entitlement card" ("*cerdyn hawl*") has the meaning assigned to it by regulation 9A(1);";

(b) in the appropriate place in the alphabetical order insert—

""Primary Care Trust" ("*Ymddiriedolaeth Gofal Sylfaenol*") means a Primary Care Trust established under section 16A of the Act(**3**);";

(c) in the appropriate place in the alphabetical order insert—

""qualifying patient" ("*claf cymwys*") has the meaning assigned to it by regulation 9A(3);".

Amendment of regulation 3 of the principal Regulations

3.—(1) Regulation 3 of the principal Regulations is amended as follows.

(2) For sub-paragraph (1)(b) substitute the following sub-paragraph—

"(b) where the patient presents an equivalent prescription form—

(i) in cases where the patient is a qualifying patient who also presents a valid entitlement card—

(aa) in respect of an item of elastic hosiery a charge of £3.00, that is to say a charge of £6.00 per pair,

(bb) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £3.00;

(ii) in all other cases—

(aa) in respect of an item of elastic hosiery the charge that is specified in regulation 3(1)(a) of the Charges Regulations 2000,

(bb) in respect of the supply of each other appliance and each quantity of a drug, the charge that is specified in regulation 3(1)(b) of the Charges Regulations 2000.".

(3) For sub-paragraph (3)(b) substitute the following sub-paragraph—

"(b) in respect of each equivalent batch issue—

(i) where the patient is a qualifying patient who also presents a valid entitlement card —

(aa) in respect of an item of elastic hosiery a charge of £3.00, that is to say a charge of £6.00 per pair,

(bb) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £3.00;

(ii) in all other cases—

(aa) in respect of an item of elastic hosiery, the charge specified in regulation 3(1A)(b)(i) of the Charges Regulations 2000,

(bb) in respect of the supply of each other appliance and of each quantity of a drug, the charge that is specified in regulation 3(1A)(b)(ii) of the Charges Regulations 2000.".

(**3**) Section 16A was inserted into the National Health Service Act 1977 by the Health Act 1999 (c. 8), section 2(1).