WELSH STATUTORY INSTRUMENTS

2006 No. 943 (W.92)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2006

Made - - - -	*28 March 2006*
Coming into force - -	*1 April 2006*

The National Assembly for Wales, in exercise of the powers conferred by sections 77, 83, 83A and 126(4) of 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) Regulations 2006 and they come into force on 1 April 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**).

Amendment of regulation 8 of the principal Regulations

2.—(1) Regulation 8 of the principal Regulations (exemptions) is amended as follows.

(2) For paragraph (1) substitute the following—

(**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 1 and Schedule 1, paragraph 39 and by S.I. 2000/90, article 3(1) and Schedule 1, paragraph 13(1) and (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 Health and Medicines Act 1988 (c. 49), section 25 and Schedule 2, paragraph 6; by S.I.1998/2385, article 2 and by the 1995 Act, section 2(1) and Schedule 1, paragraph 40. Section 126(4) was amended by the 1990 Act, section 65(2) and the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 37(6). Paragraph 1 of Schedule 12 was amended by the Health Services Act 1980 (c. 53), section 25(2) and Schedule 5, paragraph 1; by 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 Health and Social Care (Community Health and Standards) Act 2003 (c. 43), 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), the Health and Social Care Act 2001 (c. 15), section 68(1), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), 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) and S.I. 2005/427 (W.44) and S.I. 2005/1915 (W.158).

"(1) Subject to paragraph (3), no charge will be payable under regulations 3, 4, 6 or 7 by—

(a) a person who is under 16 years of age;

(b) a person who is under 19 years of age and who is receiving qualifying full-time education within the meaning of paragraph 7 of Schedule 12 to the Act;

(c) a person who is under 25 years of age and who presents—

(i) a Welsh prescription form, or

(ii) a batch issue relating to a Welsh repeatable prescription;

(d) a person who has attained the age of 60 years;

(e) a woman with a valid exemption certificate issued by a Local Health Board on the ground that she is an expectant mother or has within the last twelve months given birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953(**3**) or with a valid exemption certificate issued under equivalent arrangements having effect in England, Scotland or Northern Ireland;

(f) a person with a valid exemption certificate issued by a Local Health Board on the ground that he or she is suffering from one of more of the following conditions—

(i) permanent fistula (including caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance;

(ii) the following disorders—

forms of hypoadrenalism (including Addison's disease) for which specific substitution therapy is essential

diabetes insipidus and other forms of hypopituitarism

diabetes mellitus — except where treatment is by diet alone

hypoarathyroidism

myasthenia gravis

myxoedema

(iii) epilepsy requiring continuous anti-convulsive therapy;

(iv) a continuing physical disability which prevents the patient from leaving his or her residence without the help of another person;

or by a person with a valid exemption certificate issued under equivalent arrangements having effect in England, Scotland or Northern Ireland;

(g) a person with a valid exemption certificate issued by the National Assembly in respect of the supply of drugs and appliances for the treatment of accepted disablement, but in either case only in respect of those supplies to which the certificate relates;

(h) a person with a valid pre-payment certificate or with a valid pre-payment certificate granted under equivalent arrangements having effect in England, Scotland or Northern Ireland".

(3) In paragraph (2)—

(a) in sub-paragraph (a) for "in any of sub-paragraphs (a), (b) or (e)" substitute "in any of sub-paragraphs (a) to (d) or (g)";

(b) in sub-paragraph (b) for "sub-paragraphs (a) to (f)" substitute "sub-paragraphs (a) to (h)".

(**3**) 1953 c. 20.