STATUTORY RULES OF NORTHERN IRELAND

2001 No. 123

HEALTH AND PERSONAL SOCIAL SERVICES

Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*21st March 2001*
Coming into operation	*28th April 2001*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 98 and 106 of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 28th April 2001.

(2) In these Regulations "the principal Regulations" means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997(**3**).

Amendment of regulation 3 of the principal Regulations

2. In regulation 3 (supply of drugs and appliances by chemists)—

(a) in paragraphs (1)(*a*), (*b*) and (3) for "£6·00" there shall be substituted "£6·10"; and

(b) in paragraph (1)(*a*) for "£12·00" there shall be substituted "£12·20".

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 (supply of drugs and appliances by doctors)—

(a) in paragraphs (1)(*a*), (*b*) and (3) for "£6·00" there shall be substituted "£6·10"; and

(b) in paragraph (1)(*a*) for "£12·00" there shall be substituted "£12·20".

(**1**) *See*S.I.1999/283 (N.I. 1) Article 3(6)
(**2**) S.I. 1972/1265 (N.I. 14); the relevant amending instruments are S.I. 1986/2229 (N.I. 24) Article 14, S.I. 1988/2249 (N.I. 24) Article 7 and S.I. 1991/194 (N.I. 1) Article 34 and Part II of Schedule 5
(**3**) S.R. 1997 No. 382; the relevant amending instrument is S.R. 2000 No. 57

Amendment of regulation 5 of the principal Regulations

4. In regulation 5 (supply of drugs and appliances by a Board or an HSS trust)—

(a) in paragraphs (1)(*a*), (*d*) and (3) for "£6·00" there shall be substituted "£6·10"; and

(b) in paragraphs (1)(*a*) and (*c*) for "£12·00" there shall be substituted "£12·20".

Amendment of regulation 9 of the principal Regulations

5.—(1) Regulation 9 of the principal Regulations (pre-payment certificates) shall be amended in accordance with the following paragraphs.

(2) In paragraph (5) for "£31·40" there shall be substituted "£31·90" and for "£86·20" there shall be substituted "£87·60".

(3) In paragraph (6) for "paragraphs (7) and (8)" there shall be substituted "paragraphs (13) to (15)".

(4) For paragraphs (7) and (8) there shall be substituted the following paragraphs—

"(7) Where payment of a prescribed sum has been made and where on or after 28th April 2001 the person in respect of whom the payment was made dies or becomes resident in a hospital and thereafter dies during the relevant period as defined in paragraph (9) an application for a refund may be made, by or on behalf of that person or his estate, in accordance with paragraphs (13) to (15) in respect of each complete month following the date on which the person died or became resident in a hospital.

(8) The refund referred to in paragraph (7) shall be calculated as follows—

(a) in the case of a pre-payment certificate valid for 4 months, ¼ of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

(b) in the case of a pre-payment certificate valid for 12 months 1/12 of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

and for the purposes of these calculations a complete month is a month beginning on the monthly anniversary of the date on which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month.

(9) In paragraph (7) "the relevant period" means the period of validity of the pre-payment certificate excluding the month in respect of which an application under paragraph (6) may be made.

(10) Where payment of a prescribed sum in respect of a pre-payment certificate valid for 12 months has been made and where on or after 28th April 2001 and during the relevant period defined in paragraph (12), the person in respect of whom the payment was made—

(a) becomes a person to whom any of the provisions of regulation 7(1)(*b*) to (*f*) applies; or

(b) becomes a person entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations.

an application for a refund may be made, by or on behalf of that person or his estate in accordance with paragraphs (13) to (15).

(11) The refund referred to in paragraph (10) shall be for the sum which is the difference between the prescribed sum paid and the sum which was prescribed for a pre-payment certificate valid for 4 months on the date that the prescribed sum was paid.

(12) In paragraph (10) the "relevant period" means the period of 3 months immediately following the month in respect of which an application under paragraph (6) may be made.