STATUTORY RULES OF NORTHERN IRELAND

1999 No. 166

HEALTH AND PERSONAL SOCIAL SERVICES

Charges for Drugs and Appliances and Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1999

Made - - - - 29th March 1999

Coming into operation in accordance with regulation 1

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 45, 98, 106(b) and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(**2**) in so far as the Regulations relate to travelling expenses, and with the approval of the Department of Finance and Personnel in so far as the Regulations relate to charges and the remission of charges, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Charges for Drugs and Appliances and Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999, immediatley after the coming into operation of the Health Services (Pilot Schemes : Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999(**3**).

(2) In these Regulations, "the Charges Regulations" means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997(**4**).

Amendment of the Charges Regulations

2.—(1) The Charges Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(**1**) S.I. 1972/1265 (N.I. 14); the relevant amending instruments are Article 14 of S.I. 1986/2229 (N.I. 24), Article 7 of S.I. 1988/2249 (N.I. 24) and Article 34 of, and Part II of Schedule 5 to, S.I. 1991/194 (N.I. 1) and Article 2 of S.R. 1999 No. 11

(**2**) Formerly Department of Finance; see S.I. 1982/338 (N.I. 6), Article 3

(**3**) S.R. 1999 No. 100

(**4**) S.R. 1997 No. 382; as amended by S.R. 1998 No. 135 and S.R. 1999 No. 100

(i) for the definition of "elastic hosiery", substitute—

""elastic hosiery" means anklet, legging, knee-cap, below-knee, above-knee or thigh stocking;",

(ii) after the definition of "medical list", insert—

""nurse prescriber" means a nurse or health visitor of a description specified in paragraph (2);", and

(iii) for the definition of "prescription form", substitute—

""prescription form" means a form provided by the Agency, a Health Authority constituted under section 8 of the National Health Service Act 1977(**5**) or a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**6**), and issued by—

(a) a doctor or dentist under the provisions of his terms of service; or

(b) a doctor performing personal medical services or a dentist performing personal dental services in connection with a pilot scheme; or

(c) a nurse prescriber,

to enable a person to obtain pharmaceutical services;";

(b) in paragraph (2) (specified description of nurse or health visitor)—

(i) for " "prescription form" " substitute " "nurse prescriber" ",

(ii) in sub-paragraphs (a)(iii) and (b)(ii), for the words "or who is performing personal medical services in connection with a pilot scheme" substitute "or who, at that time, is assisting in the performance of personal medical services under a pilot scheme".

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

(a) in paragraphs (1)(a) and (b) and (3) for "£5·80" substitute "£5·90";

(b) in paragraph (1)(a) for "£11·60" substitute "£11·80";

(c) after paragraph (1), insert—

"(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid."; and

(d) for paragraph (2), substitute—

"(2) No charge shall be made and recovered under paragraph (1) where—

(a) there is exemption under regulation 7 and a declaration of entitlement to exemption on the prescription form is duly completed by or on behalf of the patient;

(b) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission on the prescription form is duly completed by or on behalf of the patient.".

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

(a) in paragraphs (1)(a) and (b) and (3) for "£5·80" substitute "£5·90";

(b) in paragraph (1)(a) for "£11·60" substitute "£11·80";

(**5**) 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 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by paragraph 18(5) of Schedule 9 to the 1990 Act. Section 126(4) was amended by the 1990 Act, section 65(2)

(**6**) 1978 c. 29

(c) after paragraph (1), insert—

"(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid."; and

(d) for paragraph (2), substitute—

"(2) No charge shall be made and recovered under paragraph (1) where—

(a) there is exemption under regulation 7 and a declaration of entitlement to exemption on the prescription form is duly completed by or on behalf of the patient;

(b) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission on the prescription form is duly completed by or on behalf of the patient.".

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

(a) in paragraphs (1)(a) and (d) and (3) for "£5·80" substitute "£5·90";

(b) in paragraphs (1)(a) and (c) for "£11·60" substitute "£11·80";

(c) in paragraph (1), for "subject to paragraph (2)," substitute "subject to paragraphs (2) and (2A)";

(d) after paragraph (1), insert—

"(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid.";

(e) in paragraph (2)(c), after "education" insert ", and who completes a declaration of entitlement to such exemption, and produces such evidence of entitlement as the Board or HSS trust may reasonably require";

(f) in paragraph (2)(e), for "and who provides such evidence" substitute "and who completes a declaration of entitlement to such exemption and provides such evidence";

(g) in paragraph (2)(f), delete "provides", and substitute "completes a declaration of entitlement to such exemption and provides"; and

(h) after paragraph (2), insert—

"(2A) A partially remitted charge shall be made and recovered under this regulation from a patient who is entitled to partial remission under regulation 7(3) if a declaration in writing is provided that the relevant part of the charge has been paid and a declaration of entitlement, and such other evidence of entitlement, to partial remission as may be required, is provided.".

(6) In regulation 7 (exemptions)—

(a) in paragraphs (1) and (2), for "No charge—" in each of those paragraphs, substitute "Subject to paragraph (2A), no charge";

(b) after paragraph (2), insert—

"(2A) A person who wishes to claim entitlement to exemption under paragraph (1) or (2) shall provide any declaration of entitlement required, under regulation 3(2) or 4(2), and any declaration or evidence of entitlement required under regulation 5(2).";

(c) after paragraph (3), insert—

"(3A) Where a charge is remitted in part under paragraph (3), the person making the part payment shall on doing so sign a declaration in writing that the relevant part of