1973. No. 419 **[C]**

HEALTH AND PERSONAL SOCIAL SERVICES

Charges for Drugs and Appliances

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") on behalf of the Secretary of State, and in exercise of the powers conferred on it by Articles 98, 106 and 107 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf and with the approval of the Ministry of Finance hereby makes the following Regulations:—

ARRANGEMENT OF REGULATIONS

Regulation

1 Citation and commencement
2 Interpretation
3 Supply of drugs and appliances by chemists
4 Prescription forms
5 Supply of drugs and appliances by doctors
6 Prepayment certificates
7 Supply of drugs and certain appliances to out-patients by hospitals
8 Supply of appliances by hospitals to persons under 16 years
9 Supply of dentures or glasses to out-patients by hospitals
10 Supply of wigs and fabric supports to out-patients by hospitals
11 Supply of artificial limbs, invalid chairs or tricycles to out-patients by hospitals
12 Supply of appliances (other than artificial limbs, invalid chairs or tricycles) to out-patients by hospitals vested in the Ministry
13 Supply of appliances (other than artificial limbs, invalid chairs or tricycles) to out-patients by hospitals (other than hospitals vested in the Ministry)
14 Repair or replacement of glasses necessitated by lack of care on the part of the patient
15 Exemptions
16 Refunds
17 Summary recovery of charges
18 Revocation

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

(a) S.I. 1972, No. 1265 (N.I. 14).

Interpretation

2.—(1) In these regulations—

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

"Board" means a Health and Social Services Board established under Article 16 of the Order;

"chemist" means a person registered in the Register of the Pharmaceutical Chemists for Northern Ireland made out and maintained under section 9 of the Pharmacy and Poisons Act (Northern Ireland) 1925(**b**);

"doctor" means a registered person within the meaning of the Medical Acts 1956 to 1969;

"drugs" includes, in the case of persons receiving general medical services, medicines, oxygen and any prescribed chemical reagents;

"General Ophthalmic Regulations" means the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973(**c**);

"General Dental Regulations" means the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1973(**d**);

"General Medical and Pharmaceutical Regulations" means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**e**);

"glasses" includes spectacles and lenses for spectacles;

"out-patient" means a patient receiving hospital services who is not for the time being resident in a hospital;

"Statement of Fees and Charges" means the Statement of Fees and Charges prepared under Regulation 5 of the General Ophthalmic Regulations;

"standard" as applied to an artificial limb, invalid chair, tricycle, or other appliance which the Board arranges to supply under the Order to a person needing such without requiring the payment by or on behalf of that person of any part of the cost;

"the Supplementary Benefits Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966(**f**);

"the Family Income Supplements Act" means the Family Income Supplements Act (Northern Ireland) 1971(**g**).

(2) For the purpose of these regulations the supply of quantities of the same drug in more than one container on an order on one form shall be deemed to be the supply of one quantity of a drug only and the supply on an order on one form of more than one appliance of the same type or the supply on an order on one form of two or more component parts of the same appliance shall be deemed to be the supply of one appliance, so however that any piece of elastic hosiery shall be deemed to be a separate appliance.

Supply of drugs and appliances by chemists

3.—(1) Subject to these Regulations, any person supplied in pursuance of Article 63 of the Order with drugs or appliances in accordance with an order given by a doctor under the General Medical and Pharmaceutical Regulations or by a dentist under the General Dental Services Regulations shall be liable to pay to the person supplying the goods a charge as follows—

(**b**) 15 & 16 Geo. 5 c. 8 (N.I.).
(**c**) S.R. & O. (N.I.) 1973, No. 417.
(**d**) S.R. & O. (N.I.) 1973, No. 418.
(**e**) S.R. & O. (N.I.) 1973, No. 421.
(**f**) 1966. c. 28 (N.I.).
(**g**) 1971. c. 8 (N.I.).

(*a*) in respect of an appliance specified in column 1 of Schedule 1 the sum specified in column 2 thereof in respect of that appliance; and

(*b*) in any other case in respect of each quantity of a drug and each appliance not specified in Schedule 1 the sum of £0.20;

unless a declaration of entitlement to exemption duly completed in accordance with these Regulations is submitted.

(2) A chemist providing pharmaceutical services shall accordingly, notwithstanding anything to the contrary in the terms of service contained in Schedule 4 to the General Medical and Pharmaceutical Regulations be under no obligation to supply drugs and appliances unless—

(*a*) he is paid the charge specified in paragraph (1) of this Regulation; or

(*b*) he is given a declaration of entitlement to exemption duly completed in accordance with these Regulations.

(3) Subject to these Regulations, the amount payable by the Agency under arrangements made under Schedule 15 of the Order to a person providing pharmaceutical services shall be reduced by the sum of £0.20 in respect of each quantity of a drug supplied on the order of a doctor or dentist and each appliance supplied on the order of a doctor in any case not falling within paragraph 2(*b*).

(4) Any chemist who receives any payment under these Regulations shall, if asked to do so at the time when the charge is paid, supply a receipt for any charge so received on a form which has been provided by the Agency for that purpose and contains forms of declaration in support of an application for refund.

Prescription forms

4. A doctor or dentist shall order drugs or appliances under the General Medical and Pharmaceutical Regulations or the General Dental Regulations (as the case may be) only on a form which has been provided for the purpose by the Agency and which contains on its reverse side (*a*) a form of declaration of exemption; and (*b*) a form of declaration of entitlement to exemption by or on behalf of a holder of a prepayment certificate and a chemist shall not supply pharmaceutical services except to a person who presents such a form.

Supply of drugs and appliances by doctors

5.—(1) Subject to these Regulations, any person supplied with drugs and appliances by a doctor in pursuance of paragraph 11(1)(*c*) of Schedule 1 to the General Medical and Pharmaceutical Regulations in accordance with the requirements of the Agency, or with any arrangements with the Agency under the said Regulations, shall be liable to pay to the doctor—

(*a*) in respect of an appliance specified in column 1 of Schedule 1 to these regulations the sum specified in column 2 thereof in respect of that appliance; and

(*b*) in any other case in respect of each quantity of a drug and each appliance not specified in Schedule 1 the sum of £0.20;

unless he declares that he is entitled to exemption under these Regulations.

(2) A doctor supplying drugs and appliances in accordance with the said requirements or arrangements shall accordingly, notwithstanding anything in the said paragraph 11(1)(*c*), be under no obligation to supply drugs and appliances unless—

(*a*) he is paid the appropriate charge specified in paragraph (1); or

(*b*) it has been declared to him that the person for whom he is supplying such drugs or apliances is entitled to exemption from paying charges under these Regulations.

(3) A doctor supplying drugs and appliances under the said paragraph 11(1)(*c*) shall collect any charges payable for those supplies under these Regulations and shall as soon as practicable after the end of each month send to the Agency a sum of money equal to the amount of such charges collected by him during that month.

(4) Any doctor who receives any payment under these Regulations shall, if asked to do so at the time when the charge is paid, supply a receipt for any charge so received on a form which has been provided by the Agency for that purpose and contains forms of declaration in support of an application for refund.

Prepayment certificates

6.—(1) Subject to the following provisions of this Regulation the Agency on payment of the prescribed sum shall as soon as reasonably practicable grant a certificate (in these Regulations referred to as a "prepayment certificate") to any person who duly completes and submits an application therefor on a form provided for the purpose.

(2) A prepayment certificate shall be valid for a period of either six or twelve months and an application for such a certificate shall indicate the period for which it is required to be valid and shall be accompanied by the prescribed sum.

(3) A prepayment certificate shall confer on the person to whom it has been granted exemption from charges otherwise exigible under these Regulations in respect of the drugs and appliances not being appliances specified in Schedule 2 supplied to him during such period as is specified in the certificate as being its period of validity.

(4) For the purpose of this Regulation the prescribed sum shall be £2.00 for a prepayment certificate valid for six months and £3.50 for a prepayment certificate valid for twelve months.

(5) The payment of a prescribed sum under this Regulation shall not be deemed to be the payment of a charge under these Regulations.

(6) No prepayment certificate shall be issued unless the application therefor is received less than one month before the date on which its period of validity is to begin.

Supply of drugs and certain appliances to out-patients by hospitals

7.—(1) Subject to these Regulations, any out-patient of a hospital vested in the Ministry, who for the purposes of his treatment is supplied at the hospital with drugs (otherwise than for administration in the hospital) or certain appliances shall be liable to pay to the Board —

(*a*) in respect of an appliance specified in column 1 of Schedule 1 the sum specified in column 2 thereof in respect of that appliance; and

(*b*) in any other case in respect of each quantity of a drug supplied the sum of £0.20;

Provided that there shall not be a liability to pay any sum by a person suffering from venereal disease in respect of any drugs for the treatment of that disease.

(2) Any out-patient, except as provided in paragraph (1) above, of a hospital vested in the Ministry who for the purposes of his treatment is provided with an order form for the purpose of enabling him to obtain drugs or appliances from a chemist supplying such goods, shall be liable to pay to that chemist—

(*a*) in respect of an appliance specified in column 1 of Schedule 1 the sum specified in column 2 thereof in respect of that appliance; and

(*b*) in any other case in respect of each quantity of a drug supplied the sum of £0.20;

unless he submits a declaration of exemption duly completed in accordance with these Regulations.

(3) For the purposes of this Regulation only one sum of £0.20 shall be payable notwithstanding that the quantity of a drug supplied by a hospital or by a chemist on an order on one form is, by order of the prescriber, supplied on more than one day during a period of fourteen days.

(4) No exemption shall be granted by a Board unless the person claiming exemption from the obligation to make any payment under this Regulation provides such evidence or makes such declarations in writing that he is entitled to such exemption as that Board may reasonably require.

(5) A Board which receives any charges payable under these Regulations shall, if asked to do so, supply for any charge so received a receipt, which shall also contain forms of declaration in support of an application for refund.

Supply of appliances by hospitals to persons under 16 years

8. A charge shall not be made under these Regulations for the supply by a hospital vested in the Ministry of an appliance to a person who is under 16 years of age or who is in attendance at any school which is a grant-aided school for the purposes of the Education and Libraries (Northern Ireland) Order 1972(**h**).

Supply of dentures or glasses to out-patients by hospitals

9.—(1) Subject to the provisions of this Regulation, the Board shall make and recover a charge for glasses or dentures supplied by a hospital vested in the Ministry, at the rate as set out in schedule 4 of the General Ophthalmic Regulations and schedule 2 of the General Dental Regulations respectively.

(2) The replacement of dentures or glasses which is required solely by reason of the loss or destruction of, or damage sustained by, dentures or glasses previously possessed by the patient and supplied to him under the Order, shall be deemed not to constitute the supply of dentures or glasses within the meaning of this Regulation.

(3) No charge shall be made under this Regulation in respect of the supply of a denture where the person for whom the denture has been supplied is, on the date of the examination or first examination leading to the supply of the denture—

(*a*) under 16 years of age, or receiving full-time education at any school which is a grant-aided school for the purposes of the Education and Libraries (Northern Ireland) Order 1972;

(*b*) an expectant mother or a mother who has borne a child within the previous twelve months;

(**h**) S.I. 1972, No. 1263 (N.I. 12).