1968. No. 138 **[C]**

HEALTH SERVICES

Charges for Drugs and Appliances

REGULATIONS, DATED 14TH JUNE 1968, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1948.

The Ministry of Health and Social Services in exercise of the powers conferred on it by sections 12, 76 and 80 of the Health Services Act (Northern Ireland) 1948 as amended (**a**), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Health Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1968 and shall come into operation on 1st July 1968.

Interpretation

2.—(1) In these regulations—

"the Act" means the Health Services Act (Northern Ireland) 1948;

"drugs" includes medicines;

"the General Dental Services Regulations" means the Health Services (General Dental Services) Regulations (Northern Ireland) 1964(**b**);

"the General Medical Services Regulations" means the Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1956(**c**);

"Ministry" means the Ministry of Health and Social Services;

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

"the Supplementary Benefits Act" means the Supplementary Benefits etc., Act (Northern Ireland) 1966(**d**);

"treatment" includes examination and diagnosis.

(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 section 12 of the Act with drugs or appliances in accordance with an

(a) 1948, c. 3. as amended by 1950, c. 9; 1952, c. 11; 1958, c. 29 and 1967, c. 9 (N.I.).
(b) S.R. & O. (N.I.) 1964, No. 60.
(c) S.R. & O. (N.I.) 1956, No. 150.
(d) 1966. c. 28 (N.I.).

order given by a medical practitioner under the General Medical Services Regulations or by a dental practitioner under the General Dental Services Regulations shall be liable to pay to the person supplying the goods the sum of 2s. 6d. in respect of each quantity of a drug and each appliance supplied, 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 Part I of Schedule 3 to the General Medical Services Regulations, be under no obligation to supply drugs or appliances unless—

(*a*) he is paid the charge specified in paragraph (1); 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 Board under arrangements made under section 12 of the Act to a person providing pharmaceutical services shall be reduced by the sum of 2s. 6d. in respect of each quantity of a drug supplied on the order of a medical or dental practitioner and each appliance supplied on the order of a medical practitioner in any case not falling within paragraph 2(*b*).

(4) After the word "therein" where used for the second time in paragraph 8(4) of Part I of Schedule 3 to the General Medical Services Regulations there shall be added the words "subject however in either case to any deduction required to be made by regulations made under section 76 of the Act as amended".

(5) 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 Board for that purpose and contains forms of declaration in support of an application for refund.

Prescription Forms

4. A medical or dental practitioner shall order drugs or appliances under the General Medical Services Regulations or the General Dental Services Regulations (as the case may be) only on a form which has been provided for the purpose by the Board and contains on its reverse side a form of declaration of exemption; and after 31st July 1968 a chemist shall not supply pharmaceutical services except to a person who presents such a form.

Supply of Drugs and Appliances by Medical Practitioners

5.—(1) Subject to these regulations, any person supplied with drugs and appliances by a medical practitioner in pursuance of paragraph 11(1)(*d*) of Part I of Schedule 1 to the General Medical Services Regulations in accordance with the requirements of the Board, or with any arrangements with the Board under the said regulations, shall be liable to pay to the practitioner the sum of 2s. 6d. in respect of each quantity of a drug and each appliance, unless he declares that he is entitled to exemption under these regulations.

(2) A medical practitioner supplying drugs and appliances in accordance with the said requirements or arrangements shall accordingly, notwithstanding anything in the said paragraph 11(1)(*d*), 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 appliances is entitled to exemption from paying charges under these regulations.

(3) A medical practitioner supplying drugs and appliances under the said paragraph 11(1)(*d*) 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 Board a sum of money equal to the amount of such charges collected by him during that month.

(4) Any medical practitioner 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 Board for that purpose and contains forms of declaration in support of an application for refund.

Supply of Drugs to Out-patients by Hospitals

6.—(1) Subject to these regulations, any out-patient of a hospital providing hospital and specialist services, who for the purposes of his treatment is supplied at the hospital with drugs (otherwise than for administration in the hospital), shall be liable to pay to the management committee the sum of 2s. 6d. in respect of each quantity of a drug supplied. 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 of a hospital supplying hospital and specialist services, 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 the sum of 2s. 6d. in respect of each quantity of a drug and each appliance, unless he submits a declaration of entitlement to exemption duly completed in accordance with these regulations.

(3) For the purposes of this regulation only one sum of 2s. 6d. 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 14 days.

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

(5) A management committee 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.

Exemptions

7.—(1) Subject to the following provisions no charge shall be payable under these regulations by—

(*a*) a person who has not attained the age of 15 years; or

(*b*) a person who has attained the age of 65 years; or