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STATUTORY INSTRUMENTS

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**2007 No. 1975**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2007**

*Made* - - - - 10th July 2007  
*Laid before Parliament* 17th July 2007  
*Coming into force* - - 1st September 2007

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred on him by sections 172, 182, 184 and 272(7) and (8) of the National Health Service Act 2006(1).

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2007 and shall come into force on 1st September 2007.

(2) These Regulations apply in relation to England.

(3) In these Regulations—

- (a) “the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(2);
- (b) “the Income Support Regulations” means the Income Support (General) Regulations 1987(3); and
- (c) “the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(4).

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(1) 2006 (c.41). See section 275 for the definitions of “prescribed” and “regulations”.

(2) S.I. 2000/620, as amended by S.I. 2000/2393, S.I. 2000/3189, S.I. 2001/746, S.I. 2001/2887, S.I. 2002/548, S.I. 2002/1386, S.I. 2002/2352, S.I. 2003/585, S.I. 2003/699, S.I. 2003/1084, S.I. 2004/663, S.I. 2005/578, S.I. 2006/675, S.I. 2007/543 and S.I. 2007/1510.

(3) S.I. 1987/1967.

(4) S.I. 2003/2382, as amended by S.I. 2004/663, S.I. 2004/936, S.I. 2005/26, 2005/578, S.I. 2006/675, S.I. 2006/1065, S.I. 2006/2171 and S.I. 2007/988.

### **Amendment of regulation 5 of the Charges Regulations**

2.—(1) Regulation 5 (supply of drugs and appliances by health authorities, NHS trusts and primary care trusts) of the Charges Regulations is amended as follows.

(2) In paragraph (1) after “paragraphs (3)” insert “, (3A)”.

(3) After paragraph (3) insert—

“(3A) No charge shall be made and recovered under this regulation from a patient who is accepted by the person supplying the drug as suffering from tuberculosis in respect of any drug supplied to that patient for the treatment of tuberculosis.”.

### **Amendment of regulation 6A of the Charges Regulations**

3.—(1) Regulation 6A (supply of drugs under patient group directions) of the Charges Regulations is amended as follows.

(2) In paragraph (1) after “paragraphs (3)” insert “, (3A)”.

(3) After paragraph (3) insert—

“(3A) No charge shall be made and recovered under this regulation from a patient who is accepted by the person supplying the drug as suffering from tuberculosis in respect of any drug supplied to that patient for the treatment of tuberculosis.”.

### **Modifications of the Income Support Regulations in Schedule 1 of the Travel Expenses and Remission of Charges Regulations**

4.—(1) Schedule 1 to the Travel Expenses and Remission of Charges Regulations (Modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In Table A, in the modifications of regulation 66A of the Income Support Regulations (treatment of student loans), for the first entry, substitute—

“For paragraph (1), substitute—

“(1) A student loan shall be treated as income unless it is—

(a) a hardship loan; or

(b) an additional loan, as described in the Guide to Student Support issued by the Student Awards Agency for Scotland 2007-2008<sup>(5)</sup>, paid pursuant to an application for a loan made under regulation 5(1) or (9) of the Education (Student Loans) (Scotland) Regulations 2007 (applications for loans)<sup>(6)</sup>,

in which case it shall be disregarded.””

Signed by authority of the Secretary of State for Health

10th July 2007

*Dawn Primarolo*  
Minister of State  
Department of Health

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<sup>(5)</sup> The Guide is available on the Student Awards Agency for Scotland website at <http://www.saas.gov.uk>.

<sup>(6)</sup> S.S.I. 2007/154.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 (“the Charges Regulations”) and the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (“the 2003 Regulations”).

Regulations 2 and 3 amend regulations 5 and 6A of the Charges Regulations to provide that no charge is to be made and recovered for the supply of a drug for the treatment of tuberculosis to a patient whom the person supplying the drug accepts is suffering from tuberculosis where the supply of the drug is made by an NHS Trust, NHS Foundation Trust or Primary Care Trust or in accordance with a Patient Group Direction.

In calculating a person’s resources and requirements under the 2003 Regulations in order to establish whether a person can claim entitlement to the remission of NHS charges and the payment of NHS travel expenses, a modified version of the Income Support (General) Regulations 1987 is used, as set out in Schedule 1 to the 2003 Regulations.

These Regulations modify Schedule 1 to provide that any additional loan, the eligibility for which is set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, and which is paid under the Education (Student Loans) (Scotland) Regulations 2007, should be disregarded in the calculation of a student’s loan income.