
STATUTORY INSTRUMENTS

2015 No. 570

**The National Health Service (Charges for
Drugs and Appliances) Regulations 2015**

Out of hours supply of drugs and appliances by providers of out of hours services

5.—(1) A provider of out of hours services which are not dispensing services who supplies drugs or appliances to a patient in the course of providing out of hours services must, subject to paragraphs (3), (4) and (8), make and recover from that patient for the supply of—

- (a) an item of elastic hosiery, a charge of £8.20 or £16.40 per pair;
- (b) each other appliance, a charge of £8.20;
- (c) each quantity of a drug, a charge of £8.20.

(2) Any person paying a charge under paragraph (1) must on doing so sign a declaration in writing on the approved form that the relevant charge has been paid.

(3) No charge is to be made and recovered under paragraph (1) where—

- (a) there is an exemption by virtue of regulation 10(1) and a declaration of entitlement to an exemption is duly completed by or on behalf of the patient on the approved form;
- (b) there is entitlement to remission of the charge by virtue of regulation 5 of the Travel Expenses and Remission of Charges Regulations⁽¹⁾ (entitlement to full remission and payment) and a declaration of entitlement to remission is duly completed by or on behalf of the patient on the approved form;
- (c) the drugs or appliances are supplied in respect of two or more persons in a school or institution in which at least 20 persons are normally resident provided that the name of the school or institution is inserted on the approved form; and
- (d) in the cases described in sub-paragraphs (a) and (b), such evidence of entitlement to an exemption or remission is provided as the provider of out of hours services may reasonably require.

(4) No charge is to be made and recovered under paragraph (1) where there is an exemption by virtue of section 173(1)(d) of the 2006 Act⁽²⁾ (exemptions from general charging) or regulation 10(2), 11(1), 12 or 13.

(5) A provider of out of hours services is under no obligation to supply drugs or appliances in the course of providing out of hours services where a charge is required to be made and recovered under paragraph (1) unless the patient first pays that charge (notwithstanding any provisions in the relevant agreement to provide out of hours services).

(6) Where a patient requests a receipt for a charge made and recovered under paragraph (1), the provider of out of hours services must give the patient a receipt for the amount received on the relevant approved form.

(1) Relevant amendments were made to regulation 5 by [S.I. 2004/663](#) and [936](#), [2006/562](#), [2008/1697](#), [2009/411](#), [2013/475](#) and [2014/2667](#).

(2) Subsection (1) was amended by the Health Act 2009 ([c. 21](#)), Schedule 1, paragraphs 6 and 7(c).

(7) Any sum which would otherwise be payable by the Board to a provider of out of hours services in respect of the provision of primary medical services is to be reduced by the amount of any charges which must be made and recovered under paragraph (1).

(8) Nothing in this regulation authorises the payment of a charge where the drug or appliance supplied is either—

- (a) needed for immediate treatment and no order for the drug or appliance is made on an approved form; or
- (b) administered or applied to the patient by the provider of out of hours services personally.