

1981 No. 63

HEALTH AND PERSONAL SOCIAL SERVICES

Charges for Drugs and Appliances (Amendment) Regulations
(Northern Ireland) 1981

Made 3rd March 1981

Coming into operation 1st April 1981

The Department(a) of Health and Social Services in exercise of the powers conferred on it by Articles 98, 106 and 107 of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, with the approval of and in conjunction with the Department(a) of Finance, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 1981 and shall come into operation on 1st April 1981.

Amendment of regulations

2. The Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973(c) shall be further amended as follows:

(1) In regulation 2 —

- (a) after the definition “chemist” there shall be inserted the definition “ “dentist” means a person registered in the dentists’ register under the Dentists Act 1957(d);”;
- (b) for the definition “General Ophthalmic Regulations” there shall be substituted the definition “ “General Ophthalmic Regulations” means the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975(e);”;
- (c) for the definition “General Dental Regulations” there shall be substituted the definition “ “General Dental Regulations” means the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975(f);”;
- (d) after the definition “out-patient” there shall be inserted the definition “ “qualifying full-time education” means full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Department, and “recognised educational establishment” means an establishment recognised by the Department as being, or as comparable to, a school, college or university;”.

(2) In regulation 6(3) for the word “exigible” there shall be substituted the word “eligible”.

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8

(b) S.I. 1972/1265 (N.I. 14)

(c) S.R. & O. (N.I.) 1973 No. 419, relevant amending legislation is S.R. 1980 No. 366

(d) 1957 c. 28 (5 & 6 Eliz. 2)

(e) S.R. 1975 No. 372

(f) S.R. 1975 No. 227

(3) For regulation 8 there shall be substituted:

“8. A charge shall not be made under these Regulations for the supply by a hospital vested in the Department of an appliance to a person who is under 16 years of age or who is under 19 years of age and receiving qualifying full-time education.”.

(4) In regulation 9(1) for the words “schedule 4” and “schedule 2” there shall be substituted the words “schedule 3” in each case.

(5) For regulation 9(3)(a) there shall be substituted:

“(a) under 16 years of age or under 19 years of age and receiving qualifying full-time education; or”.

(6) For regulation 9(6)(a) there shall be substituted:

“(a) the person for whom the glasses are supplied was, at the time of the testing of sight leading to the supply of glasses or the first such testing of sight, of the age of 10 years or more and either under 16 years of age or under 19 years of age and receiving qualifying full-time education; and”.

(7) In regulations 15(1)(f)(ii) and 16(1)(c) for the words “calculated or estimated” there shall be substituted the word “determined” in each case.

Application

3. Regulation 2(3), (5) and (6) shall apply only to the supply under the Order, otherwise than under Part VI of the Order, of an appliance, including a dental and an optical appliance, where the examination or first examination or, in the case of an optical appliance where the testing of sight or the first testing of sight leading to the supply of the appliance, or the making of the contract or arrangements in pursuance of which the appliance is supplied takes place after 31st March 1981.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd March 1981.

(L.S.)

W. Young

Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 3rd March 1981.

(L.S.)

R. McMurray

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973 to provide that persons under 16 years of age or under 19 years of age and receiving qualifying full-time education are exempt from payment of charges for the supply by hospitals under the Health and Personal Social Services (Northern Ireland) Order 1972 of appliances including optical and dental appliances. They also make some minor corrections to those Regulations.