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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 166**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**Charges for Drugs and Appliances and  
Travelling Expenses and Remission of Charges  
(Amendment) Regulations (Northern Ireland) 1999**

*Made - - - - 29th March 1999*

*Coming into operation in accordance with regulation 1*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 45, 98, 106(b) and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(1) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(2) in so far as the Regulations relate to travelling expenses, and with the approval of the Department of Finance and Personnel in so far as the Regulations relate to charges and the remission of charges, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Charges for Drugs and Appliances and Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999, immediately after the coming into operation of the Health Services (Pilot Schemes : Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999(3).

(2) In these Regulations, “the Charges Regulations” means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997(4).

**Amendment of the Charges Regulations**

2.—(1) The Charges Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

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(1) S.I. 1972/1265 (N.I. 14); the relevant amending instruments are Article 14 of S.I. 1986/2229 (N.I. 24), Article 7 of S.I. 1988/2249 (N.I. 24) and Article 34 of, and Part II of Schedule 5 to, S.I. 1991/194 (N.I. 1) and Article 2 of S.R. 1999 No. 11  
(2) Formerly Department of Finance; see S.I. 1982/338 (N.I. 6), Article 3  
(3) S.R. 1999 No. 100  
(4) S.R. 1997 No. 382; as amended by S.R. 1998 No. 135 and S.R. 1999 No. 100

- (i) for the definition of “elastic hosiery”, substitute—
  - ““elastic hosiery” means anklet, legging, knee-cap, below-knee, above-knee or thigh stocking;”
- (ii) after the definition of “medical list”, insert—
  - ““nurse prescriber” means a nurse or health visitor of a description specified in paragraph (2);” and
- (iii) for the definition of “prescription form”, substitute—
  - ““prescription form” means a form provided by the Agency, a Health Authority constituted under section 8 of the National Health Service Act 1977<sup>(5)</sup> or a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978<sup>(6)</sup>, and issued by—
    - (a) a doctor or dentist under the provisions of his terms of service; or
    - (b) a doctor performing personal medical services or a dentist performing personal dental services in connection with a pilot scheme; or
    - (c) a nurse prescriber,
 to enable a person to obtain pharmaceutical services;”
- (b) in paragraph (2) (specified description of nurse or health visitor)—
  - (i) for ““prescription form” ” substitute ““nurse prescriber” ”,
  - (ii) in sub-paragraphs (a)(iii) and (b)(ii), for the words “or who is performing personal medical services in connection with a pilot scheme” substitute “or who, at that time, is assisting in the performance of personal medical services under a pilot scheme”.
- (3) In regulation 3 (supply of drugs and appliances by chemists)—
  - (a) in paragraphs (1)(a) and (b) and (3) for “£5·80” substitute “£5·90”;
  - (b) in paragraph (1)(a) for “£11·60” substitute “£11·80”;
  - (c) after paragraph (1), insert—
    - “(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid.”; and
  - (d) for paragraph (2), substitute—
    - “(2) No charge shall be made and recovered under paragraph (1) where—
      - (a) there is exemption under regulation 7 and a declaration of entitlement to exemption on the prescription form is duly completed by or on behalf of the patient;
      - (b) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission on the prescription form is duly completed by or on behalf of the patient.”.
- (4) In regulation 4 (supply of drugs and appliances by doctors)—
  - (a) in paragraphs (1)(a) and (b) and (3) for “£5·80” substitute “£5·90”;
  - (b) in paragraph (1)(a) for “£11·60” substitute “£11·80”;

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(5) 1977 c. 49; see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by paragraph 18(5) of Schedule 9 to the 1990 Act. Section 126(4) was amended by the 1990 Act, section 65(2)

(6) 1978 c. 29

- (c) after paragraph (1), insert—
  - “(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid.”; and
- (d) for paragraph (2), substitute—
  - “(2) No charge shall be made and recovered under paragraph (1) where—
    - (a) there is exemption under regulation 7 and a declaration of entitlement to exemption on the prescription form is duly completed by or on behalf of the patient;
    - (b) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission on the prescription form is duly completed by or on behalf of the patient.”.
- (5) In regulation 5 (supply of drugs and appliances by a Board or an HSS trust)—
  - (a) in paragraphs (1)(a) and (d) and (3) for “£5·80” substitute “£5·90”;
  - (b) in paragraphs (1)(a) and (c) for “£11·60” substitute “£11·80”;
  - (c) in paragraph (1), for “subject to paragraph (2),” substitute “subject to paragraphs (2) and (2A)”;
  - (d) after paragraph (1), insert—
    - “(1A) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing on the prescription form that the relevant charge has been paid.”;
  - (e) in paragraph (2)(c), after “education” insert “, and who completes a declaration of entitlement to such exemption, and produces such evidence of entitlement as the Board or HSS trust may reasonably require”;
  - (f) in paragraph (2)(e), for “and who provides such evidence” substitute “and who completes a declaration of entitlement to such exemption and provides such evidence”;
  - (g) in paragraph (2)(f), delete “provides”, and substitute “completes a declaration of entitlement to such exemption and provides”; and
  - (h) after paragraph (2), insert—
    - “(2A) A partially remitted charge shall be made and recovered under this regulation from a patient who is entitled to partial remission under regulation 7(3) if a declaration in writing is provided that the relevant part of the charge has been paid and a declaration of entitlement, and such other evidence of entitlement, to partial remission as may be required, is provided.”.
- (6) In regulation 7 (exemptions)—
  - (a) in paragraphs (1) and (2), for “No charge—” in each of those paragraphs, substitute “Subject to paragraph (2A), no charge”;
  - (b) after paragraph (2), insert—
    - “(2A) A person who wishes to claim entitlement to exemption under paragraph (1) or (2) shall provide any declaration of entitlement required, under regulation 3(2) or 4(2), and any declaration or evidence of entitlement required under regulation 5(2).”;
  - (c) after paragraph (3), insert—
    - “(3A) Where a charge is remitted in part under paragraph (3), the person making the part payment shall on doing so sign a declaration in writing that the relevant part of

the charge has been paid, and complete a declaration of entitlement, and provide such other evidence of entitlement to partial remission as may be required.”.

(7) In paragraph (5) of regulation 9 (pre-payment certificates) for “£30·10” substitute “£30·80” and for “£82·70” substitute “£84·60”.

(8) For Schedule 1, substitute—

“SCHEDULE 1

**Charges for Fabric Supports and Wigs**

Column (1) <i>Specified Appliance</i>	Column (2) <i>Specified Charge</i>
Surgical Brassiere	£19·95
Abdominal or Spinal Support	£29·95
Stock Modacrylic Wig	£49·00
Partial Human Hair Wig	£129·00
Full Bespoke Human Hair Wig	£188·50”.

**Transitional provisions**

3. Where, on or after 1st April 1999,—

- (a) any appliance specified in Schedule 1 to the Regulations is supplied pursuant to an order given before that date; or
- (b) any pre-payment certificate is granted under regulation 9 of the Charges Regulations pursuant to an application under that regulation which was received before that date,

the Charges Regulations shall have effect in relation to that supply or, as the case may be, that grant, as if regulation 2(3)(a) and (b), (4)(a) and (b), (5)(a) and (b), (7) and (8) of these Regulations had not come into operation.

**Amendment of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989**

4.—(1) The Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(7) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (1) of regulation 7 (claims for remission or payment), substitute—

“(1) Subject to paragraph (1A), a person who wishes to claim entitlement under regulation 3(1) or 5(1) (full or partial remission of relevant charges or payment of relevant travelling expenses) shall—

- (a) if he is a person—
    - (i) within a description specified in regulation 4(1)(aa), (bb), (k) or (l), make a claim to the Department in writing, or
    - (ii) within a description specified in regulation 4(1)(e), (f) or (m) or 5(1), make a claim to the Department on a form provided by or on behalf of the Department for that purpose,
- and shall send or deliver it to an appropriate office;

- (b) provide any declaration of entitlement required under regulation 3(2) or 4(2) or any declaration or evidence of entitlement required under regulation 5(2) of the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997.”.

### **Revocation**

5. Regulations 1(2) and 3 to 9 of the Charges for Drugs and Appliances (Amendment No. 2) Regulations (Northern Ireland) 1998(8) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

29th March 1999.

*Joan Dixon*  
Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 29th March 1999.

L.S.

*J. G. Sullivan*  
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Regulations in so far as they relate to charges and remission of charges, under the Health and Personal Social Services (Northern Ireland) Order 1972.

Sealed with the Official Seal of the Department of Finance and Personnel on 29th March 1999.

L.S.

*J. G. Sullivan*  
Assistant Secretary

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

These Regulations further amend the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997 (“the Charges Regulations”), which provide for the making and recovery of charges for drugs and appliances supplied by doctors and chemists providing pharmaceutical services, and by hospitals and HSS trusts to out-patients. The Regulations also further amend the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989 (“the Travelling Expenses Regulations”), which provide for the remission and repayment of certain charges which would otherwise be payable under the Health and Personal Social Services (Northern Ireland) Order 1972, and for the payment by the Department of Health and Social Services of travelling expenses incurred in attending hospital.

Regulation 2(3)(a) and (b), (4)(a) and (b), (5)(a) and (b), (7) and (8), of the Regulations amends the Charges Regulations to increase certain charges, as follows—

- the charge for each item on prescription is increased from £5·80 to £5·90;
- the sums prescribed for the grant of pre-payment certificates of exemption from prescription charges are increased from £30·10 to £30·80 for a 4 month certificate and from £82·70 to £84·60 for a 12 month certificate;
- the charge for elastic stockings is increased from £5·80 to £5·90 for each item (from £11·60 to £11·80 per pair) and for tights from £11·60 to £11·80;
- the charge for a surgical brassiere is increased from £19·75 to £19·95, and for a partial human hair wig from £126·00 to £129·00;
- the charge for a stock modacrylic wig is increased from £48·00 to £49·00;
- the charge for a full bespoke human hair wig is increased from £184·50 to £188·50. The charge for an abdominal or spinal support is increased from £29·50 to £29·95.

The Regulations also revoke (in part) the Charges for Drugs and Appliances (Amendment No. 2) Regulations (Northern Ireland) 1998 (regulation 5).

The Regulations amend the Charges Regulations by substituting new definitions of “elastic hosiery” and “prescription form” for existing definitions, and by inserting a definition of “nurse prescriber” (regulation 2(2)(a)). The Regulations also provide for a declaration to be made by or on behalf of a patient (typically on a prescription form) that a charge has been paid. Provision is also made regarding requirements for the provision of declarations and evidence of entitlement to exemption from charges under the Health and Personal Social Services (Northern Ireland) Order 1972 (regulation 2(3)(c) and (d), (4)(c) and (d), (5)(c) to (h) and (6)).

Transitional arrangements are made in respect of pre-payment certificates and appliances ordered, before 1st April 1999 (regulation 3).

The Travelling Expenses Regulations are further amended regarding requirements for the provision of declarations and evidence of entitlement to exemptions from charges under those Regulations (regulation 4).