

2001 No. 123

HEALTH AND PERSONAL SOCIAL SERVICES

**Charges for Drugs and Appliances (Amendment) Regulations
(Northern Ireland) 2001**

Made 21st March 2001

Coming into operation 28th April 2001

The Department of Health, Social Services and Public Safety^(a) in exercise of the powers conferred on it by Articles 98 and 106 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 the Department of Finance and Personnel, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 28th April 2001.

(2) In these Regulations “the principal Regulations” means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997^(c).

Amendment of regulation 3 of the principal Regulations

2. In regulation 3 (supply of drugs and appliances by chemists)—

(a) in paragraphs (1)(a), (b) and (3) for “£6·00” there shall be substituted “£6·10”; and

(b) in paragraph (1)(a) for “£12·00” there shall be substituted “£12·20”.

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 (supply of drugs and appliances by doctors)—

(a) in paragraphs (1)(a), (b) and (3) for “£6·00” there shall be substituted “£6·10”; and

(b) in paragraph (1)(a) for “£12·00” there shall be substituted “£12·20”.

(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265 (N.I. 14); the relevant amending instruments are S.I. 1986/2229 (N.I. 24) Article 14, S.I. 1988/2249 (N.I. 24) Article 7 and S.I. 1991/194 (N.I. 1) Article 34 and Part II of Schedule 5

(c) S.R. 1997 No. 382; the relevant amending instrument is S.R. 2000 No. 57

Amendment of regulation 5 of the principal Regulations

4. In regulation 5 (supply of drugs and appliances by a Board or an HSS trust)—

- (a) in paragraphs (1)(a), (d) and (3) for “£6·00” there shall be substituted “£6·10”; and
- (b) in paragraphs (1)(a) and (c) for “£12·00” there shall be substituted “£12·20”.

Amendment of regulation 9 of the principal Regulations

5.—(1) Regulation 9 of the principal Regulations (pre-payment certificates) shall be amended in accordance with the following paragraphs.

(2) In paragraph (5) for “£31·40” there shall be substituted “£31·90” and for “£86·20” there shall be substituted “£87·60”.

(3) In paragraph (6) for “paragraphs (7) and (8)” there shall be substituted “paragraphs (13) to (15)”.

(4) For paragraphs (7) and (8) there shall be substituted the following paragraphs—

“(7) Where payment of a prescribed sum has been made and where on or after 28th April 2001 the person in respect of whom the payment was made dies or becomes resident in a hospital and thereafter dies during the relevant period as defined in paragraph (9) an application for a refund may be made, by or on behalf of that person or his estate, in accordance with paragraphs (13) to (15) in respect of each complete month following the date on which the person died or became resident in a hospital.

(8) The refund referred to in paragraph (7) shall be calculated as follows—

- (a) in the case of a pre-payment certificate valid for 4 months, $\frac{1}{4}$ of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;
- (b) in the case of a pre-payment certificate valid for 12 months $\frac{1}{2}$ of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

and for the purposes of these calculations a complete month is a month beginning on the monthly anniversary of the date on which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month.

(9) In paragraph (7) “the relevant period” means the period of validity of the pre-payment certificate excluding the month in respect of which an application under paragraph (6) may be made.

(10) Where payment of a prescribed sum in respect of a pre-payment certificate valid for 12 months has been made and where on or after 28th April 2001 and during the relevant period defined in paragraph (12), the person in respect of whom the payment was made—

- (a) becomes a person to whom any of the provisions of regulation 7(1)(b) to (f) applies; or

(b) becomes a person entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations.

an application for a refund may be made, by or on behalf of that person or his estate in accordance with paragraphs (13) to (15).

(11) The refund referred to in paragraph (10) shall be for the sum which is the difference between the prescribed sum paid and the sum which was prescribed for a pre-payment certificate valid for 4 months on the date that the prescribed sum was paid.

(12) In paragraph (10) the “relevant period” means the period of 3 months immediately following the month in respect of which an application under paragraph (6) may be made.

(13) Applications under this regulation shall be made to the Central Services Agency and shall be accompanied by the certificate (where granted) and a declaration in support of the claim and any repayment shall be made in such manner and subject to such conditions as the Department may determine

(14) Subject to paragraph (15) an application under this regulation shall be made where the person in respect of whom the payment of the prescribed sum was made—

(a) dies or becomes resident in a hospital and thereafter dies, within 24 months of the date of his death; or

(b) has a pre-payment certificate valid for 4 months and becomes a person;

(i) to whom any of the provisions of regulation 7(1)(b) to (f) apply, or

(ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations.

within four months of the date on which the pre-payment certificate became valid, or

(c) has a pre-payment certificate valid for 12 months and becomes a person;

(i) to whom any of the provisions of regulations 7(1)(b) to (f) apply, or

(ii) entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations

within seven months of the date on which the pre-payment certificate became valid; or

(d) becomes resident in hospital and remains there until the expiry of a pre-payment certificate within 3 months of the date of expiry.

(15) Where an application under this regulation is made outside the time limits specified in paragraph (14) in respect of a death which occurs on or after 28th April 2001 or in respect of a person who becomes a person to whom paragraph 14(b) to (d) applies on or after 28th April 2001, the Agency shall accept it if the Department is satisfied that the delay was for good cause.”

Amendment of Schedule 1 to the principal Regulations

6. For Schedule 1 there shall be substituted the following—

“SCHEDULE 1

Charges for Fabric Supports and Wigs

Column (1) Specified Appliance	Column (2) Specified Charge
Surgical Brassiere	£20·60
Abdominal or Spinal Support	£31·00
Stock Modacrylic Wig	£50·70
Partial Human Hair Wig	£133·70
Full Bespoke Human Hair Wig	£195·40

Transitional provisions

7. Where, on or after 28th April 2001—

(a) any appliance specified in Schedule 1 to the principal Regulations is supplied pursuant to an order given before that date; or

(b) any pre-payment certificate is granted under regulation 9 of the principal Regulations pursuant to an application under that Regulation which was received before that date,

the principal Regulations shall have effect in relation to that supply or, as the case may be, that grant as if regulations 2, 3, 4, 5(2) and 6 of these Regulations had not come into operation.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 21st March 2001.

(L.S.)

D. A. Baker

A senior officer of the Department of
Health, Social Services and Public Safety

The Department of Finance and Personnel hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 21st March 2001.

(L.S.)

Brian Delaney

A senior officer of the Department of
Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997 (“the principal 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 charge for each item on prescription is increased from £6·00 to £6·10. The sums prescribed for the grant of pre-payment certificates of exemption from prescription charges are increased from £31·40 to £31·90 for a 4 month certificate and from £86·20 to £87·60 for a 12 month certificate.

The charge for elastic stockings is increased from £6·00 to £6·10 for each item (from £12·00 to £12·20 per pair) and for tights from £12·00 to £12·20.

The charge for a partial human hair wig is increased from £131·50 to £133·70, and for a stock modacrylic wig from £49·90 to £50·70. The charge for a full bespoke human hair wig is increased from £192·20 to £195·40. The charge for a surgical brassiere is increased from £20·30 to £20·60 and for an abdominal or spinal support from £30·50 to £31·00.

Regulation 5 amends regulation 9 of the principal Regulations. It extends the period of a pre-payment certificate for which a refund may be claimed on the death of the holder to the full months unexpired on that death. It extends the period of a 12 month pre-payment certificate in respect of which a refund may be claimed when the holder becomes entitled to exemption from or remission of prescription charges from one month to four months. It also extends the period for making a claim for a refund and makes provision for acceptance of a claim outside the specified time limits in cases where the Department is satisfied that the delay was for good cause.

Transitional arrangements are made in respect of pre-payment certificates, and appliances ordered, before 28th April 2001 (regulation 7).

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