
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations consolidate the provisions for the making and recovery of charges for drugs and appliances (other than dental or optical appliances) supplied under or by virtue of the National Health Service (Scotland) Act 1978 and formerly contained in the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989 (“the 1989 Regulations”).

Only minor changes have been made to the scheme operating under the 1989 Regulations in order to correct some technical issues arising from the 1989 Regulations.

Regulation 1 provides that the regulations shall come into force on 14th December 2001.

Regulation 2 deals with interpretation.

Regulation 3 provides that chemists who provide pharmaceutical services to patients shall make and recover specified charges in respect of the supply of drugs and appliances except where a declaration of entitlement to exemption is completed in respect of a patient and for the related reduction of sums payable to chemists by Health Boards.

Regulation 4 provides that doctors who provide certain pharmaceutical services to patients may make and recover specified charges in respect of the supply of drugs and appliances and are to remit the sum recovered in charges to the relevant Health Board. The cross reference which existed in regulation 4(1) of the 1989 Regulations to regulation 30 of the National Health Service (General Medical Services) (Scotland) Regulations 1995 has been altered so that the cross reference is now to regulation 34. (regulation 4(1))

Regulation 5 provides for the recovery from out-patients by Health Boards or NHS Trusts of specified charges in respect of drugs or appliances supplied to them.

Regulation 6 provides for the recovery by Health Boards or NHS Trusts of specified charges, other than from patients with exemption certificates, in respect of fabric supports and wigs supplied to out-patients. Provision is made for repayment of amounts not properly payable by patients.

Regulation 7 makes provision to exempt certain persons from charges by virtue of their age, medical condition or other factors on production of a declaration of entitlement to exemption to doctors or chemists or on production of appropriate evidence to a Health Board.

Regulation 8 provides for the granting of pre-payment certificates to persons for periods of 4 or 12 months and for the circumstances in which the cost or part of the cost of such a certificate may be reclaimed. Changes have been made compared with the text of regulation 8 of the 1989 Regulations to ensure consistency of language as follows:—

- (i) the term “sum prescribed” is now used throughout instead of “prescribed sum”;
- (ii) in the context of applications for repayment of, or refund of, sums paid for pre-payment certificates, the term “application” is now used throughout instead of “claim”;
- (iii) paragraphs (7) and (10) have been amended to clarify who may make applications for refunds in respect of payments made for pre-payment certificates.

Regulation 9 enables a person who was eligible for exemption from charges at the time of payment of the charges by him to claim a repayment of those charges. Such claims shall be made on a form provided for the purpose and shall be accompanied by appropriate evidence in support of the claim. The claim form is available from the Post Office.

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

Regulation 10 provides for the application of these Regulations to the supply of drugs and appliances on or after 14th December 2001 with exceptions in respect of regulations 6 and 8 so that the Regulations apply to the supply of fabric supports and wigs where the examination or first examination leading to the supply took place on or after 14th December 2001 and apply to prepayment certificates where an application for a certificate was made on or after 14th December 2001.

Regulation 11 revokes the Regulations which have been consolidated by these Regulations.

Schedule 1 provides the charges for elastic hosiery.

Schedule 2 provides the charges for tights.

Schedule 3 provides the charges for fabric supports and wigs.

Schedule 4 lists the Regulations revoked by these consolidating Regulations.