
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 139

The National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007

Pre-payment certificates

8.—(1) Any person may apply for a pre-payment certificate on completion of a form provided for that purpose by the Health Board.

(2) A pre-payment certificate shall be valid for a period of either 4 months or 12 months and an application under paragraph (1) shall state the period for which it is required to be valid.

(3) Any application under paragraph (1) shall be made less than one month before the date on which its period of validity is to begin.

(4) A pre-payment certificate shall be granted either—

- (a) by a Health Board as soon as reasonably practicable following; or
- (b) by a pharmacist or doctor duly approved by a Health Board to grant such certificates immediately upon,

payment of the sum of £35.85 for a certificate valid for 4 months or £98.70 for a certificate valid for 12 months.

(5) The payment of a sum prescribed under this regulation shall not be deemed to be the payment of a charge under these Regulations.

(6) Where not more than one month after the date on which a person's pre-payment certificate became valid the person—

- (a) becomes a person to whom any of the provisions of regulation 7(1)(b) to (f) applies;
- (b) becomes a person entitled to remission under regulation 3 (entitlement to full remission and payment) of the Travelling Expenses and Remission of Charges Regulations;
- (c) dies; or
- (d) becomes resident in a hospital and thereafter either—
 - (i) dies while resident in hospital before the expiry of the pre-payment certificate; or
 - (ii) remains in hospital until the expiry of the pre-payment certificate,

an application for a refund of the sum prescribed by this regulation may be made, by or on behalf of that person or that person's estate, in accordance with paragraphs (11) to (13).

(7) Where a person dies or becomes resident in hospital and thereafter dies during the period of validity of a pre-payment certificate, excluding the month in respect of which an application under paragraph (6) may be made, an application for a refund may be made by or on behalf of that person's estate in accordance with paragraphs (11) to (13).

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

- (a) in the case of a pre-payment certificate valid for 4 months, 25 per cent of the sum prescribed under this regulation for each complete month after the date of death during which the pre-payment certificate would have remained valid;

- (b) in the case of a pre-payment certificate valid for 12 months, 50 per cent of the sum prescribed under this regulation for each complete month after the date of death during which the pre-payment certificate would have remained valid,

and for the purposes of these calculations a complete month is a month beginning on the date of death and ending on the date immediately preceding that date in the following month.

(9) Where, during the period of 3 months following the month in respect of which a claim for a refund may be made under paragraph (6), a person with a pre-payment certificate valid for 12 months—

- (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 in accordance with paragraphs (11) to (13).

(10) The refund referred to in paragraph (9) shall be the amount which is the difference between the amount paid in respect of the pre-payment certificate valid for 12 months and the amount payable for a certificate valid for 4 months on the date that the sum prescribed was paid.

(11) Applications under this regulation for refunds shall be made to the Health Board which either received the sum prescribed under this regulation or approved the pharmacist or doctor to grant pre-payment certificates and shall be accompanied by the certificate (where granted) and a declaration in support of the application and any refund shall be made in such manner and subject to such conditions as the Scottish Ministers may determine.

(12) Subject to paragraph (13) an application for a refund shall be made where the person—

- (a) dies, or becomes resident in hospital and thereafter dies, within 24 months of the date of 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 4 months of the date of expiry of the pre-payment certificate; or

- (c) has a pre-payment certificate valid for 12 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 7 months of the date of expiry of the pre-payment certificate; 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.

(13) Where an application under this regulation is made outside the time limits specified in paragraph (12) the Health Board shall accept the application if the Scottish Ministers are satisfied that the delay was for good cause.