

2000 No. 3189

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Charges for Drugs and Appliances) Amendment (No. 2) Regulations 2000

Made - - - - - *4th December 2000*

Laid before Parliament *5th December 2000*

Coming into force - - *11th December 2000*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 77, 83 and 126(4) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Amendment (No. 2) Regulations 2000 and shall come into force on 11th December 2000.

(2) In these Regulations—

“the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(b).

(3) These Regulations extend to England only.

Amendment of regulation 2 of the principal Regulations

2. Paragraph (1) of regulation 2 (interpretation) of the principal Regulations is amended as follows—

(a) in the definition of “patient” add the following at the end—

“(d) any person who applies to be supplied with a drug in accordance with a Patient Group Direction;”;

(b) after the definition of “patient” insert the following new definition—

“Patient Group Direction” is to be construed in accordance with regulation 6A(6);”.

Supply of drugs under Patient Group Directions

3. After regulation 6 of the principal Regulations insert—

(a) 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 83 was amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 39 and by the Health and Social Security Act 1984 (c. 48), Schedule 8, Part 1. Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6). As regards Wales, the functions of the Secretary of State under the above mentioned powers are transferred to the National Assembly for Wales under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999/672 as amended by section 66(5) of the 1999 Act; these Regulations therefore extend only to England.

(b) S.I. 2000/620 as amended by S.I. 2000/2393.

“Supply of drugs under Patient Group Directions

6A.—(1) Where drugs are supplied to a patient in accordance with a Patient Group Direction the person supplying the drugs shall, subject to paragraphs (3) and (4), make and recover from the patient, in respect of the supply of each quantity, a charge of £6.00.

(2) Where a charge is paid under paragraph (1), the person making the payment shall on doing so sign a declaration in writing that the relevant charge has been paid.

(3) No charge shall be made and recovered under this regulation from a patient who is exempt—

- (a) under paragraph 1(1)(a) to (d) of Schedule 12 to the Act,
- (b) under regulation 7, or
- (c) by reason of being entitled to remission under regulation 3 of the Travelling Expenses and Remission of Charges Regulations,

and who, in the case described in paragraph 1(1)(c) of Schedule 12 of the Act and in the cases described in sub-paragraphs (b) and (c), completes a declaration of entitlement to such exemption or remission and provides such evidence of entitlement as the person supplying the drug may reasonably require.

(4) No charge shall be made and recovered under this regulation where the drug is supplied for personal administration by the person making the supply in accordance with the Patient Group Direction.

(5) A person making and recovering a charge under this regulation shall, if so required by a patient, give him a receipt for the amount received on a form which shall contain forms of declaration in support of an application for repayment and information as to whom an application for repayment shall be made.

(6) For the purposes of this regulation the reference to the supply of a drug in accordance with a Patient Group Direction is a reference to the supply of a drug for that purpose as provided for in the Medicines (Pharmacy and General Sale—Exemption) Order 1980(a) or in the Prescription Only Medicines (Human Use) Order 1997(b).”.

Amendment of regulation 7 of the principal Regulations

4. Regulation 7 of the principal Regulations (exemptions) shall be amended as follows—

- (a) in paragraph (1) for “3, 4 or 6” substitute “3, 4, 6 or 6A”;
- (b) In paragraph (3) for “5(3) or 6(3)” substitute “5(3), 6(3) or 6A(3)”.

Amendment of regulation 10 of the principal Regulations

5. In regulation 10 of the principal Regulations (repayment of charges) in paragraph (2)(a) for “5(6) or 6(5)” substitute “5(6), 6(5) or 6A(5)”.

Signed by authority of the Secretary of State for Health

4th December 2000

John Denham
Minister of State,
Department of Health

(a) S.I. 1980/1924. See S.I. 2000/1919 in relation to Patient Group Directions.

(b) S.I. 1997/1830. See S.I. 2000/1917 and 2899 in relation to Patient Group Directions.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 (the “principal Regulations”) which provide for the making and recovery of charges for drugs and appliances supplied under the National Health Service Act 1977 (the 1977 Act).

These Regulations provide for the making and recovery of charges for the supply of drugs under the 1977 Act when they are supplied in accordance with Patient Group Directions as described in regulations 2 and 3.

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