

2002 No. 548

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 2002

Made - - - - - *7th March 2002*
Laid before Parliament *11th March 2002*
Coming into force *1st April 2002*

The Secretary of State for Health, in exercise of powers conferred on him by sections 77, 83A 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 Regulations 2002 and shall come into force on 1st April 2002.

(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.—(1) Regulation 2 of the principal Regulations (interpretation) shall be amended as follows.

(2) In paragraph (1)—

(a) in the appropriate alphabetical position, insert—

““dispensing services” means services corresponding to pharmaceutical services provided under a pilot scheme;”;

(b) for the definition of “nurse prescriber” there shall be substituted—

““nurse prescriber” means a person who is registered in Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the register maintained by the Nursing and Midwifery Council^(c) pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001^(d) and against whose name is recorded in that register an annotation signifying that he is qualified to order drugs, medicines and appliances for patients;”;

^(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 83A was inserted by the Social Security Act 1998 (c.7), section 14(1) and amended by the Health and Medicines Act 1988 (c.49), Schedule 2, paragraph 6; by the 1990 Act, Schedule 9, paragraph 18(5); by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 40; by article 2 of S.I. 1998/2385 and by Schedule 1 to S.I. 2000/90. Section 126(4) was amended by the 1990 Act, section 65(2), by the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), Schedule 5, paragraph 5(13)(b). 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. See also section 68 of the 2001 Act; these Regulations therefore extend only to England.

^(b) S.I. 2000/620 as amended by S.I. 2000/2393, 2000/3189, 2001/746 and 2001/2887.

^(c) See article 3 of the Nursing and Midwifery Order 2001, S.I. 2002/253.

^(d) S.I. 2002/253.

(3) Paragraph (2) shall be deleted.

Amendment of regulation 3 of the principal Regulations

3.—(1) Regulation 3 of the principal Regulations (supply of drugs and appliances by chemists) shall be amended as follows.

(2) In paragraphs (1) and (4) for “£6.10” on each occasion it appears there shall be substituted “£6.20”.

(3) In paragraph (1)(a) for “£12.20” there shall be substituted “£12.40”.

Amendment of regulation 4 of the principal Regulations

4.—(1) Regulation 4 of the principal Regulations (supply of drugs and appliances by doctors) shall be amended as follows.

(2) In paragraphs (1) and (5) after “pharmaceutical” on each occasion it appears there shall be inserted “or dispensing”.

(3) In paragraph (1)(a) for “£12.20” there shall be substituted “£12.40”.

(4) In paragraphs (1)(b) and (4) for “£6.10” on each occasion it appears there shall be substituted “£6.20”.

Amendment of regulation 5 of the principal Regulations

5.—(1) Regulation 5 of the principal Regulations (supply of drugs and appliances by Health Authorities, NHS trusts and Primary Care Trusts) shall be amended as follows.

(2) In paragraph (1)(a) and (d) and paragraph (5) for “£6.10” on each occasion it appears there shall be substituted “£6.20”.

(3) In paragraph (1)(a) and (c) for “£12.20” on each occasion it appears there shall be substituted “£12.40”.

Amendment of regulation 6 of the principal Regulations

6.—(1) Regulation 6 of the principal Regulations (supply of drugs and appliances at Walk-in-Centres) shall be amended as follows.

(2) In paragraph (1)(a) and (b) and paragraph (4) for “£6.10” on each occasion it appears there shall be substituted “£6.20”.

(3) In paragraph (1)(a) for “£12.20” there shall be substituted “£12.40”.

Amendment of regulation 6A of the principal Regulations

7. In regulation 6A of the principal Regulations (supply of drugs under Patient Group Directions)(a) in paragraph (1) for “£6.10” there shall be substituted “£6.20”.

Amendment of regulation 9 of the principal Regulations

8.—(1) Regulation 9 of the principal Regulations (pre-payment certificates) shall be amended as follows.

(2) In paragraph (5) for “£31.90” there shall be substituted “£32.40” and for “£87.60” there shall be substituted “£89.00”.

(3) For paragraph (9)(b) there shall be substituted—

“(9) In paragraph (7) “the relevant period” means the period beginning one month after the date on which the pre-payment certificate became valid and ending with the date of its expiry.”.

(a) Regulation 6A was inserted by S.I. 2000/3189.

(b) Paragraph (9) was inserted by S.I. 2001/746.

(4) For paragraph (12)(a) there shall be substituted—

“(12) In paragraph (10) “the relevant period” means the period of three months beginning one month after the date on which the pre-payment certificate became valid.”.

Amendment of Schedule 1 to the principal Regulations

9. In column 2 of Schedule 1 to the principal Regulations (charges for fabric supports and wigs)—

- (a) for “£20.60” there shall be substituted “£20.90”;
- (b) for “£31.00” there shall be substituted “£31.50”;
- (c) for “£50.70” there shall be substituted “£51.50”;
- (d) for “£133.70” there shall be substituted “£135.90”;
- (e) for “£195.40” there shall be substituted “£198.60”.

Transitional provisions

10. Where, on or after 1st April 2002—

- (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, grant as if these Regulations had not come into force.

Signed by authority of the Secretary of State for Health

7th March 2002

Hunt
Parliamentary Under Secretary of State,
Department of Health

(a) Paragraph (12) was inserted by S.I. 2001/746.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 inserts in Regulation 2 of the principal Regulations a definition of dispensing services to take account of doctors providing services equivalent to pharmaceutical services under a pilot scheme. References to such services are added to Regulation 4 of the principal Regulations by Regulation 4(2). Regulation 2 also amends the definition of “nurse prescriber” to reflect the extended prescribing responsibilities granted to certain nurses.

Regulations 3, 4(3) and (4), 5 to 7, 8(2) and 9 increase the charges payable under the principal Regulations but regulation 10 makes transitional provision for the old charges to apply in respect of certain appliances ordered and pre-payment certificates applied for before the coming into force of the Regulations.

Regulations 8(3) and 8(4) amend the definition of “relevant period” in Regulations 9(9) and (12) of the principal Regulations in order to make clearer the periods in respect of which refunds for pre-payment certificates may be claimed in certain circumstances.

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