STATUTORY INSTRUMENTS

2015 No. 570

The National Health Service (Charges for Drugs and Appliances) Regulations 2015

Supply of drugs and appliances by chemists

3.—(1) Except as provided in paragraph (2), a chemist who provides pharmaceutical services or local pharmaceutical services to a patient must, subject to paragraphs (5) to (7), make and recover from that patient for the supply of—

(a) an item of elastic hosiery, a charge of **[**F1£9.15**]** or **[**F2£18.30**]** per pair;

(b) each other appliance, a charge of **[**F3£9.15**]**;

(c) each quantity of a drug, a charge of **[**F4£9.15**]**.

(2) A chemist who provides repeat dispensing services to a patient must, subject to paragraphs (5) to (7), make and recover from that patient in respect of each batch issue and each electronic prescription form for the supply of—

(a) an item of elastic hosiery, a charge of **[**F5£9.15**]** or **[**F6£18.30**]** per pair;

(b) each other appliance, a charge of **[**F7£9.15**]**;

(c) each quantity of a drug, a charge of **[**F8£9.15**]**.

(3) Where a charge is paid under paragraph (1), the person paying the charge must on doing so F9...—

(a) where a non-electronic prescription form has been issued, sign a declaration in writing on the non-electronic prescription form that the relevant charge has been paid; F10...

(b) where an electronic prescription form has been created, provide a declaration that the relevant charge has been paid on an approved form provided by the Board for recording patient declarations in respect of electronic prescription forms and issued by a chemist **[**F11or the prescriber**]****[**F12; or**]**

[F13(c) where the person has been supplied with a drug—

(i) in accordance with regulation 225 of the Human Medicines Regulations 2012 (emergency sale etc by pharmacist: at patient's request), and

(ii) pursuant to arrangements made in accordance with directions given by the Secretary of State under section 127 of the 2006 Act (arrangements for additional pharmaceutical services) or, if the drug is supplied under arrangements for the provision of local pharmaceutical services, equivalent arrangements to arrangements made in accordance with such directions,

provide a declaration that the relevant charge has been paid on an approved form provided by the Board for recording patient declarations in respect of supplies in accordance with regulation 225 of the Human Medicines Regulations 2012 and issued by a chemist.**]**

(4) Where a charge is paid under paragraph (2), the person paying the charge must on doing so either—

(a) in respect of a batch issue, sign a declaration in writing on the batch issue that the relevant charge has been paid; or

(b) in respect of an electronic repeatable prescription, provide a declaration that the relevant charge has been paid on an approved form provided by the Board for recording patient declarations in respect of electronic repeatable prescriptions and issued by a chemist **[**F14or the prescriber**]**.

(5) No charge is to be made and recovered under paragraph (1) or paragraph (2) where—

F15(a) . . . . . .

F15(b) . . . . . .

(c) the patient is resident in a school or institution, the name of which is inserted on the non-electronic prescription form by a prescriber under the term of an arrangement to provide primary medical services under section 83(2) of the 2006 Act M1 (primary medical services).

[F16(5A) In cases involving an non-electronic prescription form other than one to which paragraph (5) applies, or a non-electronic repeatable prescription, no charge is to be made and recovered under paragraph (1) or (2) where—

(a) there is an exemption by virtue of regulation 10(1) or entitlement to remission of the charge by virtue of regulation 5 of the Travel Expenses and Remission of Charges Regulations (entitlement to full remission and payment); and

(b) subject to regulation 10(5)(b), a declaration of entitlement to an exemption or remission is duly completed by or on behalf of the patient on the non-electronic prescription form or the batch issue.

(5B) In cases involving an electronic prescription form or an electronic repeatable prescription, no charge is to be made and recovered under paragraph (1) or (2) where—

(a) there is an exemption by virtue of regulation 10(1) or entitlement to remission of the charge by virtue of regulation 5 of the Travel Expenses and Remission of Charges Regulations; and

(b) subject to regulation 10(5)(a), entitlement to that exemption or remission has been declared to the chemist by or on behalf of the patient and the chemist has duly entered into the records managed by the Information Centre that are accessible as part of the Electronic Prescription Service a record of that entitlement (if that entitlement is not already recorded in those records).

(5C) Where a declaration is made under paragraph (5B)(b), subject to paragraph (5D), the patient or a person acting on the patient's behalf must duly complete a record of that declaration on an approved form provided by the Board for recording such declarations and issued by the chemist or the prescriber.

(5D) The record referred to in paragraph (5C) is not required where a check, known as a real time exemption check, by the chemist of electronic records that are managed by the NHS BSA for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable under these Regulations has confirmed that no charge is to be made and recovered under paragraph (1) or (2).

(5E) In cases involving a relevant emergency supply of a drug, no charge is to be made and recovered under paragraph (1) or (2) where—

(a) there is an exemption by virtue of regulation 10(1) or entitlement to remission of the charge by virtue of regulation 5 of the Travel Expenses and Remission of Charges Regulations; and

(b) a declaration of entitlement to an exemption or remission is duly completed by or on behalf of the patient on an approved form provided by the Board for recording patient declarations in respect of supplies in accordance with regulation 225 of the Human Medicines Regulations 2012 (emergency sale etc. by pharmacist: at patient's request) and issued by a chemist.

(5F) For the purposes of paragraph (5E), a supply of a drug is a relevant emergency supply of a drug if it is made—

(a) in accordance with regulation 225 of the Human Medicines Regulations 2012; and

(b) pursuant to arrangements made in accordance with directions given by the Secretary of State under section 127 of the 2006 Act (arrangements for additional pharmaceutical services) or, if the drug is supplied under arrangements for the provision of local pharmaceutical services, equivalent arrangements to arrangements made in accordance with such directions.**]**

(6) No charge is to be made and recovered under paragraph (1) or (2) where there is an exemption by virtue of section 173(1)(d) of the 2006 Act [M2] (exemptions from general charging) or regulation 10(2), 11, 12, 13 **[**[F17], 13A**]** or 14.

(7) For the purposes of this regulation, where a drug ordered on a single prescription form is supplied by instalments, the charge of **[**[F18]£9.15**]** payable for that drug is payable on the supply of the first instalment.

(8) A chemist is under no obligation to supply drugs or appliances in the course of providing pharmaceutical services or local pharmaceutical services where a charge is required to be made and recovered under paragraphs (1) or (2) unless the patient first pays that charge (notwithstanding any provisions in the chemist's terms of service).

(9) Where a patient requests a receipt for a charge made and recovered under paragraph (1) or (2), the chemist must give the patient a receipt for the amount received on the relevant approved form.

(10) Any sum which would otherwise be payable by the Board to a chemist in respect of the provision by that chemist of pharmaceutical services or local pharmaceutical services is to be reduced by the amount of any charges which must be made and recovered under paragraph (1) or (2).

(11) In paragraph (8), "terms of service" means the terms on which pharmaceutical services or local pharmaceutical services are provided under the 2006 Act.

[[F19](12) Where, instead of supplying a drug or appliance in accordance with a prescription form or an associated batch issue, a chemist provides a drug or appliance in accordance with a SSP, for the purposes of this regulation, the relevant form for recording an exemption or entitlement to remission of a charge is treated as being the prescription for product reimbursement purposes, as mentioned in (as the case may be)—

(a) paragraph 5A(4)(a) of Schedule 4 to the Pharmaceutical and Local Pharmaceutical Services Regulations (terms of service of NHS pharmacists – supply in accordance with a SSP);

(b) paragraph 4A(4)(a) of Schedule 5 to those Regulations (terms of service of NHS appliance contractors – supply in accordance with a SSP); or

(c) paragraph 3A(4)(a) of Schedule 7 to those Regulations (mandatory terms of LPS schemes – supply in accordance with a SSP),

but for these purposes, those provisions are to be read with regulation 119A(2)(a) of those Regulations (transitional provisions in respect of drugs and appliances supplied in accordance with SSPs), so the relevant form may instead be a dispensing token that records the supply of the product ("dispensing token" having the meaning given in regulation 119A(1)(b) of those Regulations).**]**

Textual Amendments

F1 Sum in reg. 3(1)(a) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(1)(a)** (with reg. 6)

F2 Sum in reg. 3(1)(a) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(2)(a)** (with reg. 6)

F3 Sum in reg. 3(1)(b) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(1)(a)** (with reg. 6)

F4 Sum in reg. 3(1)(c) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(1)(a)** (with reg. 6)

F5 Sum in reg. 3(2)(a) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(1)(a)** (with reg. 6)

F6 Sum in reg. 3(2)(a) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(2)(a)** (with reg. 6)

F7 Sum in reg. 3(2)(b) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(1)(a)** (with reg. 6)

F8 Sum in reg. 3(2)(c) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(1)(a)** (with reg. 6)

F9 Word in reg. 3(3) omitted (5.12.2016) by virtue of The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 (S.I. 2016/1077), regs. 1(1), **26(a)(i)**

F10 Word in reg. 3(3)(a) omitted (5.12.2016) by virtue of The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 (S.I. 2016/1077), regs. 1(1), **26(a)(ii)**

F11 Words in reg. 3(3)(b) inserted (26.11.2018) by The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2018 (S.I. 2018/1114), regs. 1(1), **12(2)**

F12 Word in reg. 3(3)(b) inserted (5.12.2016) by The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 (S.I. 2016/1077), regs. 1(1), **26(a)(iii)**

F13 Reg. 3(3)(c) inserted (5.12.2016) by The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 (S.I. 2016/1077), regs. 1(1), **26(a)(iv)**

F14 Words in reg. 3(4)(b) inserted (26.11.2018) by The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2018 (S.I. 2018/1114), regs. 1(1), **12(3)**

F15 Reg. 3(5)(a)(b) omitted (26.11.2018) by virtue of The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2018 (S.I. 2018/1114), regs. 1(1), **12(4)**

F16 Reg. 3(5A)-(5F) inserted (26.11.2018) by The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2018 (S.I. 2018/1114), regs. 1(1), **12(5)**

F17 Word in reg. 3(6) inserted (1.7.2019) by The National Health Service (Amendments Relating to Serious Shortage Protocols) Regulations 2019 (S.I. 2019/990), regs. 1, **9(2)**

F18 Sum in reg. 3(7) substituted (1.4.2020) by The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 2020 (S.I. 2020/201), regs. 1(1), **3(1)(a)** (with reg. 6)

F19 Reg. 3(12) inserted (1.7.2019) by The National Health Service (Amendments Relating to Serious Shortage Protocols) Regulations 2019 (S.I. 2019/990), regs. 1, **9(3)**

Marginal Citations

M1 Subsection (2) was substituted by the Health and Social Care Act 2012 (c. 7), Schedule 4, paragraph 30.

M2 Subsection (1) has been amended by the Health Act 2009 (c. 21), Schedule 1, paragraphs 6 and 7(c).

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Charges for Drugs and Appliances) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- Regulations words substituted by S.I. 2022/634 Sch. para. 1(1)(3)
- reg. 3(1)(a) sum substituted by S.I. 2021/178 reg. 3(1)(a)
- reg. 3(1)(a) sum substituted by S.I. 2021/178 reg. 3(2)(a)
- reg. 3(1)(a) sum substituted by S.I. 2023/300 reg. 3(1)(a)
- reg. 3(1)(a) sum substituted by S.I. 2023/300 reg. 3(2)(a)
- reg. 3(1)(a) sum substituted by S.I. 2024/456 reg. 4(1)(a)
- reg. 3(1)(a) sum substituted by S.I. 2024/456 reg. 4(2)(a)
- reg. 3(1)(b) sum substituted by S.I. 2021/178 reg. 3(1)(a)
- reg. 3(1)(b) sum substituted by S.I. 2023/300 reg. 3(1)(a)
- reg. 3(1)(b) sum substituted by S.I. 2024/456 reg. 4(1)(a)
- reg. 3(1)(c) sum substituted by S.I. 2021/178 reg. 3(1)(a)
- reg. 3(1)(c) sum substituted by S.I. 2023/300 reg. 3(1)(a)
- reg. 3(1)(c) sum substituted by S.I. 2024/456 reg. 4(1)(a)
- reg. 3(2)(a) sum substituted by S.I. 2021/178 reg. 3(1)(a)
- reg. 3(2)(a) sum substituted by S.I. 2021/178 reg. 3(2)(a)
- reg. 3(2)(a) sum substituted by S.I. 2023/300 reg. 3(1)(a)
- reg. 3(2)(a) sum substituted by S.I. 2023/300 reg. 3(2)(a)
- reg. 3(2)(a) sum substituted by S.I. 2024/456 reg. 4(1)(a)
- reg. 3(2)(a) sum substituted by S.I. 2024/456 reg. 4(2)(a)
- reg. 3(2)(b) sum substituted by S.I. 2021/178 reg. 3(1)(a)
- reg. 3(2)(b) sum substituted by S.I. 2023/300 reg. 3(1)(a)
- reg. 3(2)(b) sum substituted by S.I. 2024/456 reg. 4(1)(a)
- reg. 3(2)(c) sum substituted by S.I. 2021/178 reg. 3(1)(a)
- reg. 3(2)(c) sum substituted by S.I. 2023/300 reg. 3(1)(a)
- reg. 3(2)(c) sum substituted by S.I. 2024/456 reg. 4(1)(a)
- reg. 3(5B)(b) words substituted by S.I. 2023/98 Sch. para. 49(3)
- reg. 3(7) sum substituted by S.I. 2021/178 reg. 3(1)(a)
- reg. 3(7) sum substituted by S.I. 2023/300 reg. 3(1)(a)
- reg. 3(7) sum substituted by S.I. 2024/456 reg. 4(1)(a)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- blanket amendment words substituted by S.I. 2023/1071 Sch. para. 1

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 9(2A) inserted by S.I. 2024/456 reg. 6
- reg. 10(h)(j) inserted by S.I. 2023/171 reg. 7(c)
- reg. 15(2A) inserted by S.I. 2021/1346 reg. 13(4)
- reg. 15(6) inserted by S.I. 2024/456 reg. 7
- reg. 15A inserted by S.I. 2021/1346 reg. 14
- reg. 16A inserted by S.I. 2024/456 reg. 9
- reg. 17(11) inserted by S.I. 2023/171 reg. 9
- reg. 17A inserted by S.I. 2023/171 reg. 10
- reg. 17A substituted by S.I. 2023/300 reg. 6
- reg. 17A(4)(a) sum substituted by S.I. 2024/456 reg. 11