
WELSH STATUTORY INSTRUMENTS

2006 No. 1792 (W.188)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006

Made - - - - 4 July 2006
Coming into force - - 1 August 2006

The National Assembly for Wales, in exercise of the powers conferred by sections 77, 83, 83A and 126(4) of and paragraph 1 of Schedule 12 to the National Health Service Act 1977(1) hereby makes the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006 and they come into force on 1 August 2006.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations “the principal Regulations” (“*y prif Reoliadau*”) means the National Health Service (Charges for Drugs and Appliances) (Wales) (Regulations) 2001(2).

-
- (1) [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 \(c. 17\)](#) (“the 1995 Act”), section 2 and Schedule 1, paragraph 39, by [S.I. 2000/90](#), article 3(1) and Schedule 1, paragraph 13(1) and (4) and by the Health and Social Care (Community Health and Standards) Act [2003 \(c. 43\)](#) (“the 2003 Act”), section 196 and Schedule 14, Part 4.
Section 83A was inserted by the Social Security Act [1988 \(c. 7\)](#) (“the 1988 Act”), section 14(1) and was amended by the 1990 Act, section 66(1) and Schedule 9, paragraph 18(5)(a) and (b); by the 1995 Act, section 2(1) and Schedule 1, paragraph 40; by the National Health Service Reform and Health Care Professions Act [2002 \(c. 17\)](#) (“the 2002 Act”), section 2(5) and Schedule 2 paragraphs 1 and 32; by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 31 and also by section 196 and Schedule 14.
Section 126(4) was amended by the 1990 Act, section 66(2) and the Health Act [1999 \(c. 8\)](#) (“the 1999 Act”), section 65(1) and Schedule 4, paragraphs 37(1) and (6); by the 2002 Act, section 6(3)(c) and by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 38.
Paragraph 1 of Schedule 12 was amended by the Health Services Act [1980 \(c. 53\)](#), section 25(2) and Schedule 5, paragraph 1; by the 1988 Act, section 16 and Schedule 5; by the National Health Service (Primary Care) Act [1997 \(c. 46\)](#), section 41(10) and Schedule 2, paragraph 31 and by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 44.
The functions of the Secretary of State under sections 77, 83, 83A and 126(4) of and paragraph 1 of Schedule 12 to the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)), article 2 and Schedule 1, as amended by the 1999 Act, section 66(4) and (5), the Health and Social Care Act [2001 \(c. 15\)](#), section 68(1), the 2002 Act, section 40(1) and the 2003 Act, section 197(1).
- (2) [S.I.2001/1358 \(W.86\)](#). Relevant amending instruments are [S.I.2001/2359 \(W.196\)](#), [S.I.2004/1018 \(W.115\)](#) and [2004/1605 \(W.164\)](#), [S.I.2005/427 \(W.44\)](#) and [2005/1915 \(W.158\)](#).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)—
- (a) in the appropriate place in the alphabetical order insert—
 - ““entitlement card” (*“cerdyn hawl”*) has the meaning assigned to it by regulation 9A(1);”;
 - (b) in the appropriate place in the alphabetical order insert—
 - ““Primary Care Trust” (*“Ymddiriedolaeth Gofal Sylfaenol”*) means a Primary Care Trust established under section 16A of the Act(3);”;
 - (c) in the appropriate place in the alphabetical order insert—
 - ““qualifying patient” (*“claf cymwys”*) has the meaning assigned to it by regulation 9A(3);”.

Amendment of regulation 3 of the principal Regulations

- 3.—(1) Regulation 3 of the principal Regulations is amended as follows.
- (2) For sub-paragraph (1)(b) substitute the following sub-paragraph—
- “(b) where the patient presents an equivalent prescription form—
 - (i) in cases where the patient is a qualifying patient who also presents a valid entitlement card—
 - (aa) in respect of an item of elastic hosiery a charge of £3.00, that is to say a charge of £6.00 per pair,
 - (bb) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £3.00;
 - (ii) in all other cases—
 - (aa) in respect of an item of elastic hosiery the charge that is specified in regulation 3(1)(a) of the Charges Regulations 2000,
 - (bb) in respect of the supply of each other appliance and each quantity of a drug, the charge that is specified in regulation 3(1)(b) of the Charges Regulations 2000.”.
- (3) For sub-paragraph (3)(b) substitute the following sub-paragraph—
- “(b) in respect of each equivalent batch issue—
 - (i) where the patient is a qualifying patient who also presents a valid entitlement card—
 - (aa) in respect of an item of elastic hosiery a charge of £3.00, that is to say a charge of £6.00 per pair,
 - (bb) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £3.00;
 - (ii) in all other cases—
 - (aa) in respect of an item of elastic hosiery, the charge specified in regulation 3(1A)(b)(i) of the Charges Regulations 2000,
 - (bb) in respect of the supply of each other appliance and of each quantity of a drug, the charge that is specified in regulation 3(1A)(b)(ii) of the Charges Regulations 2000.”.

(3) Section 16A was inserted into the National Health Service Act 1977 by the Health Act 1999 (c. 8), section 2(1).

- (4) For sub-paragraph (5)(b) substitute the following sub-paragraph—
- “(b) where a drug ordered on a single equivalent prescription is supplied by instalments—
- (i) where the patient is a qualifying patient who also presents a valid entitlement card, the charge of £3.00 payable for that drug must be paid upon the supply of the first instalment,
 - (ii) in all other cases, the charge specified in regulation 3(4) of the Charges Regulations 2000 must be paid upon the supply of the first instalment.”.

Amendment of regulation 8 of the principal Regulations

4. For sub-paragraph (1)(c) of regulation 8 substitute the following sub-paragraph—
- “(c) a person who is under 25 years of age and who—
- (i) presents a Welsh prescription form, or
 - (ii) presents a batch issue relating to a Welsh repeatable prescription, or
 - (iii) is a qualifying patient who presents an equivalent prescription form and a valid entitlement card, or
 - (iv) is a qualifying patient who presents an equivalent batch issue relating to an equivalent repeatable prescription and a valid entitlement card;”.

Insertion of regulation 9A into the principal Regulations

5. After regulation 9 insert the following regulation—

“Entitlement cards

9A.—(1) A Local Health Board, on being satisfied that a person is a qualifying patient, will issue to that person a card (in these Regulations referred to as an “entitlement card”) which will be valid for such period as the Local Health Board may determine.

(2) An entitlement card which is issued confers on the qualifying patient to whom it is granted—

- (a) an entitlement to pay the charges in respect of the supply of drugs and appliances at the rate specified in paragraphs (1)(b)(i), (3)(b)(i) and (5)(b)(i) of regulation 3; and
- (b) for those qualifying patients who are under 25 years of age, an entitlement to claim the exemption from charge specified in paragraphs (1)(c)(iii) and (iv) of regulation 8

(3) For the purposes of these Regulations “a qualifying patient” means a person who—

- (a) is resident in Wales; and
- (b) receives primary medical services under Part 1 of the Act from a provider who is contracted to provide such services with a Primary Care Trust; and

includes a person acting on behalf of such a person.”.

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

4 July 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001 (“the principal Regulations”) which provide for the making and recovery of charges for drugs and appliances supplied by chemists and doctors providing pharmaceutical and dispensing services, and by Local Health Boards and NHS Trusts to out-patients.

Amendments made by these Regulations make provision for the application of the charges made for the provision of pharmaceutical services that are provided by chemists in respect of Welsh prescriptions to be applied to equivalent prescriptions presented by “qualifying patients” who also present a valid “entitlement card” (which will be issued by Local Health Boards).

They also make provision for qualifying patients who are under the age of 25 years to claim an exemption from charge where they present an equivalent prescription form or equivalent batch issue relating to an equivalent repeatable prescription together with a valid entitlement card.

A patient is a qualifying patient if he or she is resident in Wales and receives primary medical services from a contractor who is contracted to provide such services for a Primary Care Trust.