**1968. No. 138** **[C]**

# HEALTH SERVICES

## Charges for Drugs and Appliances

REGULATIONS, DATED 14TH JUNE 1968, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1948.

The Ministry of Health and Social Services in exercise of the powers conferred on it by sections 12, 76 and 80 of the Health Services Act (Northern Ireland) 1948 as amended (**a**), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

*Citation and Commencement*

**1.** These regulations may be cited as the Health Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1968 and shall come into operation on 1st July 1968.

*Interpretation*

**2.**—(1) In these regulations—

"the Act" means the Health Services Act (Northern Ireland) 1948;

"drugs" includes medicines;

"the General Dental Services Regulations" means the Health Services (General Dental Services) Regulations (Northern Ireland) 1964(**b**);

"the General Medical Services Regulations" means the Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1956(**c**);

"Ministry" means the Ministry of Health and Social Services;

"out-patient" means a patient who is not for the time being resident in a hospital;

"the Supplementary Benefits Act" means the Supplementary Benefits etc., Act (Northern Ireland) 1966(**d**);

"treatment" includes examination and diagnosis.

(2) For the purpose of these regulations the supply of quantities of the same drug in more than one container on an order on one form shall be deemed to be the supply of one quantity of a drug only and the supply on an order on one form of more than one appliance of the same type or the supply on an order on one form of two or more component parts of the same appliance shall be deemed to be the supply of one appliance, so however that any piece of elastic hosiery shall be deemed to be a separate appliance.

*Supply of drugs and appliances by chemists*

**3.**—(1) Subject to these regulations, any person supplied in pursuance of section 12 of the Act with drugs or appliances in accordance with an

(a) 1948, c. 3. as amended by 1950, c. 9; 1952, c. 11; 1958, c. 29 and 1967, c. 9 (N.I.).
(b) S.R. & O. (N.I.) 1964, No. 60.
(c) S.R. & O. (N.I.) 1956, No. 150.
(d) 1966. c. 28 (N.I.).

order given by a medical practitioner under the General Medical Services Regulations or by a dental practitioner under the General Dental Services Regulations shall be liable to pay to the person supplying the goods the sum of 2s. 6d. in respect of each quantity of a drug and each appliance supplied, unless a declaration of entitlement to exemption duly completed in accordance with these regulations is submitted.

(2) A chemist providing pharmaceutical services shall accordingly, notwithstanding anything to the contrary in the terms of service contained in Part I of Schedule 3 to the General Medical Services Regulations, be under no obligation to supply drugs or appliances unless—

(*a*) he is paid the charge specified in paragraph (1); or

(*b*) he is given a declaration of entitlement to exemption duly completed in accordance with these regulations.

(3) Subject to these regulations, the amount payable by the Board under arrangements made under section 12 of the Act to a person providing pharmaceutical services shall be reduced by the sum of 2s. 6d. in respect of each quantity of a drug supplied on the order of a medical or dental practitioner and each appliance supplied on the order of a medical practitioner in any case not falling within paragraph 2(*b*).

(4) After the word "therein" where used for the second time in paragraph 8(4) of Part I of Schedule 3 to the General Medical Services Regulations there shall be added the words "subject however in either case to any deduction required to be made by regulations made under section 76 of the Act as amended".

(5) Any chemist who receives any payment under these regulations shall, if asked to do so at the time when the charge is paid, supply a receipt for any charge so received on a form which has been provided by the Board for that purpose and contains forms of declaration in support of an application for refund.

*Prescription Forms*

**4.** A medical or dental practitioner shall order drugs or appliances under the General Medical Services Regulations or the General Dental Services Regulations (as the case may be) only on a form which has been provided for the purpose by the Board and contains on its reverse side a form of declaration of exemption; and after 31st July 1968 a chemist shall not supply pharmaceutical services except to a person who presents such a form.

*Supply of Drugs and Appliances by Medical Practitioners*

**5.**—(1) Subject to these regulations, any person supplied with drugs and appliances by a medical practitioner in pursuance of paragraph 11(1)(*d*) of Part I of Schedule 1 to the General Medical Services Regulations in accordance with the requirements of the Board, or with any arrangements with the Board under the said regulations, shall be liable to pay to the practitioner the sum of 2s. 6d. in respect of each quantity of a drug and each appliance, unless he declares that he is entitled to exemption under these regulations.

(2) A medical practitioner supplying drugs and appliances in accordance with the said requirements or arrangements shall accordingly, notwithstanding anything in the said paragraph 11(1)(*d*), be under no obligation to supply drugs and appliances unless—

(*a*) he is paid the appropriate charge specified in paragraph (1); or

(*b*) it has been declared to him that the person for whom he is supplying such drugs or appliances is entitled to exemption from paying charges under these regulations.

(3) A medical practitioner supplying drugs and appliances under the said paragraph 11(1)(*d*) shall collect any charges payable for those supplies under these regulations and shall as soon as practicable after the end of each month send to the Board a sum of money equal to the amount of such charges collected by him during that month.

(4) Any medical practitioner who receives any payment under these regulations shall, if asked to do so at the time when the charge is paid, supply a receipt for any charge so received on a form which has been provided by the Board for that purpose and contains forms of declaration in support of an application for refund.

*Supply of Drugs to Out-patients by Hospitals*

**6.**—(1) Subject to these regulations, any out-patient of a hospital providing hospital and specialist services, who for the purposes of his treatment is supplied at the hospital with drugs (otherwise than for administration in the hospital), shall be liable to pay to the management committee the sum of 2s. 6d. in respect of each quantity of a drug supplied. Provided that there shall not be a liability to pay any sum by a person suffering from venereal disease in respect of any drugs for the treatment of that disease.

(2) Any out-patient of a hospital supplying hospital and specialist services, who for the purposes of his treatment is provided with an order form for the purpose of enabling him to obtain drugs or appliances from a chemist supplying such goods, shall be liable to pay to that chemist the sum of 2s. 6d. in respect of each quantity of a drug and each appliance, unless he submits a declaration of entitlement to exemption duly completed in accordance with these regulations.

(3) For the purposes of this regulation only one sum of 2s. 6d. shall be payable notwithstanding that the quantity of a drug supplied by a hospital or by a chemist on an order on one form is, by order of the prescriber, supplied on more than one day during a period of 14 days.

(4) No exemption shall be granted by a management committee unless the person claiming exemption from the obligation to make any payment under this regulation provides such evidence or makes such declaration in writing that he is entitled to such exemption as that management committee may reasonably require.

(5) A management committee which receives any charges payable under these regulations shall, if asked to do so, supply for any charge so received a receipt, which shall also contain forms of declaration in support of an application for refund.

*Exemptions*

**7.**—(1) Subject to the following provisions no charge shall be payable under these regulations by—

(*a*) a person who has not attained the age of 15 years; or

(*b*) a person who has attained the age of 65 years; or

(*c*) a woman to whom the Board has issued an exemption certificate on the ground that she is an expectant mother or a mother whose child is less than one year of age; or

(*d*) a person to whom the Board has issued an exemption certificate on the ground that he is suffering from one or more of the following conditions:—

(i) permanent fistula (including caecostomy, colostomy or ileostomy) requiring continuous surgical dressing or an appliance;

(ii) the following endocrine disorders for which specific substitution therapy is essential:

diabetes mellitus
myxoedema
hypoparathyroidism
hypopituitarism
Addison's disease and other forms of hypoadrenalism
myasthenia gravis;

(iii) epilepsy requiring continuous anti-convulsive therapy;

(iv) a continuing physical disability which prevents the patient from leaving his residence except with the help of another person; or

(*e*) a person to whom the Minister of Social Security on behalf of the Ministry has issued an exemption certificate in respect of prescriptions for treatment of an accepted war disablement, but only in respect of prescriptions to which the certificate relates; or

(*f*) a person, and any dependant of that person, to whom the Ministry has issued an exemption certificate either—

(i) on the ground that he is receiving a supplementary pension or supplementary allowance under the Supplementary Benefits Act, or

(ii) on the ground that he has attained the age of 16 years and his requirements exceed his resources when calculated or estimated by the Ministry according to the provisions of paragraphs 3, 7 to 13 and 15 to 29 of Schedule 2 to the Supplementary Benefits Act, subject to the following modifications—

(A) in sub-paragraph (*a*) of paragraph 23 (which relates to the calculation of weekly earnings) for the expression "20s." there shall be substituted the expression "40s."; and

(B) his requirements shall be deemed to include also—

(I) such amounts in respect of hire purchase transactions and mortgage payments as the Ministry may allow; and

(II) charges under these regulations; and

(III) any further amounts which the Ministry may in special circumstances allow;

and where by virtue of the said paragraph 3 the resources of the person would be aggregated with those of some other person, the requirements and resources of that other person, when calculated as aforesaid, shall be deemed to be the requirements and resources of the first-mentioned person.

(2) Where exemption is claimed under this regulation in respect of a charge payable to a chemist supplying a drug or appliance, a declaration of entitlement to exemption shall be duly completed by or on behalf of the claimant on the reverse side of the order form presented to the chemist.

(3) Where exemption is claimed under this regulation in respect of the supply of drugs or appliances by a medical practitioner, a declaration of

entitlement to exemption shall be made to that practitioner; and the practitioner, if he so desires, may require that declaration to be made in writing.

(4) Application for certificates under paragraph (1)(*c*) or (*d*) shall be made to the Board on a form supplied for that purpose and signed by or on behalf of the applicant.

(5) The Board shall issue a certificate under paragraph (1)(*c*) to any woman who satisfies them that she is entitled to it and such certificate shall have effect—

(*a*) in the case of an expectant mother, during pregnancy and during either the period of one year beginning with the expected date of confinement or the life of the child of that pregnancy, whichever is the shorter;

(*b*) in the case of a mother whose child is less than one year of age, during the period ending with the attainment by that child of that age or the life of that child, whichever is the shorter.

(6) The Board shall issue a certificate under paragraph 1(*d*) to any person not falling within paragraph 1(*a*) or (*b*) who satisfies them that he is entitled to it, and such certificates shall have effect for such period as they may determine.

(7) Where a claim of entitlement to exemption has been made but is not substantiated and in consequence of that claim a chemist or medical practitioner has not recovered a charge in respect of the supply of any drugs or appliance, the Board shall be entitled to recover such charge from the person concerned.

(8) Where an exemption certificate is declared to be valid for a period or subject to conditions, it shall have effect only during that period or so long as those conditions are complied with; and any claim for exemption by reference to age or the validity of a certificate shall be determined by reference to age or validity on the day on which any order for drugs or appliances is presented for dispensing, or, as the case may be, drugs or appliances are supplied by a medical practitioner or management committee.

*Refunds*

**8.**—(1) Subject to these regulations, the following persons (whether or not entitled to exemption) shall be entitled to repayment of any charges paid in respect of them—

(*a*) a war disablement pensioner, in respect of any drug or appliance supplied for the treatment of his accepted war disablement;

(*b*) a person in receipt of a supplementary pension or supplementary allowance under the Supplementary Benefits Act or a dependant of such person;

(*c*) a person whose requirements exceed his resources when calculated or estimated in the manner specified in regulation 7(1)(*f*)(ii) or a dependant of such person;

(*d*) any person entitled to exemption under regulation 7(1)(*a*) to (*d*).

(2) Any claim for a refund of charges shall be accompanied by the appropriate receipt, and the appropriate declaration in support of the claim shall be duly completed and signed by or on behalf of the claimant.

(3) Subject as aforesaid, any payment shall be made in such manner and subject to such conditions as the Ministry may determine, but no payment shall be made unless a claim is submitted within such period as the Ministry may determine. For the purpose of this regulation different periods may be determined for different claimants or categories of claimants, but the period shall in no case be less than one month from the date on which the charge was paid.

*Summary recovery of charges*

**9.** Any sum payable or recoverable under these regulations may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of June 1968.

(L.S.) *D. W. Lowry,*
Assistant Secretary.

The Ministry of Finance hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 14th day of June 1968.

(L.S.) *James V. Morrison,*
Assistant Secretary.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations but is intended to indicate their general purport.)*

These Regulations impose a charge of 2s. 6d. for drugs supplied by hospital authorities to out-patients (Regulation 6), and for drugs and appliances supplied to other persons, under the pharmaceutical services of the Health Service (Regulations 3 and 5). Various categories of persons are exempted from these charges subject to certain conditions (Regulation 7) and there is provision for the charges to be repaid in certain circumstances (Regulation 8).