STATUTORY INSTRUMENTS

1968 No. 1588

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 1968

Made - - - -	3*rd October* 1968
Laid before Parliament	15*th October* 1968
Coming into Operation	17*th October* 1968

The Minister of Health, in exercise of the powers conferred on him by sections 33, 38 and 40 of the National Health Service Act 1946(**a**), as amended by section 16 of the National Health Service (Amendment) Act 1949(**b**), sections 1 and 7(6) of the National Health Service Act 1952(**c**), section 30 of the Health Services and Public Health Act 1968(**d**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Amendment) Regulations 1968 and shall come into operation on 17th October 1968.

(2) The Interpretation Act 1889(**e**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The National Health Service (Charges for Drugs and Appliances) Regulations 1968(**f**) shall be amended as follows:—

(*a*) Immediately after regulation 2 there shall be inserted the following regulation:—

"*Pre-payment certificates*

2A.—(1) Subject to the following provisions of this regulation, a Council on payment of the prescribed sum shall as soon as reasonably practicable grant a certificate (in these regulations referred to as a pre-payment certificate) to any person who duly completes and submits an application therefor on a form provided for the purpose.

(2) A pre-payment certificate shall be valid for a period of either six months or 12 months and an application for such a certificate shall indicate the period for which it is required to be valid and shall be accompanied by the prescribed sum.

(3) A pre-payment certificate shall confer on the person to whom it has been granted exemption from charges otherwise exigible under these regulations in respect of the drugs and appliances supplied to him during such period as is specified in the certificate as being its period of validity.

(a) 1946 c. 81. (b) 1949 c. 93. (c) 1952 c. 25. (d) 1968 c. 46.
(e) 1889 c. 63. (f) S.I. 1968/759 (1968 II, p. 2134).

(4) For the purposes of this regulation the prescribed sum shall be £1 10s. 0d. for a pre-payment certificate valid for six months and £2 15s. 0d. for a pre-payment certificate valid for 12 months.

(5) The payment of a prescribed sum under this regulation shall not be deemed to be the payment of a charge under these regulations.

(6) No certificate shall be issued under this regulation so as to be valid before 1st November 1968.

(7) No certificate shall be issued under this regulation unless the application therefor is received less than one month before the date on which its period of validity is to begin."

(*b*) Regulation 4 shall be renumbered regulation 4(1) and there shall be inserted immediately thereafter the following paragraph:—

"(2) After 31st October 1968 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 Council and contains on its reverse side a form of declaration of entitlement to exemption by or on behalf of the holder of a pre-payment certificate; and after 30th November 1968 a chemist shall not supply pharmaceutical services except to a person who presents such a form."

(*c*) In regulation 7 (exemptions)—

(i) in paragraph (1)(*e*) immediately after the words "accepted war disablement" there shall be inserted the words "or, as the case may be, an accepted service disablement";

(ii) in paragraph (1)(*f*)(ii)—

(*a*) for the expression "7 to 13" there shall be substituted the expression "7 to 11, 13"; and

(*b*) for the words from "(B) his requirements" to "circumstances allow" there shall be substituted the following:—

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

(I) charges under these regulations; and

(II) such amounts in respect of mortgage payments as the Minister may allow; and

(III) such amounts in respect of hire purchase transactions as the Minister may allow; and

(IV) such further amounts as the Minister may in special circumstances allow,

and in considering what, if any, amount to include under either of the last two mentioned heads regard shall be had to the provisions made by paragraph 11 of the said Schedule 2 for additional requirements and regard may be had to any resources which would otherwise fall to be disregarded under paragraphs 23 to 26 of the said Schedule 2";

(iii) at the end of paragraph (1) there shall be inserted the following:—

"(*g*) a person who has paid the prescribed sum and to whom a Council has granted a pre-payment certificate".

(*d*) In regulation 8 (refunds) in paragraph (1)—

(i) for the words from " the following persons " to " them under these regulations " there shall be substituted the following:—

" a person (whether or not entitled to exemption under these regulations) shall be entitled to repayment of any charges paid by or in respect of him under these regulations who was at the time the relevant charge was made " ; and

(ii) immediately after the expressions " accepted war disablement," at the end of sub-paragraph (*a*), " 1966 or a dependant of such person ; " at the end of sub-paragraph (*b*), " regulations or a dependant of such person ; " at the end of sub-paragraph (*c*) there shall be inserted in each case the word " or ".

(*e*) At the end of regulation 8(1) there shall be inserted the following:—

" or

(*e*) a person entitled to exemption under regulation 7(1)(*g*) of these regulations."

Given under the official seal of the Minister of Health on 3rd October 1968.

(L.S.)

Kenneth Robinson,
Minister of Health.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations require Executive Councils to issue to a person who pays the prescribed sum a certificate of exemption from charges otherwise payable under the National Health Service (Charges for Drugs and Appliances) Regulations 1968 and make some consequential and other minor amendments to those regulations.