STATUTORY INSTRUMENTS

1968 No. 818 (S.94)

NATIONAL HEALTH SERVICE, SCOTLAND

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

Made - - -	20*th May* 1968
Laid before Parliament	23*rd May* 1968
Coming into Operation	10*th June* 1968

In exercise of the powers conferred on me by sections 34, 39 and 40 of the National Health Service (Scotland) Act 1947(**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**), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

Citation and commencement

1. These regulations may be cited as the National Health Service (Charges for Drugs and Appliances (Scotland) Regulations 1968 and shall come into operation on 10th June 1968.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the National Health Service (Scotland) Act 1947 ;

"chemist" includes any person, other than a medical practitioner, providing pharmaceutical services ;

"Council" means, in relation to any area, the Executive Council constituted for that area ;

"drugs" includes medicines ;

"exemption certificate" means a certificate authorising a person to claim exemption from charges payable under these regulations ;

"the General Dental Services Regulations" means the National Health Service (General Dental Services) (Scotland) Regulations 1966(**d**), as amended(**e**) ;

"the General Medical Services Regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966(**f**), as amended (**g**) ;

"hospital authority" means the Board of Management of a hospital or, in the case of a hospital not vested in the Secretary of State which provides hospital and specialist services by arrangements with a Regional Hospital Board, that Board ;

(**a**) 1947 c. 27. (**b**) 1949 c. 93. (**c**) 1952 c. 25.
(**d**) S.I. 1966/1449 (1966 III, p. 3802). (**e**) S.I. 1967/947 (1967 II, p. 2898).
(**f**) S.I. 1966/1233 (1966 III, p. 3330). (**g**) S.I. 1966/1618 (1966 III, p. 5057).

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

"treatment" includes examination and diagnosis.

(2) For the purposes 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 2 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.

(3) The Interpretation Act 1889(a) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Supply of drugs and appliances by chemists

3.—(1) Subject to these regulations, any person supplied in pursuance of section 40 of the Act with drugs or appliances in accordance with an 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 2/6d. in respect of each quantity of a drug and each appliance supplied, unless

(*a*) a declaration of entitlement to exemption duly completed in accordance with these regulations is submitted; or

(*b*) postage stamps to the value of 2/6d. in respect of each quantity of a drug and each appliance supplied are affixed to the reverse of the order form in any case where the Council has authorised a chemist to accept stamps in lieu of payment.

(2) A chemist providing pharmaceutical services shall accordingly, notwithstanding anything to the contrary in the terms of service contained in Part I or Part II of Schedule 4 to the General Medical Services Regulations (Terms of Service for Chemists), be under no obligation to supply drugs or appliances unless—

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

(*b*) he is given a declaration of entitlement for exemption duly completed in accordance with these regulations; or

(*c*) postage stamps to the value of 2/6d. in respect of each quantity of a drug and each appliance supplied are affixed to the reverse of the order form in any case where the Council has authorised a chemist to accept stamps in lieu of payment.

(3) Subject to these regulations, the amount payable by a Council under arrangements made under section 40 of the Act to a person providing pharmaceutical services shall be reduced by the sum of 2/6d. 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*) or (*c*) of this regulation.

(4) At the end of paragraph 8(4) of Part I of Schedule 4 to the General Medical Services Regulations (Payments to Chemists) there shall be added the

(a) 1889 c. 63.

words "Provided however in either case that the amount payable shall be reduced by an amount equal to any charge made or recoverable under regulations made under section 40 of the Act as amended by section 16 of the National Health Service (Amendment) Act 1949.

(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 Council 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 Council and contains a form of declaration of exemption; and after 7th 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 7(9)(*c*) of Part I of Schedule 1 to the General Medical Services Regulations in accordance with the requirements of the Council, shall be liable to pay to the practitioner the sum of 2/6d. 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 7(9)(*c*), be under no obligation to supply drugs and appliances unless—

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

(*b*) it has been declared to him that the person for whom he supplies 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 7(9)(*c*) 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 Council a sum of money equal to the amount of such charges collected by him during that month.

In this paragraph the reference to the Council is a reference to the Council in whose medical list the practitioner is included, or, if he is included in more than one medical list, the Council which is the responsible Council for the purpose of making payments under regulation 31 of the General Medical Services Regulations.

(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 Council for that purpose and contains forms of declaration in support of an application for refund.

Supply of drugs and appliances to hospital out-patients

6.—(1) Subject to section 1(2) of the National Health Service Act 1952 (which makes certain exemptions from the charges which may be imposed under that section) and 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 hospital authority the sum of 2/6d. in respect of each quantity of a drug supplied.

(2) For the purposes of this regulation only one sum of 2/6d. 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.

(3) Subject as aforesaid, any out-patient of a hospital supplying hospital and specialist services, who for the purposes of his treatment is provided by the hospital authority 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 2/6d. 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.

(4) The amount payable under any agreement or arrangement, whether made before or after the coming into operation of these regulations, by a hospital authority or by a Council on behalf of a hospital authority, to a chemist for the supply of drugs and appliances to out-patients shall be reduced by the sum of the payments received or recoverable by him under this regulation in respect of drugs and appliances supplied on behalf of that hospital authority in any case where no declaration of entitlement to exemption was duly given in accordance with these regulations.

(5) No exemption shall be granted by a hospital authority unless the person claiming exemption from the obligation to make any payment under this regulation provides such evidence that he is entitled to such exemption as that authority may reasonably require.

(6) A hospital authority which receives any charge payable to them 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 of this regulation 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 a Council 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 a Council 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 Secretary of State 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 Minister of Social Security on behalf of the Secretary of State has issued an exemption certificate either—

(i) on the ground that he is receiving a supplementary pension or supplementary allowance under the Ministry of Social Security Act 1966(**a**); 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 Secretary of State according to the provisions of paragraphs 3, 7 to 13 and 15 to 29 of Schedule 2 to the Ministry of Social Security Act 1966, 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 repayments as the Secretary of State may allow; and

(ii) charges under these regulations; and

(iii) any further amounts which the Secretary of State 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 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.

(a) 1966 c. 20.

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

(5) The Council shall issue a certificate under paragraph (1)(*c*) of this regulation to any woman who satisfies them that she is entitled to it and such certificates shall then 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 Council shall issue a certificate under paragraph (1)(*d*) of this regulation to any person not falling within paragraph (1)(*a*) or (*b*) of this regulation who satisfies them that he is entitled to it, and such certificate shall have effect for such period as they may determine.

(7) Where a claim of entitlement to exemption has been made under these regulations 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, a Council 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 for the purposes of this regulation 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 hospital authority.

Refunds

8.—(1) Subject to these regulations, the following persons shall be entitled to repayment of any charges paid in respect of them under these regulations—

(*a*) a war disabled 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 Ministry of Social Security Act 1966 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) of these regulations, or a dependant of such person;

(*d*) any person entitled to exemption under regulation 7(1)(*a*) to (*d*) inclusive of these regulations.

(2) Any claim for a refund of charges paid under these regulations 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 under this regulation shall be made in such manner and subject to such conditions as the Secretary of State may determine, but no payment shall be made unless a claim is submitted within such period as the Secretary of State 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.

Recovery of Charges

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

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
20th May 1968.

EXPLANATORY NOTE

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

These Regulations impose a charge of 2/6d. for drugs supplied by hospital authorities to out-patients (subject to the exemptions in section 1(2) of the National Health Service Act 1952) (Regulation 6), and for drugs and appliances supplied to other persons, under the pharmaceutical services of the National 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).