STATUTORY INSTRUMENTS

# 2024 No. 1086

# NATIONAL HEALTH SERVICE, ENGLAND

## The National Health Service (Charges for Drugs and Appliances) (Amendment) (No. 2) Regulations 2024

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| *Made - - - -* | *31st October 2024* |
| *Laid before Parliament* | *1st November 2024* |
| *Coming into force-* | *29th November 2024* |

The Secretary of State for Health and Social Care makes the following Regulations in exercise of the powers conferred by sections 172, 178, 182 and 272(7) and (8)(a) of the National Health Service Act 2006(**a**).

**Citation, commencement, extent and application**

**1.**—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Amendment) (No. 2) Regulations 2024 and come into force on 29th November 2024.

(2) These Regulations extend to England and Wales and apply only to England(**b**).

**Amendment of regulation 11 of the National Health Service (Charges for Drugs and Appliances) Regulations 2015**

**2.**—(1) Regulation 11 of the National Health Service (Charges for Drugs and Appliances) Regulations 2015(**c**) (exemption from charges for prisoners and persons detained in other secure accommodation) is amended as follows.

(2) In paragraph (2)—

(a) omit "non-electronic" at each place where it occurs (4 times); and

(b) in sub-paragraph (b)—

(i) for "printed upon" substitute "included within", and

(ii) in paragraph (i), before "the letters" insert "in the case of a non-electronic prescription form,".

Signed by authority of the Secretary of State for Health and Social Care

*Karin Smyth*
Minister of State
Department of Health and Social Care

31st October 2024

(**a**) 2006 c. 41. *See* section 275(1) of the National Health Service Act 2006 for the definitions of "prescribed" and "regulations" that are relevant to the powers being exercised.

(**b**) By virtue of section 271(1) of the National Health Service Act 2006, the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England.

(**c**) S.I. 2015/570; regulation 11 has been amended by the Sentencing Act 2020 (c. 17), Schedule 24, paragraph 428, and by S.I. 2018/48 and 2023/1071.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2015 ("the Charges Regulations"). The Charges Regulations include the charges, commonly known as prescription charges, that are payable in relation to the supply of NHS drugs and appliances in England.

The persons exempted from payment of prescription charges have included persons in the community who were either prisoners or detained in other secure accommodation at the time the prescription to which a charge would otherwise relate was issued. This charge exemption has been subject to conditions and those conditions have included requirements that the prescription was a paper one and had printed upon it the letters "HMP". The conditions for this charge exemption are changed in two respects: firstly, to allow electronic as well as paper prescriptions to be exempt from prescription charges; and secondly, to limit the requirement for the letters "HMP" to be included, so that it only applies to paper prescriptions (regulation 2).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen, and only a limited impact on the public sector, below the threshold for producing a full impact assessment.

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