STATUTORY INSTRUMENTS

1976 No. 1821

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1976

Made - - - - 1*st November* 1976

Laid before Parliament 10*th November* 1976

Coming into Operation in accordance with Regulation 1

The Secretary of State for Social Services in exercise of powers conferred by section 38(3)(**a**) of the National Health Service Act 1946(**b**), section 1(2) of the National Health Service Act 1952(**c**) (as amended by section 57 of and paragraph 65(2) of Schedule 4 to the National Health Service Reorganisation Act 1973(**d**)), and now vested in him(**e**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Amendment Regulations 1976 and shall come into operation immediately after the coming into operation of the Supplementary Benefits Act 1976.

Amendment to regulations

2. The National Health Service (Charges for Drugs and Appliances) Regulations 1974(**f**) (as amended)(**g**) shall be further amended as follows:—

(1) in regulation 6(1)(*h*) for the words "Ministry of Social Security Act 1966" there should be substituted the words "Supplementary Benefits Act 1976";

(2) for regulation 7 there shall be substituted the following—

"*Calculation of requirements and resources*

7.—(1) For the purposes of the grant of a certificate under the provisions of regulation 6(1)(*i*), the requirements and resources of a person shall be determined by the Secretary of State as if they fell to be determined in accordance with the provisions of paragraphs 3, 4(1)(*a*),

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(**a**) *See* section 16 of the National Health Service (Amendment) Act 1949 c. 93 which added subsection (3) to section 38.

(**b**) 1946 c. 81. (**c**) 1952 c. 25. (**d**) 1973 c. 32.

(**e**) *See* Secretary of State for Social Services Order 1968 (S.I. 1968/1699; (1968 III, p. 4585)). Article 2.

(**f**) S.I. 1974/285 (1974 I, p. 982).

(**g**) The relevant amending instrument is S.I. 1975/1688 (1975 III, p. 5769).

5, 6(1), 7, 8, 10, 11 and 13 to 22(1), 22(2) and 23 to 30 of Schedule 1 to the Supplementary Benefits Act 1976 and as if—

(*a*) in paragraph 22(1) of the said Schedule (calculation of weekly earnings) for the amount specified in sub-paragraph (*a*) there were substituted the amount specified in sub-paragraph (*c*); and

(*b*) the person's requirements were deemed to include—

(i) charges under these regulations plus the sum of 30p; and

(ii) an amount in respect of mortgage repayments as is reasonable in the circumstances.

(2) (*a*) In determining what, if any, amount to allow under paragraph 4(1)(*a*) of the said Schedule 1 regard shall be had to the provisions made by paragraphs 6(2) and 6(3) of that Schedule.

(*b*) Where by virtue of paragraph 3 of the said Schedule the resources of the person would be aggregated with those of some other person the requirements and resources of that other person when determined as aforesaid, shall be deemed to be the requirements and resources of the first mentioned person.";

(3) in regulation 9(1)(*c*) for the words "Ministry of Social Security Act 1966" there shall be substituted the words "Supplementary Benefits Act 1976".

David Ennals,

Secretary of State for Social Services.

1st November 1976.

EXPLANATORY NOTE

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

These Regulations further amend the National Health Service (Charges for Drugs and Appliances) Regulations 1974 by increasing the amount by which earnings are to be disregarded for the purposes of calculating entitlement to an exemption from charges in the case of a parent in a one parent family by including paragraph 22(1)(*b*) of Schedule 1 to the Supplementary Benefits Act 1976 in the calculation of requirements and resources.

These Regulations also replace references to provisions of the Supplementary Benefit Act 1966 by references to the corresponding provisions of the Supplementary Benefits Act 1976.

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