SCOTTISH STATUTORY INSTRUMENTS

2005 No.124

NATIONAL HEALTH SERVICE

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2005

Made - - - -	*3rd March 2005*
Laid before the Scottish Parliament	*3rd March 2005*
Coming into force - -	*1st April 2005*

The Scottish Ministers in exercise of the powers conferred by sections 27(2), 69(1) and (2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2005 and shall come into force on 1st April 2005.

(2) In these Regulations "the principal Regulations" means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(**b**).

Amendment of the principal Regulations

2.—(1) Subject to regulation 3 below, the principal Regulations are amended as follows.

(2) In regulation 3(1)(b) (supply of drugs and appliances by chemists)(**c**) for "£6.40" substitute "£6.50".

(3) In regulation 8(5) (pre-payment certificates)(**d**)–

(a) for "£33.40" substitute "£33.90"; and

(b) for "£91.80" substitute "£93.20".

(4) For Schedules 1, 2 and 3 (charges for elastic hosiery, for tights and for fabric supports and wigs)(**e**) substitute Schedules 1, 2 and 3 set out in the Schedule to these Regulations.

(**a**) 1978 c.29; section 27(2) was substituted by the by the National Health Service (Amendment) Act 1986 (c.66), section 3(3) and amended by the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 19(7)(b); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) S.S.I. 2001/430; relevant amending instruments are S.S.I. 2002/100, 2003/130, 2004/66.

(**c**) Regulation 3 was amended by S.S.I. 2002/100, 2003/130 and 2004/66.

(**d**) Regulation 8 was amended by S.S.I. 2002/100, 2003/130 and 2004/66.

(**e**) Schedules 1, 2 and 3 were substituted by S.S.I. 2002/100, 2003/130 and 2004/66.

Transitional provisions

3. Regulation 2(2) to (4) shall apply in relation to supplies of drugs and appliances and payments for pre-payment certificates made on or after 1st April 2005 except that–

(a) the amendment of regulation 8(5) (pre-payment certificates) of the principal Regulations by regulation 2(3) above shall apply only where the application referred to in paragraph (1) of regulation 8 of the principal Regulations is received on or after that date; and

(b) the insertion of Schedule 3 into the principal Regulations by regulation 2(4) above shall apply only where the examination or first examination leading to the supply of the specified appliance takes place on or after that date.

RHONA BRANKIN
Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,
Edinburgh
3rd March 2005

SCHEDULE

Regulation 2(4)

"SCHEDULE 1

Regulations 3, 4 and 5

CHARGES FOR ELASTIC HOSIERY

Column I Specified Appliance	*Column 2* Specified Sum
Above knee stocking, below knee stocking or thigh stocking	£6.50 each (i.e. £13.00 per pair)

SCHEDULE 2

Regulation 5

CHARGES FOR ELASTIC HOSIERY

Column I Specified Appliance	*Column 2* Specified Sum
Tights (per pair)	£13.00

SCHEDULE 3

Regulation 5

CHARGES FOR FABRIC SUPPORTS AND WIGS

Column I Specified Appliance	*Column 2* Specified Sum	
Surgical Brassiere	£21.80	
Abdominal or Spinal Support	£33.00	
Stock Modacrylic Wig	£53.90	
Partial Human Hair Wig	£142.30	
Full Bespoke Human Hair Wig	£208.10	".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 ("the principal Regulations") which provide for the making and recovery of charges for drugs, medicines and appliances supplied by chemists providing pharmaceutical services, doctors providing services under a general medical services contract or section 17C arrangements, or by Health Boards to out-patients.

Regulation 2(2) increases the charge in the principal Regulations for drugs, medicines and appliances (other than those specified in the Schedules) from £6.40 to £6.50.

Regulation 2(3) increases the sum payable in respect of a pre-payment certificate from £33.40 to £33.90 for a 4 month certificate, and from £91.80 to £93.20 for a 12 month certificate.

Regulation 2(4) increases the various charges set out in the Schedules to the principal Regulations. The charge for elastic stockings is increased from £6.40 to £6.50 each (from £12.80 to £13.00 per pair) and that for tights £12.80 to £13.00. The charge for surgical brassieres is increased from £21.50 to £21.80 and for fabric supports is increased from £32.50 to £33.00. The charges for modacrylic wigs and partial human hair wigs are increased from £53.10 to £53.90 and from £140.15 to £142.30 respectively. The charge for full human hair wigs is increased from £204.90 to £208.10.

Regulation 3 provides that the increase in charges made by regulation 2(2) to (4) shall be in respect of supplies made on or after 1st April 2005 or where examinations leading to the supply of an appliance take place on or after that date and, in respect of payments of sums for pre-payment certificates, where the pre-payment certificate itself was applied for on or after 1st April 2005.

£3.00

© Crown Copyright 2005

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
500 03/05 19593

ISBN 0-11-069474-0

9 780110 694740