

LEGISLATION COMMITTEE – SUBORDINATE LEGISLATION RECORD

Legislation Committee numbers:

LC59

Titles:

The National Health Service (Charges for Drugs and Appliances) (Amendment) (Wales) Regulations 2000

Associated Documents :

- Report of the Legal Adviser

LC59(R)

Legislation Committee consideration (date)

14 March 2000

Urgency procedures (if applicable)

Coming into Force:

1 April 2000

Any further comments:

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The National Health Service

(Charges for Drugs and Appliances)

Amendment (Wales) Regulations 2000

Background

Section 77 of the National Health Service Act 1977 provides for the making of Regulations prescribing charges for drugs and surgical appliances.

The charges currently in force are set out in the National Health Service (Charges for Drugs and Appliances) Regulations 1989, as amended.

The present Regulations further amend the 1989 Regulations by providing for increases in the charges specified in the Schedule. For each charge which is increased the table in the Schedule identifies the old charge in each case and specifies the new substituted figure opposite to it.

Standing Order 11.5

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention under Standing Order 11.5.

There are some general observations which it is considered should be drawn to the attention of the Assembly, however.

General Observations

Preamble

Section 77 of the National Health Service Act 1977 refers merely to the making of Regulations, without indicating by whom they may be made. Thus, in accordance with the practice commended in paragraph 2.23A of the "Statutory Instrument Practice", the definition of "regulations" which is to be found in section 128(1) should either have been included in the cited provisions (with an appropriate footnote) or should have been identified in a footnote in the form set out in the Practice Handbook. Since footnotes do not form part of the text of the Instrument, it may be that an appropriate footnote could still be added.

Regulation 2 and Schedule

It is assumed that the increased charges which are now being introduced for Wales are to be paralleled by identical increases in England. On this basis the insertion of the new charges for Wales without any provision to indicate that they only apply to Wales is quite acceptable.

If there were to be different charges between Wales and England, however, it would have been desirable for the inserted figures to be coupled in each case, with an indication that they are figures applicable only in Wales.

J H TURNBULL

Legal Adviser

Legislation Committee

Ref: LAD 01-01-084

7 March 2000

<p>-</p> <p><u>CYNULLIAD CENEDLAETHOL CYMRU</u></p>		<p>LC59</p> <p><u>NATIONAL ASSEMBLY FOR WALES</u></p>
<p><u>OFFERYNNAU</u></p> <p><u>STATUDOL</u></p>		<p><u>STATUTORY</u></p> <p><u>INSTRUMENTS</u></p>
<p>2000 Rhif (Cy.)</p>		<p>2000 No. (W.)</p>
<p>Y GWASANAETH IECHYD GWLADOL, CYMRU</p>		<p><u>NATIONAL HEALTH SERVICE, WALES</u></p>

**Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd am Gyffuriau ac Offer)
Diwygio (Cymru) 2000**

**The National Health Service (Charges for
Drugs and Appliances) Amendment
(Wales) Regulations 2000**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

EXPLANATORY NOTE

*(This note does not form part of the
Regulations)*

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau ac Offer) 1989 ("y prif Reoliadau") sy'n darparu ar gyfer codi ac adennill ffioedd am gyffuriau ac offer sy'n cael eu cyflenwi gan feddygon a fferyllwyr sy'n darparu gwasanaethau fferyllol, a chan Awdurdodau Iechyd ac Ymddiriedolaethau NHS i gleifion allanol.

These Regulations further amend the National Health Service (Charges for Drugs and Appliances) Regulations 1989 ("the principal Regulations") which provide for the making and recovery of charges for drugs and appliances supplied by doctors and chemists providing pharmaceutical services, and by Health Authorities and NHS Trusts to out-patients.

Mae'r diwygiadau a wneir i'r prif Reoliadau gan reoliad 2 a'r Atodlen yn codi'r ffi am eitemau ar bresgripsiwn neu sy'n cael eu cyflenwi i gleifion allanol o £5.90 i £6.00. Codir y ffi am hosanau elastig o £5.90 i £6.00 yr un (o £11.80 i £12.00 y pâr) a'r ffi am drywsanau o £11.80 i £12.00. Codir y ffioedd am wallt gosod rhannol ddynol a gwallt gosod modacrylig o £129.00 i £131.50 ac o £49.00 i £49.90 yn ôl eu trefn. Codir y ffi am wallt gosod dynol llawn o £188.50 i £192.00. Codir y ffi am staesiau ffabrig o £29.95 i £30.50. Codir y symiau a ragnodir ar gyfer rhoi tystysgrifau rhagdalau o £30.80 i £31.40 am dystysgrif bedwar-mis ac o £84.60 i £86.20 am dystysgrif ddeuddeng-mis.

Amendments made to the principal Regulations by regulation 2 and the Schedule increase the charge for items on prescription or supplied to out-patients from £5.90 to £6.00. The charge for elastic stockings is increased from £5.90 to £6.00 each (from £11.80 to £12.00 per pair) and that for tights from £11.80 to £12.00. The charges for partial human hair wigs and modacrylic wigs are increased from £129.00 to £131.50 and from £49.00 to £49.90 respectively. The charge for full human hair wigs is increased from £188.50 to £192.00. The charge for fabric supports is increased from £29.95 to £30.50. The sums prescribed for the grant of pre-payment certificates are increased from £30.80 to £31.40 for a four month certificate and from £84.60 to £86.20 for a twelve month certificate.

Mae'r Rheoliadau hyn yn gwneud trefniadau trosiannol hefyd yn rheoliad 3 ynglŷn â thystysgrifau rhagdalau y gwnaed cais amdanynt ac offer a archebwyd cyn i'r Rheoliadau hyn ddod i rym.

These Regulations also make transitional arrangements in regulation 3 in respect of pre-payment certificates applied for and appliances ordered before the coming into force of these Regulations.

OFFERYNNAU

STATUDOL

STATUTORY

INSTRUMENTS

2000 Rhif (Cy.)

2000 No. (W.)

**Y GWASANAETH IECHYD GWLADOL,
CYMRU**

NATIONAL HEALTH SERVICE, WALES

**Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd am Gyffuriau ac Offer)
Diwygio (Cymru) 2000**

**The National Health Service (Charges for
Drugs and Appliances) Amendment
(Wales) Regulations 2000**

Wedi'u gwneud 2000

Made 2000

Yn dod i rym 1 Ebrill 2000

Coming into force 1 April 2000

<p>Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 77 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) a phob per arall sy'n ei alluogi yn y cyswllt hwnnw:-</p>		<p>The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 77 and 126(4) of the National Health Service Act 1977(a) and of all other powers enabling it in that behalf:-</p>
<p>Enwi, cychwyn, dehongli a chymhwyso</p>		<p>Citation, commencement, interpretation and application</p>
<p>1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau ac Offer) Diwygio (Cymru) 2000 a deuant i rym ar 1 Ebrill 2000.</p>		<p>1.-(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) Amendment (Wales) Regulations 2000 and shall come into force on 1 April 2000.</p>
<p>2. Yn y Rheoliadau hyn ystyr "y prif Reoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau ac Offer) 1989(b).</p>		<p>(2) In these Regulations, "the principal Regulations" means the National Health Service (Charges for Drugs and Appliances) Regulations 1989(b).</p>
<p>(3) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.</p>		<p>(3) These Regulations shall apply to Wales only.</p>
<p>Diwygio symiau a bennir yn y prif Reoliadau</p>		<p>Amendment of amounts specified in the principal Regulations</p>

<p>2. Am bob swm a bennir yng ngholofn (3) o'r Atodlen i'r Rheoliadau hyn, lle mae'n ymddangos yn narpariaeth y prif Reoliadau a bennir mewn perthynas ag ef yng ngholofn (1) (y mae ei chynnwys wedi'i nodi yng ngholofn (2)), rhoddir y swm a bennir mewn perthynas ag ef yng ngholofn (4).</p>		<p>2. For each amount specified in column (3) of the Schedule to these Regulations, where it appears in the provision of the principal Regulations specified in relation to it in column (1) (the subject matter of which is indicated in column (2)), there shall be substituted the amount specified in relation to it in column (4).</p>
<p>Darpariaethau trosiannol</p>		<p>Transitional provisions</p>
<p>3. Os, ar 1 Ebrill 2000 neu ar ôl hynny-</p>		<p>3. Where, on or after 1st April 2000-</p>
<p>(a) y bydd unrhyw offer a bennir yn Atodlen 1 i'r prif Reoliadau yn cael ei gyflenwi yn unol ag archeb a roddir cyn y dyddiad hwnnw; neu</p>		<p>(a) any appliance specified in Schedule 1 to the principal Regulations is supplied pursuant to an order given before that date; or</p>
<p>b. y bydd unrhyw dystysgrif ragdal yn cael ei rhoi o dan reoliad 8 o'r prif Reoliadau yn unol â chais o dan y rheoliad hwnnw a gafwyd cyn y dyddiad hwnnw,</p>		<p>(b) any pre-payment certificate is granted under regulation 8 of the principal Regulations pursuant to an application under that regulation which was received before that date,</p>
<p>bydd y prif Reoliadau yn cael effaith mewn perthynas â chyflenwi'r offer neu, yn ôl y digwydd, rhoi'r dystysgrif fel pe na bai rheoliad 2 o'r Rheoliadau hyn wedi dod i rym.</p>		<p>the principal Regulations shall have effect in relation to that supply or, as the case may be, that grant as if regulation 2 of these Regulations had not come into force.</p>

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(c).		Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(c).
[] 2000		[] 2000
Llywydd y Cynulliad Cenedlaethol		The Presiding Officer of the National Assembly

ATODLEN

Rheoliad 2

SYMIAU A AMNEWIDIR YN Y PRIF REOLIADAU

(1) <i>Y ddarpariaeth yn y prif Reoliadau</i>	(2) <i>Cynnwys</i>	(3) <i>Yr hen swm</i>	(4) <i>Y swm newydd</i>
Rheoliad 3-	Cyflenwi cyffuriau ac offer gan fferyllwyr-		
paragraff (1)(a)	y ffi am hosanau elastig- fesul eitem fesul pâr	£5.90 £11.80	£6.00 £12.00
paragraff (1)(c)	y ffi am gyffuriau, ac am offer sydd heb eu pennu ym mharagraff (1)(a)	£5.90	£6.00
paragraff (3)	y ffi am gyffuriau a gyflenwir fesul tipyn	£5.90	£6.00

Rheoliad 4-	Cyflenwi cyffuriau ac offer gan feddygon-		
paragraff (1)(a)	y ffi am hosanau elastig - fesul eitem fesul pâr	£5.90 £11.80	£6.00 £12.00
paragraff (1)(b)	y ffi am gyffuriau, ac am offer sydd heb eu pennu ym mharagraff (1)(a)	£5.90	£6.00
paragraff (3)	y ffi am gyffuriau sy'n cael eu cyflenwi fesul tipyn	£5.90	£6.00
Regulation 5-	Cyflenwi cyffuriau ac offer i gleifion allanol gan Awdurdodau Iechyd ac Ymddiriedolaethau NHS-		
paragraff (1)(a)	y ffi am hosanau elastig - fesul eitem fesul pâr		
paragraff (1)(c)	y ffi am drywsanau y ffi am gyffuriau ac am offer sydd heb eu pennu ym mharagraff (1)(a) neu (1)(c), neu yn Atodlen 1	£5.90 £11.80	£6.00 £12.00
paragraff (1)(d)	y ffioedd am gyffuriau sy'n cael eu cyflenwi fesul tipyn	£11.80	£12.00
paragraff (3)	tystysgrif ragdalul- 4 mis 12 mis y ffioedd a godir am staesiau ffabrig a	£5.90 £5.90	£6.00 £6.00

Rheoliad 8(5)-	gwallt gosod-		
	bronglwm llawfeddygol		
	staes abdomenol neu staes y cefn	£30.80	£31.40
Atodlen 1-	gwallt gosod modacrylig stoc	£84.60	£86.20
	gwallt gosod rhannol ddynol		
	gwallt gosod dynol llawn wrth fesur		
		£19.95	£20.30
		£29.95	£30.50
		£49.00	£49.90
		£129.00	£131.50
		£188.50	£192.00

SCHEDULE

Regulation 2

AMOUNTS SUBSTITUED IN THE PRINCIPAL REGULATIONS

<i>(1)</i> <i>Provision in the principal Regulations</i>	<i>(2)</i> <i>Subject matter</i>	<i>(3)</i> <i>Old amount</i>	<i>(4)</i> <i>New amount</i>
Regulation 3-	Supply of drugs and appliances by chemists-		
paragraph (1)(a)	charge for elastic hosiery- per item per pair	£5.90 £11.80	£6.00 £12.00
paragraph (1)(c)	charge for drugs, and for appliances not specified in paragraph (1)(a)	£5.90	£6.00
paragraph (3)	charge for drugs supplied by instalments	£5.90	£6.00
Regulation 4-	Supply of drugs and appliances by doctors-		
paragraph (1)(a)	charge for elastic hosiery- per item per pair	£5.90 £11.80	£6.00 £12.00
paragraph (1)(b) paragraph (3) Regulation 5-	charge for drugs, and for appliances not specified in paragraph (1)(a) charge for drugs supplied by instalments Supply of drugs and appliance to out-patients by Health Authorities and NHS Trusts- charge for elastic hosiery- per item	£5.90 £5.90	£6.00 £6.00

	per pair		
paragraph (1)(a)	charge for tights		
	charge for drugs and for appliances not specified in paragraph (1)(a) or (1)(c), or in Schedule 1	£5.90	£6.00
		£11.80	£12.00
paragraph (1)(c)	charges for drugs supplied by instalments		
paragraph (1)(d)	pre-payment certificate-	£11.80	£12.00
	4 months		
	12 months		
paragraph (3)	charges for fabric supports and wigs-	£5.90	£6.00
	surgical brassiere		
Regulation 8(5)-	abdominal or spinal support	£5.90	£6.00
	stock modacrylic wig		
	partial human hair wig	£30.80	£31.40
Schedule 1-	full bespoke human hair wig	£84.60	£86.20
		£19.95	£20.30
		£29.95	£30.50
		£49.00	£49.90
		£129.00	£131.50
		£188.50	£192.00

[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990") adran 26(2)(g) ac (i), am y diffiniadau o "prescribed" a "regulations". Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 77 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) O.S. 1989/419; fel y'i diwygiwyd gan O.S. 1990/537, 1991/579, 1992/365, 1993/420, 1994/690, 1994/2402, 1995/643, 1995/2737, 1996/583, 1997/559, 1998/491, 1998/646, 1999/767.

(c) 1998 p.38.

(a) 1977 c.49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 26(2)(g) and (i), for the definitions of "prescribed" and "regulations". Section 126(4) was amended by the 1990 Act, section 65(2). The functions of the Secretary of State under sections 77 and 126 (4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1989/419, as amended by S.I. 1990/537, 1991/579, 1992/365, 1993/420, 1994/690, 1994/2402, 1995/643, 1995/2737, 1996/583, 1997/559, 1998/491, 1998/646, 1999/767.

(c) 1998 c.38.

