

## **The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2016**

<i>Made</i>	<i>20th December, 2016</i>
<i>Coming into operation</i>	<i>1st January, 2017</i>
<i>Laid before the States</i>	<i>, 2017</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 19 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990<sup>a</sup>, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

### **Amendment.**

1. The three Schedules to the Health Service (Payment of Authorised Appliance Suppliers) Regulations, 2003<sup>b</sup> are revoked and replaced by the three Schedules set out in the Schedule to these Regulations.

### **Interpretation.**

2. (1) In these Regulations, unless the context requires otherwise -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any

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<sup>a</sup> Ordres en Conseil Vol. XXXII, p. 192; Vol. XLIII(1), p. 246; Order in Council No. II of 2011; Recueil d'Ordonnances Tome XXVI, pp. 177, 483, and 495; Tome XXIX, pp. 182, 373, 406 and 580 and modified by Tome XXVI, pp. 484 and 491 and 495; Tome XXVII, p. 200; Tome XXVIII, p. 1; Tome XXIX, pp. 182, 196, 200 and 210; Tome XXXI, p. 628 and Tome XXXII, p. 628 and Ordinance No. XLVI of 2015. Extended to Alderney with modification by Recueil d'Ordonnances Tome XXV, p. 204.

<sup>b</sup> G.S.I. No.52 of 2003 as amended by No.123 of 2015.

statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

and other expressions have the same meanings as in the Health Service (Benefit) (Guernsey) Law, 1990.

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Revocation.**

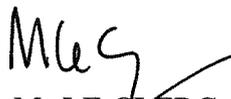
3. The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2015<sup>d</sup> are revoked.

**Citation, commencement and extent.**

4. (1) These Regulations may be cited as the Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2016, and shall come into force on the 1st January, 2017.

(2) These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Dated this 20th day of December, 2016

  
M. LE CLERC

President of the States Committee for Employment & Social Security  
For and on behalf of the Committee

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

<sup>d</sup> G.S.I. No.123 of 2015.

**SCHEDULE**

**Regulation 1**

**"FIRST SCHEDULE**

**Regulation 2(1)(b)**

Dispensing Fees for Part I and Part II appliances.

(1)	(2)
Classes of authorised appliance supplier	Dispensing Fee per appliance
<p>A medical practitioner; or a pharmacist employed by a medical practice:-</p> <p style="padding-left: 40px;">where the number of relevant items does not exceed 3,000;</p> <p style="padding-left: 40px;">where the number of relevant items exceeds 3,000 but does not exceed 6,000;</p> <p style="padding-left: 40px;">where the number of relevant items exceeds 6,000.</p>	<p>85p per appliance</p> <p>85p per appliance for 3,000 relevant items and 79p for each additional appliance</p> <p>85p per appliance for 3,000 relevant items. 79p per appliance for 3,000 relevant items and 73p for each additional appliance.</p>
<p>A pharmacist employed by the Health and Social Services Department.</p>	<p>0p per appliance.</p>
<p>A pharmacist not employed by a medical practice or the Health and Social Services Department:-</p> <p style="padding-left: 40px;">where the number of relevant items does not exceed 1,500;</p> <p style="padding-left: 40px;">where the number of relevant items exceeds 1,500.</p>	<p>£2.86 per appliance</p> <p>£2.86 per appliance for 1,500 relevant items and £1.42 for each additional appliance</p>

**SECOND SCHEDULE****Regulation 6****PART I**

Specified percentage payable in respect of Part III appliances.

(1)	(2)
Classes of authorised appliance supplier	Specified percentage
A medical practitioner.	0 per centum
A pharmacist:-	
(a) employed by a medical practice;	0 per centum
(b) employed by the Health and Social Services Department;	0 per centum
(c) not employed by a medical practice or the Health and Social Services Department.	20.8 per centum
Any other class of authorised appliance supplier.	20.8 per centum

**PART II**

Dispensing fees for Part III appliances.

(1)	(2)
Classes of authorised appliance supplier	Dispensing fee per appliance
A medical practitioner.	37p
A pharmacist:	
(d) employed by a medical practice;	37p
(e) employed by the Health and Social Services Department;	0p
(f) not employed by a medical practice or the Health and Social Services Department.	60p
Any other class of authorised appliance supplier.	60p

### THIRD SCHEDULE

### Regulation 3

Additional dispensing fees payable in respect of Part I or Part II appliances supplied on an appliance prescription claim form endorsed "URGENT" or "DISPENSED URGENTLY" in accordance with Regulation 3 of these Regulations; or Part III and Part IV appliances supplied on an appliance claim form endorsed "DISPENSED URGENTLY"

(1)	(2)
Time of Supply	Dispensing fee
On any day, other than a non-business day, between the time the premises of the authorised appliance supplier are closed for the supply of medical appliances and 11pm.	£23.50
On a non-business day, between 9am and 11pm, except whilst the premises are open for the purposes of any scheme prepared by the Authority under Part II of the Schedule to the Health Service (Authorised Appliance Suppliers) Regulations, 1990.	£29.72
On any day between 11pm and 9am of the next day or such earlier time at which the premises are opened for the supply of medical appliances (on any day except a non-business day).	£77.17

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#### EXPLANATORY NOTE

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

These Regulations revoke and replace the Schedules to the Health Service (Payment of Authorised Appliance Suppliers) Regulations, 2003. The Schedules set out the payments which may be made out of the Health Service Benefit Fund for the supply of medical appliances.

These Regulations come into force on the 1st January, 2016