



National Health Service in Scotland
Management Executive

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My k PPD

ASP

Dear Colleague

**PRESCRIPTION CHARGE EXEMPTION FOR
MEN AGED 60 AND OVER**

SUMMARY

1. In light of a ruling in the European Court of Justice (ECJ) on 19 October 1995, Regulation 7(1)(c) of the NHS (Charges for Drugs and Appliances) (Scotland) Regulations 1989 (SI 1989/326) has been amended so that, with effect from 20 October 1995 all men in Scotland aged 60 or over are exempt from NHS prescription charges for drugs and appliances.

ACTION

2. Health Boards and NHS Trusts are asked to take immediate action to:-

- . bring the attached memorandum to the attention of all GPs, GDS and CDS dentists, hospital doctors and dentists, community and hospital pharmacists and appliance suppliers.
- . ensure that all staff, particularly those dealing with enquiries from the public, are aware of this judgement.
- . bring this judgement to the attention of all staff who deal with prescription charges and refunds.

Yours sincerely

Aune MacLeod

PP A ROBSON
Director of Primary Care

Addresses

For action:

General Managers,
Health Boards

General Manager,
Common Services Agency
General Manager,
State Hospital

General Manager,
Health Education Board
for Scotland

Chief Executives
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BACKGROUND

1. Mr Cyril Richardson, who lives in Walsall, Staffordshire, was granted leave to apply for Judicial Review because he alleged discrimination against men on the grounds that exemption from prescription charges for men at age 65 and for women at age 60 is contrary to EC Directive 79/7/EEC. The Directive requires equal treatment for men and women in matters of social security. The case was heard in the English High Court on 26 April 1994 and referred to the European Court of Justice (ECJ) for a ruling.
2. Ministers agreed in May 1995 that if Mr Richardson won his case, prescription charge exemption on age grounds should be equalised at 60.
3. On 19 October 1995, the ECJ ruled that the provision in the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989, which links the exemption from prescription charges to state pension age, amounts to unlawful discrimination against men contrary to Directive 79/7/EEC.
4. In light of the ECJ ruling the Government has amended the NHS Regulations equalising age exemption so that from 20 October 1995 men of 60 who are not already exempt under other provisions will, like women of the same age, be exempt from prescription charges. All other exemption categories are unchanged.

Prescription Forms

5. HMSO have been instructed to print revised prescription forms to reflect the change in the age exemption arrangements. To avoid wastage, revised forms will be supplied as Health Board/Trust stocks are replenished. Existing stocks of prescription forms should not be discarded.

Advice to Patients

6. NHS prescribers should advise all men aged 60 to 65 for whom they prescribe on forms GP10, HBP or GP14 to amend the reverse of the form in manuscript - by crossing out "65" and inserting "60" (Part B, Box D). The patient declaration should be completed in the normal way. Community Pharmacists, Appliance Suppliers and Dispensing Doctors should dispense the items prescribed free of charge on production of the amended declaration.
7. A poster explaining the change will be made available for display in GPs' and dentists surgeries', community pharmacies, NHS Trusts and out-patient waiting rooms.

Refunds of Prescription Charges

8. As a result of the ECJ ruling the Government is required to refund prescription charges to men in the affected age group. Across the UK, men who have paid prescription charges in the 3 months prior to the judgement will be invited to claim a refund. In

exceptional cases the 3 month time limit may be extended if the claimant can demonstrate "good cause".

9. All claims, including those from Scotland, will be dealt with at a special unit within the Prescription Pricing Authority in Newcastle. Anyone enquiring about a refund of charges should be told to complete the coupon that appears in the national press.

10. All claimants will be asked to provide evidence to support their claims.

MEMORANDUM TO CIRCULAR NHS MEL

PRESCRIPTION CHARGE EXEMPTION EXTENDED TO MEN AGED 60 TO 65

1. From 20 October 1995 both men and women in Scotland aged 60 or over are exempt from NHS prescription charges. Regulation 7(1)(c) of the NHS (Charges for Drugs and Appliances) (Scotland) Regulations 1989 has been amended following the ruling of the European Court of Justice (ECJ) that current age exemption arrangements in the UK are contrary to ECJ Directive 79/7/EEC. The Directive provides for equal treatment for men and women in matters of social security and other forms of social protection.

Action

2. Revised prescription forms will be issued without requisition as they become available. In the meantime NHS prescribers should advise all men aged 60 to 65 for whom they prescribe to amend the reverse of the form (GP10, HBP or GP14) in manuscript - by crossing out "65" and inserting "60" (Part B, Box D). The patient declaration should be completed in the normal way. Community Pharmacists, Appliance Suppliers and Dispensing Doctors should dispense the items prescribed free of charge on completion of the amended declaration.

3. A poster explaining the change will be made available for display in GPs' and dentists' surgeries, community pharmacies, NHS Trusts and out-patient waiting rooms.

New Prescription Forms

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Refunds of Prescription Charges

5. The ECJ's judgement means that the Government is required to refund prescription charges to men in the affected age group. Across the UK, men who have paid prescription charges in the 3 months prior to the judgement will be invited to claim a refund. In exceptional cases the 3 month time limit may be extended if the claimant can demonstrate good cause.

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7. All claimants will be asked to provide evidence to support their claims.

Publicity

8. A poster notifying the change is attached and should be displayed by prescribers and dispensers in public areas.

Enquiries

9. Any enquiries about this memorandum should be addressed to the Health Board.

NHS PRESCRIPTION CHARGES

**MEN AGED 60 AND OVER
NO LONGER HAVE TO PAY
PRESCRIPTION CHARGES**

If this applies to you:

*turn to the back of your prescription form

*at part B, put a tick beside Box D

*score out "65" and write in "60"

You or your representative should then sign and date the form before handing it in for dispensing.

MEMORANDUM TO CIRCULAR NHS MEL (1995)66

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