STATUTORY INSTRUMENTS

1977 No. 471 (S.44)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Charges and Remission) (Scotland) Amendment Regulations 1977

Made - - - -	11*th March* 1977
Laid before Parliament	15*th March* 1977
Coming into Operation	1*st April* 1977

In exercise of the powers conferred on me by sections 39, 42 and 45(2) of the National Health Service (Scotland) Act 1947(a) (as amended by sections 11 and 14 of the National Health Service (Amendment) Act 1949(b) and section 64 of and Schedule 6 to the National Health Service (Scotland) Act 1972(c)), by section 1 of and the Schedule to the National Health Service Act 1951(d) (as amended by section 1 of the National Health Service Act 1961(e), by section 64 of and Schedules 6 and 7 to the National Health Service (Scotland) Act 1972 and by section 57 of and Schedule 4 to the National Health Service Reorganisation Act 1973(f)), by sections 1, 2 and 7 of the National Health Service Act 1952(g) (as amended by sections 1 and 2 of the National Health Service Act 1961, and section 64 of and Schedule 6 to the National Health Service (Scotland) Act 1972), by section 2 of the National Health Service Act 1961, by section 50 of the National Health Service Reorganisation Act 1973, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (Charges and Remission) (Scotland) Amendment Regulations 1977 and shall come into operation on 1st April 1977.

(2) The Interpretation Act 1889(h) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendments to regulations

2. The National Health Service (Charges) (Scotland) Regulations 1974(i) (as amended)(j) and the National Health Service (Remission of Charges) (Scotland) Regulations 1974(k) (as amended)(l) shall be further amended as follows:—

(*a*) For regulation 5 of the National Health Service (Charges) (Scotland) Regulations 1974 there shall be substituted the following regulation—

(a) 1947 c. 27. (b) 1949 c. 93. (c) 1972 c. 58. (d) 1951 c. 31.
(e) 1961 c. 19. (f) 1973 c. 32. (g) 1952 c. 25. (h) 1889 c. 63.
(i) S.I. 1974/522 (1974 I, p. 2136). (j) S.I. 1975/1987 (1975 III, p. 7361).
(k) S.I. 1974/1440 (1974 II, p. 5539).
(l) S.I. 1975/1715, 1988 (1975 III, pp. 5826, 7364).

"*Dental treatment and appliances*

5.—(1) Subject to paragraphs (4) and (7) below, the authorised charges specified in the Schedule to the Act of 1951, in respect of the supply of dentures (including bridges) as described in the said Schedule (as amended by section 5(1) of the Act of 1952), shall be as set out in Schedule 2A to these regulations.

(2) Subject to paragraphs (3) and (4) below, the amount of the charge authorised by section 2 of the Act of 1952 for such general dental services as are subject to a charge under the said section 2 shall be the current authorised fee, or £5.00 whichever is the less.

(3)(*a*) The provision as part of general dental services, of crowns, inlays, pinlays and gold fillings and the provision of one or more fillings other than root fillings, in a material other than gold in a tooth for which one or more of such first mentioned treatments is provided as part of the same course of treatment, is prescribed as special dental treatment.

(*b*) Subject to paragraph (4) below, the charge for such prescribed special dental treatment shall be £10.00 for each tooth restored by such treatment. Provided that no charge for special dental treatment shall be payable by a person who—

(i) is under twenty-one years of age; or

(ii) is an expectant mother or has borne a child within the previous twelve months.

(4)(*a*) The maximum charge specified by section 2(2) of the Act of 1952 (maximum charge for services which include some chargeable under the Act of 1951) shall be £30.00.

(*b*) The maximum charge for services provided in pursuance of any contract or arrangement in respect of which charges are payable by virtue of paragraph (3)(*b*), or of paragraph (3)(*b*) and one or both of paragraphs (1) and (2) above, shall be £30.00.

(5) For the purpose of this regulation "the current authorised fee" has, subject to the exemptions contained in section 2(1) and (4) of the Act of 1952 and to paragraph (6) below, the meaning assigned to it in section 2(5) of the said Act of 1952, that is to say, in relation to any services, the fee authorised in accordance with regulations for the time being in force under the Act of 1947 as the fee payable to the practitioner in respect of those services, but does not include any fee or part of a fee mentioned in section 2(5)(*a*) or (*b*) (exemptions from charges) of the Act of 1952.

(6) Where the current authorised fee payable in respect of the provision of general dental services is such amount as the Estimates Board may in their discretion approve, whether or not subject to a maximum, the current authorised fee shall be—

(*a*) if the Estimates Board have approved a fee for the services to be provided, the amount of that fee so approved, notwithstanding any subsequent increase of the amount of that fee on appeal; or

(*b*) if the Estimates Board have not approved a fee for the services to be provided, the amount of the fee authorised on appeal for the provision of those services.

(7) Where a denture to which paragraph (1) above refers is supplied otherwise than under Part IV of the Act of 1947 as part of a course of treatment begun under general dental services and a person has already become liable to pay a charge to the dentist who began that course of treatment, the maximum amount chargeable by the Board under this regulation shall be less than £30.00 by the amount of charge payable to the dentist who began the course of treatment; and, if a dentist, after beginning as part of general dental services a course of treatment for a person refers that person for dental services provided by a Board otherwise than under Part IV of the Act of 1947, he shall give to that Board, to whom he has referred the patient, a statement of the amount paid or payable to him by that person under these regulations.

(8) No charge, which would otherwise be payable under section 1 of the Act of 1951, shall be payable in respect of the supply (including the replacement) of a dental appliance otherwise than under Part IV of the Act of 1947 to a person who has undergone operative procedures affecting the mandible, the maxilla, or the soft tissues of the mouth as part of treatment for invasive tumours."

(*b*) For regulation 6 of the National Health Service (Charges) (Scotland) Regulations 1974 there shall be substituted the following regulation—

"*Supply of lenses*

6.—(1) The description of lenses (not forming part of children's glasses as described in the Schedule to the Act of 1951) for which charges are authorised under section 1(1) of, and the Schedule to, that Act as amended by section 64 of, and paragraph 23 of Schedule 6 to, the National Health Service (Scotland) Act 1972, and by section 57 of, and paragraph 59(1) of Schedule 4 to, the National Health Service Reorganisation Act 1973, shall be varied so as to consist of the descriptions of lenses shown in column 1 of Schedule 1 to these regulations.

(2)(*a*) Subject to paragraph (2)(*b*) the charge authorised in respect of the supply under the National Health Service (Scotland) Acts 1947 to 1976 of a lens of any description mentioned in column 1 of Schedule 1 to these regulations shall be the amount specified in column 2 of that Schedule opposite the description of that lens, but, where more than one pair of glasses is supplied following a new prescription or a change of prescription, the charge for each lens supplied after the first two shall be reduced by 75p;

(*b*) paragraph (2)(*a*) shall not apply to the supply otherwise than under Part IV of the Act of 1947 or pursuant to the provisions of section 6 of the National Health Service (Scotland) Act 1972 of a contact lens to a person to whom children's glasses may be supplied and for whom a contact lens is clinically necessary."

(*c*) For Schedule 1 to the National Health Service (Charges) (Scotland) Regulations 1974 there shall be substituted—

Regulation 6 "SCHEDULE 1

Column 1	Column 2 Charge £
Description of Lens	
1. Single vision lens (including single vision lenticular, frosted and chavasse lenses)	2.90
2. Fused glass bifocal lens	5.50
3. Lens of any other description	6.15"

(*d*) After Schedule 2 to the National Health Service (Charges) (Scotland) Regulations 1974 there shall be inserted the following Schedule—

Regulation 5(1) "SCHEDULE 2A

CHARGES FOR DENTAL APPLIANCES

Description of Appliance	Charge £
A metal or porcelain based denture	
bearing 1 to 3 teeth	15.00
bearing 4 to 8 teeth	16.00
bearing more than 8 teeth	17.00
More than one metal or porcelain based denture	30.00
A denture base in materials other than metal or porcelain	
bearing 1 to 3 teeth	10.00
bearing 4 to 8 teeth	11.00
bearing more than 8 teeth	12.00
More than one denture base in materials other than metal or porcelain	20.00"

(*e*) In regulation 3 of the National Health Service (Remission of Charges) (Scotland) Regulations 1974 for the words "and section 45(1)(*b*)", there shall be substituted the words, "section 45(1)(*b*) and section 45(2)".

Transitional

3. These regulations shall apply to the supply under the provisions of the National Health Service (Scotland) Acts 1947 to 1976 of a dental or optical appliance, and to the provision of general dental services other than the supply of appliances under Part IV of the Act of 1947 where the examination or testing of sight or the first examination or testing of sight leading to the supply of that appliance or the making of the contract or arrangements in pursuance of which the appliance is supplied or the services are provided as the case may require, takes place after 31st March 1977.

Revocation

4. The National Health Service (Charges) (Scotland) Amendment Regulations 1977**(a)** are hereby revoked.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh
11th March 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (Charges) (Scotland) Regulations 1974 and the National Health Service (Remission of Charges) (Scotland) Regulations 1974.

The main alterations made by the new regulations are:—

(*a*) to provide for an increase in the charge for dental treatment provided under general dental services from the current authorised fee payable to the dentist or £3.50 whichever is the less to the current authorised fee or £5.00 whichever is the less;

(*b*) to provide for an increase in the charge for dentures to a maximum of £30.00 and to vary the charge according to whether the denture (including a bridge) is made of metal or porcelain or of other materials;

(*c*) to prescribe as special dental treatment, the provision as part of general dental services of crowns, inlays, pinlays and gold fillings together with certain other fillings in a tooth treated with one of the first four treatments;

(*d*) to provide for a charge of £10.00 for the restoration of a tooth by special dental treatment;

(*e*) to provide for a maximum charge of £30.00 in respect of any combination of general dental services;

(*f*) to exempt from charges for special dental treatment persons under 21 and expectant and nursing mothers and to remit charges for special dental treatment to persons to whom other charges are already remitted;

(*g*) to provide for an increase in the charges for lenses supplied under the National Health Service;

(*h*) to provide for the increases to take effect only in respect of transactions commencing after 31st March 1977.

(a) S.I. 1977/401.

SI 1977/471
ISBN 0-11-070471-1

