3. CHARGES FOR APPLIANCES

The National Health Service (Charges for Appliances) (Scotland) Regulations, 1948

1948 No. 2231 (S. 174)

Made - - - -	1*st October*, 1948
Laid before Parliament	5*th October*, 1948
Coming into Operation	6*th October*, 1948

10 & 11 Geo. 6. c. 27.

In exercise of the powers conferred on me by section 3 of the National Health Service (Scotland) Act, 1947, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Charges for Appliances) (Scotland) Regulations, 1948, and shall come into operation on the sixth day of October, 1948.

52 & 53 Vict. c. 63.

2. The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Where the Secretary of State in providing hospital and specialist services, or the Minister of Pensions under arrangements made by the Secretary of State,

(*a*) supplies a person, at his request, with an approved appliance which is of a more expensive type than the type which would normally be supplied as part of the hospital and specialist services or by the Minister of Pensions to war disabled persons as the case may be, or

(*b*) repairs such an appliance at a cost in excess of the cost of repairing an appliance of the type ordinarily supplied,

the Secretary of State may charge and recover from the person so supplied or for whom such repair is undertaken a sum representing the difference between the cost of supplying or repairing such article and the cost of supplying or repairing an article of the type which would normally be supplied.

Provided that any appliance which, in the opinion of the medical or other officer responsible for the treatment of the person supplied, is required on medical grounds, or any repair of an appliance so required shall be supplied or carried out free of charge.

4.—(1) Any question whether the replacement or repair of an appliance (other than an artificial limb or invalid chair or tricycle) supplied as part of the hospital and specialist services by a hospital vested in the Secretary of State is necessitated by lack of care shall be determined by the Board of Management of the Hospital concerned or by a sub-committee or committee of the Board appointed for the purpose.

(2) The Board of Management or the sub-committee or committee as the case may be shall before determining any such question make such inquiry as they think fit, and if in their opinion the circumstances so require or if the person concerned so requests, he shall be given a hearing.

(3) The Secretary of State may recover from the person concerned the whole or any part of the cost of the replacement or repair of an appliance determined in manner aforesaid to have been necessitated by lack of care on the part of such person.

5.—(1) Any question whether the replacement or repair of an appliance (other than an artificial limb, an invalid chair or a tricycle) supplied by a hospital other than a hospital vested in the Secretary of State, under arrangements made by the Secretary of State for the provision of hospital and specialist services is necessitated by lack of care on the part of the person supplied shall be determined by the Regional Hospital Board for the area in which that hospital is situated or by a sub-committee or committee of the Board, on the report of the hospital authority.

(2) The provisions of paragraphs (2) and (3) of regulation 4 shall apply to the proceedings of the Board, its sub-committee or committee as the case may be, and to the action which may be taken on their report, as if those paragraphs had been included in this regulation with the substitution of a reference to the Regional Hospital Board for the reference therein to a Board of Management.

6.—(1) Any question whether the replacement or repair of an appliance, consisting of an artificial limb, or an invalid chair or tricycle, supplied by the Minister of Pensions under arrangements made by the Secretary of State for the provision of hospital and specialist services is necessitated by lack of care on the part of the person supplied shall be determined by a person or persons appointed by the Minister to investigate the matter.

(2) The person or persons so appointed shall before determining any such question make such inquiry into the matter as they think fit, and if in their opinion the circumstances so require or if the person concerned so requests he shall be given a hearing.

(3) The persons holding such inquiry shall report thereon to the Minister of Pensions who shall thereupon determine whether the replacement or repair is necessitated by lack of care on the part of the person supplied and if he determines that there has been such lack of care he shall so inform the Secretary of State.

(4) The Secretary of State may recover from the person concerned the whole or any part of the cost of the replacement or repair of an appliance determined in manner aforesaid to have been necessitated by lack of care on the part of such person.

7. For the purposes of regulations 4 and 5 any replacement or repair of glasses supplied as part of the hospital and specialist services which is required by a person within a period of two years after the date on which they were supplied to him shall be presumed to be necessitated by lack of care on his part unless he satisfies the authority concerned that the replacement or repair is not so necessitated.

8.—(1) Notwithstanding anything in the foregoing regulations, where the person applying to a hospital for the replacement or repair of an appliance supplied as part of the hospital and specialist services is a pupil in attendance at an educational establishment to which this regulation applies, and in making the application produces a request in the form contained in the Schedule to these Regulations or a form to the like effect signed by a medical practitioner acting on behalf of the Education

Authority or by some other duly authorised officer of the authority, the Secretary of State shall be entitled, if it is decided in manner hereinbefore provided that the service is necessitated by lack of care on the part of the pupil, to recover the cost of the service from the Education Authority and not from the pupil.

(2) This regulation applies to educational establishments maintained by an Education Authority and educational establishments with the proprietors of which an Education Authority have made arrangements for securing the medical inspection of, and the provision of medical treatment for, pupils attending those establishments in accordance with section 51 of the Education (Scotland) Act, 1946.

9 & 10 Geo. 6. c. 72.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
1st October, 1948.

SCHEDULE

Form of Request by an Education Authority for the Replacement or Repair of an Appliance.

The ..... Education Authority.

Name of pupil .....

Address .....

.....

.....

The Education Authority request that the following appliance, viz.: ..... produced by the above-named pupil may be [replaced] [repaired] as part of the hospital and specialist services.

Signed .....
Medical Practitioner to [Duly Authorised Officer of] the .....
Education Authority.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations provide for the recovery by the Secretary of State of charges for the supply of appliances of a more costly kind than those ordinarily supplied under the hospital and specialist services, and in respect of the repair of such appliances. The regulations also provide for the recovery of the cost of replacing or repairing appliances which have been lost or damaged through carelessness.