1971 No. 420 (S.59)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Charges) (Scotland) Regulations 1971

Made - - -	12*th March* 1971
Laid before Parliament	19*th March* 1971
Coming into Operation	1*st April* 1971

In exercise of the powers conferred on me by sections 34, 39, 40 and 42 of the National Health Service (Scotland) Act 1947(**a**) (as amended by section 16 of the National Health Service (Amendment) Act 1949(**b**)), section 1 of, and the Schedule to, the National Health Service Act 1951(**c**), sections 1, 2 and 7 of the National Health Service Act 1952(**d**), section 2 of the National Health Service Act 1961(**e**), section 30 of the Health Services and Public Health Act 1968(**f**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Charges) (Scotland) Regulations 1971 and shall come into operation on 1st April 1971.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act of 1947" means the National Health Service (Scotland) Act 1947;

"the Act of 1951" means the National Health Service Act 1951;

"the Act of 1952" means the National Health Service Act 1952;

"the Act of 1961" means the National Health Service Act 1961;

"current authorised fee" has the meaning assigned to it in regulation 3(4) of these regulations;

"dentist" means a registered dental practitioner;

"medical practitioner" means a fully registered medical practitioner.

(2) Expressions to which meanings have been given by the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1968(**g**) as amended by the National Health Service (Charges for Drugs and Appliances) (Scotland) (Amendment) Regulations 1968 (**h**) have the same meaning in these regulations as they have in those regulations and regulation 2(2) of those regulations shall apply to these regulations.

(3) The Interpretation Act 1889(**i**) shall apply for the interpretation of these

(**a**) 1947 c. 27.
(**b**) 1949 c. 93.
(**c**) 1951 c. 31.
(**d**) 1952 c. 25.
(**e**) 1961 c. 19.
(**f**) 1968 c. 46.
(**g**) S.I. 1968/818 (1968 II, p. 2209).
(**h**) S.I. 1968/1607 (1968 III, p. 4409).
(**i**) 1889 c. 63.

regulations as it applies for the interpretation of an Act of Parliament and as if these regulations were an Act of Parliament.

Dental Treatment and Appliances

3.—(1) The amount of the charge authorised by section 2 of the Act of 1952 for such general dental services provided under Part IV of the Act of 1947 as are subject to a charge under the said section 2 (which, as amended by regulation 3 of the National Health Service (Charges for Dental Treatment) (Scotland) Regulations 1968(**a**) is the current authorised fee for all services provided in pursuance of any contract or arrangement, or 30s. 0d., whichever is the less) shall be one-half of the said current authorised fee, or £10·00, whichever is the less.

(2) Subject to paragraph (6) below, the authorised charges specified in the Schedule to the Act of 1951, as amended by regulation 3 of the National Health Service (Charges for Appliances) (Scotland) Regulations 1969(**b**), 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, instead of being the amounts authorised by the said regulations, be one-half of the current authorised fee for the supply of dentures, or £10·00, whichever is the less.

(3) The maximum charge specified by section 2(2) of the Act of 1952 (maximum charge for services which include some chargeable under the said Act of 1951) which was increased to £6 5s. 0d. by regulation 4 of the said Regulations of 1969 shall be increased to £10·00.

(4) 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 (5) 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 charge or part of a fee or charge mentioned in section 2(5)(*a*) or (*b*) (exemption from charges) of the Act of 1952, so, however, that, in relation to bridges, "the current authorised fee" shall be the current authorised fee for a denture having the same number of teeth and made of the same material as the bridge.

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

(*a*) if the 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 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.

(6) Where a denture to which paragraph (2) above refers is supplied under Part II of the Act of 1947 as part of hospital and specialist services then—

(*a*) if the current authorised fee payable is such amount as the Scottish Dental Estimates Board may in their discretion approve, the hospital

(**a**) S.I. 1968/557 (1968 I, p. 1296). (**b**) S.I. 1969/918 (1969 II, p. 2797).

authority shall refer the matter to the said Board and, in such a case, the current authorised fee shall be such amount as the Board may approve ;

(*b*) if the denture is so supplied 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 hospital authority under this regulation shall be less than £10·00 by the amount 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 to the hospital and specialist services, he shall give to that hospital authority, to whom he has referred that patient, a statement of the amount paid to him by that person under these regulations.

Supply of drugs and certain appliances

4. The National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1968 as amended, shall have effect subject to the following further amendments and modifications :—

(*a*) in paragraph (3) of regulation 2A (prepayment certificates) as inserted by regulation 2(*a*) of the National Health Service (Charges for Drugs and Appliances) (Scotland) (Amendment) Regulations 1968, the word "appliances" shall include appliances specified in Schedule 1 to these regulations, but shall not include appliances specified in Schedule 2 to these regulations ;

(*b*) in paragraph (4) of the said regulation 2A for the expression "£1 10s. 0d." there shall be substituted the expression "£2·00" and for the expression "£2 15s. 0d." there shall be substituted the expression "£3·50" ;

(*c*) in regulations 3(1) and 5(1) (supply of drugs and appliances by chemists and medical practitioners) any liability to pay for the supply of each quantity of a drug or each appliance shall be a liability to pay—

(i) in respect of an appliance specified in column 1 of Schedule 1 to these regulations, the sum specified in column 2 thereof in respect of that appliance ; and

(ii) in any other case, in respect of each quantity of a drug and each appliance not specified in Schedule 1 hereto the sum of 20p ;

(*d*) in regulations 3(1)(*b*), 3(2)(*c*), 3(3), 6(1), 6(2), and 6(3) (amount of charges for drugs and appliances) for the expression "2s. 6d." there shall, subject to sub-paragraphs (*c*) and (*f*) of this paragraph, be substituted the expression "20p" ;

(*e*) regulation 6(1) (supply of drugs to hospital out-patients) shall have effect as if the liability to pay in respect of each quantity of a drug supplied at the hospital included a liability to pay to the hospital authority, in respect of an appliance specified in column 1 of Schedule 1 to these regulations, and supplied by or on behalf of that authority, the sum prescribed in column 2 thereof in respect of that appliance ;

(*f*) where an appliance to which regulation 6(3) (supply by chemists on the order of hospital authorities) applies is an appliance specified in column 1 of Schedule 1 to these regulations, the sum to be paid for

that appliance shall be the sum specified in column 2 of that Schedule in respect of that appliance;

(*g*) regulation 7 shall be amended as follows:

(i) in regulation 7(1)(*f*)(ii)(B)(1) (calculation of requirements) as substituted by regulation 2(*c*)(ii)(*b*) of the National Health Service (Charges for Drugs and Appliances) (Scotland) (Amendment) Regulations 1968) there shall be added immediately after the words "charges under these regulations" the words "plus the sum of 30p"; and

(ii) immediately after regulation 7(1)(*f*)(ii) (exemptions from charges) there shall be inserted the following:—

"(iii) on the ground that he is receiving a family income supplement under the Family Income Supplements Act 1970(**a**)";

(*h*) at the end of regulation 8(1) (as amended by regulation 2(*e*) of the National Health Service (Charges for Drugs and Appliances) (Scotland) (Amendment) Regulations 1968) there shall be added the following:—

"or

(*f*) a person in receipt of a family income supplement under the Family Income Supplements Act 1970 or a dependant of such a person;"

and the said regulation 8(1), as so amended, shall apply to a person who has been supplied with elastic hosiery by or on behalf of a hospital authority.

Supply of Wigs and Fabric Supports to out-patients by hospitals

5.—(1) Subject to section 1(2) of the Act of 1952 (exemptions from the charges which may be imposed under the section) and to these regulations, any out-patient of a hospital providing hospital and specialist services who for the purposes of his treatment is supplied by or on behalf of the hospital authority with an appliance of a description specified in column 1 of Schedule 2 to these regulations, shall be liable to pay to the hospital authority the sum specified in column 2 of that Schedule in respect of that appliance.

(2) No charge shall be payable under this regulation by—

(*a*) a person to whom the Secretary of State has issued an exemption certificate in respect of treatment for accepted war disablement or, as the case may be, for accepted service disablement and who requires an appliance mentioned in this regulation for the purpose of treatment of that disablement; and

(*b*) a person who is receiving a supplementary pension or supplementary allowance under the Ministry of Social Security Act 1966(**b**), or a dependant of such person; and

(*c*) a person who is receiving a family income supplement under the Family Income Supplements Act 1970, or a dependant of such person.

(3) A hospital authority who receive any charge payable to them for any appliance mentioned in Schedule 2 to these regulations shall, if asked to do so, supply a receipt for any charge so received.

(4) Any person to whom paragraph (2) above applies may claim a refund of any charge he has paid by presenting the receipt for such charge obtained from the hospital, and the provisions of regulation 8(3) (payment of refunds)

(**a**) 1970 c. 55. (**b**) 1966 c. 20.

of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1968 shall, with any necessary modifications, apply to any payment made under this paragraph.

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 varied by section 1(2) of the Act of 1961 and regulation 2 of the National Health Service (Charges for Appliances) (Scotland) Regulations 1969) (both of which prescribe different charges for single focal and bifocal or multifocal lenses) shall be varied so as to consist of the descriptions of lenses shown in the several parts of Schedule 3 to these regulations.

(2) The charge authorised in respect of the supply under Part II or Part IV of the Act of 1947 of a lens of any description mentioned in the first column of any part of Schedule 3 to these regulations shall, if it is also of a description mentioned at the head of any other column in the same part of the Schedule, be the amount specified in that column 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 40p.

Transitional Provisions

7. These regulations shall apply—

(*a*) in relation to a dental appliance or an optical appliance supplied under Part II, or an optical appliance supplied 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, takes place after 31st March 1971 ;

(*b*) in relation to a dental appliance or to services provided as part of general dental services under Part IV of the Act of 1947, where the making of the contract or arrangements in pursuance of which the appliance is supplied or the services are provided takes place after 31st March 1971 ;

(*c*) in the case of drugs or appliances (not being dental or optical appliances)—

(i) supplied by a chemist, where the order for the supply is presented after 31st March 1971 ;

(ii) supplied by a medical practitioner, where the date of supply is after 31st March 1971 ;

(*d*) in the case of drugs supplied at a hospital, where the date of supply is after 31st March 1971 ;

(*e*) in the case of appliances (not being dental or optical appliances) supplied by or on behalf of a hospital authority, where the date of prescribing or ordering the appliance is after 31st March 1971.

Recovery of Charges

8. Any sum payable or recoverable in consequence of these regulations may, without prejudice to any other method of recovery, be recoverable as a debt.

Gordon Campbell.
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
12th March 1971.

SCHEDULE 1

Regulation 4

CHARGES FOR ELASTIC HOSIERY

Column 1	*Column* 2	
Anklet, kneecap, knee legging, legging, thigh kneecap, thigh legging, or thigh piece	each	25p
Above-knee stocking, below-knee stocking or thigh stocking	each	50p

SCHEDULE 2

Regulation 5

CHARGES FOR FABRIC SUPPORTS AND WIGS

Column 1	*Column* 2	
Fabric support	each	£2·00
Bespoke wig	each	£7·50
Stock wig	each	£2·50

SCHEDULE 3

Regulation 6

LENSES

PART I

SINGLE VISION (EXCLUDING LENTICULAR) LENSES

Spherical Power	Plano or Spherical	Cylindrical or Sphero-Cylindrical	
		Where neither spherical nor cylindrical power exceeds 2.00D	All other cases
Not exceeding 6.00D	£ 1·20	£ 1·30	£ 1·35
Exceeding 6.00D but not exceeding 10.00D	1·55	—	1·80
Exceeding 10.00D	1·95	—	2·10

PART II
GLASS BIFOCAL (EXCLUDING LENTICULAR) LENSES

Type	Plano or Spherical	Cylindrical or Sphero-Cylindrical
	£	£
Fused or Cemented	2·45	2·75
Solid (38mm segment)	2·80	3·10
Solid (other segments)	3·40	3·50

PART III
PLASTICS BIFOCAL (EXCLUDING LENTICULAR) LENSES

Spherical Power	Plano or Spherical	Cylindrical or Sphero-Cylindrical Cylindrical Power	
		Not exceeding 2.00D	Exceeding 2.00D
	£	£	£
Not exceeding 4.00D	2·90	3·15	3·50
Exceeding 4.00D but not exceeding 9.00D	3·10	3·35	3·50
Exceeding 9.00D	3·30	3·35	3·50

PART IV
LENTICULAR LENSES

Type (and Spherical Power)	Plano or Spherical	Cylindrical or Sphero-Cylindrical Cylindrical Power		
		Not Exceeding 2.00D	Exceeding 2.00D but not exceeding 4.00D	Exceeding 4.00D
	£	£	£	£
Single Vision:—				
Concave: Glass	2·25	2·40	2·40	2·40
Concave: Plastics:—				
Not exceeding 13.00D	2·30	2·45	2·60	2·75
Exceeding 13.00D	2·75	2·95	3·05	3·20
Convex (Glass or Plastics)	2·60	2·75	2·80	3·10
Bifocal	3·50	3·50	3·50	3·50

PART V

OTHER LENSES

Type	Of Any Description
	£
Frosted	1·25
Chavasse	1·25
Multifocal	3·50
Varifocal	3·50
Aspherical	3·50
Contact	3·85

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations introduce new or altered charges for the supply of some drugs and appliances and the provision of some treatment under the National Health Service Acts and provide for some further exemptions.

1. The main alterations are:—

(*a*) the amendment of the charge for dental treatment provided under general dental services to one-half of the current authorised fee payable to the dentist or £10·00, whichever is the less (Regulation 3(1));

(*b*) an increase to the same amounts of the charge for dental appliances under general dental services or the hospital and specialist services (Regulation 3(2)) and an increase to £10·00 of the maximum amount payable for a course of treatment which includes the provision of treatment and the supply of appliances (Regulation 3(3));

(*c*) an increase to 20p the charge for the supply of drugs and certain appliances by chemists, dispensing doctors and hospitals (Regulation 4(*c*) and (*d*));

(*d*) an increase to 25p and 50p of the charge for elastic hosiery (Regulation 4(*c*)(i) and (*f*) and Schedule 1);

(*e*) an increase in the charge for spectacle lenses to amounts varying according to the type of lens supplied; the maximum charge will be £3·50 (£3·85 for a contact lens). (Regulation 6 and Schedule 3).

2. New charges are introduced for wigs and fabric supports, supplied at hospitals (Regulation 5 and Schedule 2).

3. Revised payments are introduced for pre-payment certificates issued with effect from a date after 31st March 1971 (Regulation 4(*b*)). Pre-payment certificates having effect before 1st April 1971 are not affected.

Persons receiving family income supplement will be exempt from charges for drugs and some appliances (Regulations 4(*g*)(ii) and 5(2)(*c*)).