STATUTORY INSTRUMENTS

1974 No. 522 (S.47)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Charges) (Scotland) Regulations 1974

Made - - - -	19*th March* 1974
Laid before Parliament	29*th March* 1974
Coming into Operation	1*st April* 1974

In exercise of the powers conferred on me by sections 39 and 42 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), by section 78 of and Schedule 4 to the Health Services and Public Health Act 1968(c) and by section 64 of and Schedule 6 to the National Health Service (Scotland) Act 1972(d)), by section 1 of, and the Schedule to, the National Health Service Act 1951(e) (as amended by section 1 of the National Health Service Act 1961 (f), 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(g)), by sections 1, 2 and 7 of the National Health Service Act 1952(h) (as amended by sections 1 and 2 of the National Health Service Act 1961, by section 39 of and Schedule 8 to the Ministry of Social Security Act 1966(i), by section 36 of and Schedule 8 to the Finance Act 1970(j), and by section 64 of and Schedule 6 to the National Health Service (Scotland) Act 1972), by section 2 of the National Health Service Act 1961, 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 1974 and shall come into operation on 1st April 1974.

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;

(a) 1947 c. 27. (b) 1949 c. 93. (c) 1968 c. 46. (d) 1972 c. 58. (e) 1951 c. 31.
(f) 1961 c. 19. (g) 1973 c. 32. (h) 1952 c. 25. (i) 1966 c. 20. (j) 1970 c. 24.

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

"the Act of 1972" means the National Health Service (Scotland) Act 1972;

"Board" means a Health Board constituted under section 13 of the Act of 1972;

"current authorised fee" has the meaning assigned to it in regulation 5(3) of these regulations;

"dentist" means a registered dental practitioner;

"Estimates Board" means the Scottish Dental Estimates Board constituted under Part III of the National Health Service (General Dental Services) (Scotland) Regulations 1974**(a)**;

"Health Service Acts" means the National Health Service (Scotland) Acts 1947 to 1973;

"out-patient" means a person receiving treatment under the Health Service Acts otherwise than under Part IV of the Act of 1947 and who is not for the purpose of receiving that treatment resident in a hospital.

(2) References in any other regulations to the regulations revoked by these regulations or to any provision thereof shall be construed as references to these regulations and to the corresponding provisions hereof as the case may be.

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

Charges

3. The charges specified in these regulations shall insofar as they relate to the supply, otherwise than under Part IV of the Act of 1947, of dental and optical appliances and of the appliances specified in Schedule 2 to these regulations shall be made by, and shall be recoverable by, the appropriate Board.

Acknowledgement

4. Every Board supplying an appliance for which a charge may be made under these regulations shall, before supplying the appliance, obtain an acknowledgement signed by the patient, or by some person competent to sign the acknowledgement on his behalf, of his obligation to pay the said charge.

Dental treatment and appliances

5.—(1) Subject to paragraph (5) below, the authorised charges specified in the Schedule to the Act of 1951 as varied in terms of section 2(1) of the Act of 1952 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 one-half of the current authorised fee for the supply of dentures, or £10.00 whichever is the less.

(2) 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 or under the Act of 1951 shall be one-half of the current authorised fee, or £10.00, whichever is the less.

(3) 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 (4) below, the meaning assigned to it in section 2(5) of the said Act

(a) S.I. 1974/505(1974 I. p. 1842). **(b)** 1889 c. 63.

of 1952, that is to say, in relation to any services, the fee authorised in accordance with the Statement of Dental Remuneration made under 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 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.

(4) 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.

(5) Where a denture to which paragraph (1) above refers is supplied otherwise than under Part IV of the Act of 1947 then,

(a) if the current authorised fee payable is such amount as the Estimates Board may in their discretion approve, the Board shall refer the matter to the Estimates Board and the current authorised fee shall be such amount as the Estimates 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 Board 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 the 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 a statement of the amount paid to him by that person under these regulations.

(6) 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.

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 shall be varied so as to consist of the descriptions of lenses shown in the several parts of Schedule 1 to these regulations.

(2) The charge authorised in respect of the supply under the Health Service Acts of a lens of any description mentioned in the first column of any part of Schedule 1 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.

Supply of wigs and fabric supports to out-patients

7.—(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 who is supplied by or on behalf of the Board with an appliance of a description specified in column 1 of Schedule 2 to these regulations, shall be liable to pay to the Board 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, or a dependant of such person; and

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

(3) A Board 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 Board and any refund made shall be made in such manner and subject to such conditions as the Secretary of State may determine but no payment shall be made unless a claim is submitted within one month of the date on which the charge was paid.

Conditions of exemption

8. It shall be a condition of exemption under subsection (3) or subsection (4) of section 1 of the Act of 1961 from a charge payable under section 1 of the Act of 1951 that a declaration in support of the claim is made on a form provided for that purpose by the appropriate Board and that such documentary evidence of age, attendance at school, pregnancy or confinement is produced to the Board as the Board may require.

Recovery of charges

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

Revocations

10. The regulations named in Schedule 3 to these regulations are hereby revoked.

St. Andrew's House,
Edinburgh.
19th March 1974

(Sgd.) *William Ross*
One of Her Majesty's Principal
Secretaries of State.

(a) 1970 c. 55.

Regulation 6

SCHEDULE 1

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

Regulation 7

SCHEDULE 2

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

REGULATIONS REVOKED

The National Health Service (Charges for Appliances) (Scotland) Regulations 1951	S.I. 1951/862 (1951 I, p.1411).
The National Health Service (Charges for Appliances) (Scotland) Amendment Regulations 1961	S.I. 1961/917 (1961 II, p.1771).
The National Health Service (Charges for Appliances) (Scotland) Regulations 1969	S.I. 1969/918 (1969 II, p.2797).
The National Health Services (Charges) (Scotland) Regulations 1971	S.I. 1971/420 (1971 I, p.1240).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the provisions for the making and recovery of charges for dental, optical and certain other appliances and for dental treatment with amendments principally to take account of the transfer of responsibilities of Regional Hospital Boards and Executive Councils to Health Boards.

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