



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART IV

POWERS OF THE SECRETARY OF STATE

Further provisions as to payments by patients for health service accommodation and services

55 Hospital accommodation on part payment

- (1) The Secretary of State may authorise the accommodation described in this section to be made available, to such extent as he may determine, for patients who give an undertaking (or for whom one is given) to pay such charges for part of the cost as the Secretary of State may determine, and he may recover those charges.

The accommodation mentioned above is—

- (a) in single rooms or small wards which are not for the time being needed by any patient on medical grounds;
 - (b) at any hospital.
- (2) The Secretary of State may allow such deductions as he thinks fit from the amount of a charge due by virtue of an undertaking given under this section to be paid for accommodation in respect of any period during which the accommodation is temporarily vacated by the person for whom it is made available.

56 Expenses payable by remuneratively employed resident patients

The Secretary of State may require any person—

- (a) who is a resident patient for whom the Secretary of State provides services under this Act; and
- (b) who is absent during the day for the purpose of engaging in remunerative employment from the hospital where he is a patient,

Status: This is the original version (as it was originally enacted).

to pay such part of the cost of his maintenance in the hospital and any costs incidental thereto as may seem reasonable to the Secretary of State having regard to the amount of that person's remuneration, and the Secretary of State may recover the payment so required.

57 Accommodation and services for private resident patients

- (1) Subject to section 63 and to this section, if the Secretary of State is satisfied in the case of a health service hospital that it is reasonable to do so, he may—
 - (a) authorise accommodation and services at the hospital in question to be made available for resident patients to such extent as he may determine ;
 - (b) determine the charges payable in respect of such patients in accordance with the following provisions of this section, and recover those charges,
 and, on an undertaking being given by or on behalf of such patients to pay such charges, that accommodation and those services shall be available for them.
- (2) The Secretary of State may allow accommodation and services to which an authorisation under subsection (1) relates to be made available in connection with the treatment, in pursuance of arrangements made by a medical practitioner or dental practitioner serving whether in a honorary or paid capacity on the staff of a health service hospital, of private patients of that practitioner as resident patients.
- (3) The Secretary of State, for the purpose of determining charges to be paid under subsection (1)—
 - (a) may classify the health service hospitals, and may, in the case of each class, determine in respect of each period of 12 months beginning with 1st April first falling after the date on which the determination is made the charges to be paid under that subsection in respect of accommodation and services provided during that period, at a hospital falling within that class;
 - (b) in determining such charges in respect of a period the Secretary of State shall have regard, so far as is reasonably practicable, to the total cost (exclusive of costs appearing to him to be properly attributable to capital account) which, by reference to facts known to him at the time of the determination, it is estimated will be incurred during that period in the provision for resident patients of services at hospitals falling within that class; and
 - (c) may include in any such charges, in such cases as appear to him fit, such amounts as appear to him proper and reasonable to be included by way of contribution to expenditure appearing to him to be properly attributable to capital account.
- (4) The Secretary of State may under subsection (3) determine different charges for different accommodation and for different services and in relation to different circumstances.
- (5) The Secretary of State may allow such deduction as he thinks proper from the amount of a charge due by virtue of an undertaking given under this section by, or in respect of, any patient—
 - (a) in respect of treatment given to the patient under subsection (2); and
 - (b) in respect of any period during which the accommodation to which the undertaking relates is temporarily vacated by the patient.
- (6) Nothing in this section prevents accommodation from being made available for a patient other than one mentioned in subsection (1) if the use of that accommodation

is needed more urgently for him on medical grounds than for a patient so mentioned, and no other suitable accommodation is available.

58 Accommodation and services for private non-resident patients

- (1) If the Secretary of State is satisfied, in the case of a health service hospital that it is reasonable to do so—
- (a) he may, subject to section 63, authorise accommodation and services at the hospital in question to be made available to such extent as he may determine, and
 - (b) that accommodation and those services shall be available in connection with the treatment, in pursuance of arrangements made by a medical practitioner or dental practitioner serving (whether in an honorary or paid capacity) on the staff of any such hospital, of private patients of that practitioner otherwise than as resident patients.

Those patients shall be patients who give an undertaking (or for whom one is given) to pay, in respect of the accommodation and services, such charges as the Secretary of State may determine, and he may recover those charges.

- (2) The Secretary of State may under subsection (1) determine different charges for different accommodation and for different services, and in relation to different circumstances.
- (3) No accommodation and no services shall be so made available under subsection (1) as to prejudice persons availing themselves of services at the hospital otherwise than as private patients.