



National Health Service Act 1977

1977 CHAPTER 49

PART III

OTHER POWERS OF THE SECRETARY OF STATE AS TO THE HEALTH SERVICE

Regulations as to certain charges

77 Charges for drugs, medicines or appliances, or pharmaceutical services.

- (1) Regulations may provide for the making and recovery in such manner as may be prescribed of such charges as may be prescribed in respect of—
 - (a) the supply under this Act (otherwise than under Part II) of drugs, medicines or appliances (including the replacement and repair of those appliances),
 - (b) such of the pharmaceutical services referred to in Part II as may be prescribed,and paragraph (a) and (b) of this subsection may include the supply of substances and appliances mentioned in paragraph (b) of section 5(1) above.
- (2) Regulations under subsection (1) above may provide for the grant, on payment of such sums as may be prescribed by those regulations, of certificates conferring on the persons to whom the certificates are granted exemption from charges otherwise exigible under the regulations in respect of drugs, medicines and appliances supplied during such period as may be prescribed, and different sums may be so prescribed in relation to different periods.
- (3) The additional provisions of paragraphs 1 and 4 of Schedule 12 to this Act have effect in relation to this section.

78 Charges for dental or optical appliances.

- (1) Regulations may provide for the making and recovery in such manner as may be prescribed of charges of such amounts as are mentioned in sub-paragraph (1) of paragraph 2 of Schedule 12 to this Act, in respect of the supply under the Act of such . . . ^{F1}optical appliances as are mentioned in that sub-paragraph.

Status: Point in time view as at 06/03/1991.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[^{F2}(1A) Regulations may provide for the making and recovery in such manner as may be prescribed of charges of amounts calculated in accordance with section 79A below in respect of the supply under this Act of dentures and other dental appliances of prescribed descriptions.]

- (2) If the Secretary of State, after consultation with the university associated with any hospital providing facilities for clinical dental teaching, is satisfied that it is expedient in the interests of dental training or education that the charges imposed by subsection [^{F3}(1A)] above should be remitted in the case of dental services provided at that hospital, either generally or subject to limitations or conditions, he may by order provide for that purpose.

Any order made under this subsection may be revoked or varied by a subsequent order made by the Secretary of State after such consultation as is mentioned above.

- (3) The additional provisions of paragraphs 2 and 5 of Schedule 12 have effect in relation to this section.

Textual Amendments

- F1** Words repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), [Sch. 3](#)
F2 [S. 78\(1A\)](#) inserted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. [11\(1\)](#)
F3 Word substituted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(1), [Sch. 2 para. 5](#)

79 Charges for dental treatment.

- (1) A charge of [^{F4}an amount calculated in accordance with section 79A below] may be made and recovered, in such manner as may be prescribed, in respect of any services provided as part of the general dental services under Part II of this Act, not being—
- (a)^{F5}
 - (b) the repair of appliances other than prescribed appliances;
 - (c) the arrest of bleeding; . . .^{F5}
 - (d)^{F5}

The additional provisions of paragraphs 3 and 5 of Schedule 12 have effect in relation to this subsection.

- (2) Regulations may provide that, in the case of such special dental treatment as may be prescribed, being treatment provided as part of the general dental services, such charges as may be prescribed may be made and recovered by the person providing the services.

Textual Amendments

- F4** Words substituted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. [11\(2\)](#)
F5 [S. 79\(a\)\(d\)](#) and the word “or” immediately preceding (d) repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), [Sch. 3](#)

Modifications etc. (not altering text)

- C1** By [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. [11\(7\)](#) it is provided that [s. 79\(1\)](#) shall cease to have effect so far as it provides that a charge may not be authorised for the clinical examination of a patient and any report on that examination

Status: Point in time view as at 06/03/1991.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[^{F6}79A Calculation of charges for dental appliances and treatment.

#

- (1) Subject to the following provisions of this section, regulations may make such provision as to the amount of any charge—
 - (a) authorised by section 78(1A) above for the supply of dentures or other dental appliances; or
 - (b) authorised by section 79 above for the provision of services, as appears to the Secretary of State to be appropriate.
- (2) Without prejudice to the generality of subsection (1) above, regulations may provide that any charge which is so authorised in respect of appliances or services supplied or provided under Part II of this Act—
 - (a) shall be of an amount equal—
 - (i) to the practitioner’s remuneration in respect of the supply or provision; or
 - (ii) to any part of that remuneration; or
 - (b) shall be otherwise calculated by reference to that remuneration.
- (3) Without prejudice to the generality of subsection (1) above, regulations may provide that any charge which is authorised in respect of appliances supplied otherwise than under Part II of this Act—
 - (a) shall be of an amount equal—
 - (i) to the remuneration a practitioner would receive for a supply under that Part of this Act of equivalent appliances, or
 - (ii) to any part of such remuneration; or
 - (b) shall be otherwise calculated by reference to such remuneration.
- (4) The charge shall not exceed the amount which the Secretary of State considers to be the cost to the health service of the supply or provision.
- (5) In this section “cost to the health service” does not include—
 - (a) any fee in respect of a visit by a practitioner to a patient; or
 - (b) any fee or part of a fee payable by a patient in pursuance of regulations under section 79(2) above or section 81(b) or 82(b) below.]

Textual Amendments

F6 S. 79A inserted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 11(3)

80 Charges for designated facilities.

Regulations may provide for the making and recovery of charges in respect of facilities designated by the regulations as facilities provided in pursuance of paragraph (d) or paragraph (e) of section 3(1) above.

81 Charges for more expensive supplies.

Regulations may provide for the making and recovery of such charges as may be prescribed—

Status: Point in time view as at 06/03/1991.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) by the Secretary of State [^{F7}or an NHS trust] in respect of the supply by him [^{F8}or, as the case may be, by the trust] of any appliance or vehicle which is, at the request of the person supplied, of a more expensive type than the prescribed type, or in respect of the replacement or repair of any such appliance, or the replacement of any such vehicle, or the taking of any such action in relation to the vehicle as is mentioned in paragraph 1 of Schedule 2 to this Act;
- (b) by persons providing general dental services . . . ^{F9} in respect of the supply, as part of those services, of any dental . . . ^{F9} appliance which is, at the request of the person supplied, of a more expensive type than the prescribed type or in respect of the replacement or repair of any such appliance.

Textual Amendments

- F7** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 5(8), [Sch. 2 para. 22\(a\)](#)
- F8** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 5(8), [Sch. 2 para. 22\(b\)](#)
- F9** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

82 Charges for repairs and replacements in certain cases.

Regulations may provide for the making and recovery of such charges as may be prescribed—

- (a) by the Secretary of State [^{F10}or an NHS trust] in respect of the replacement or repair of any appliance or vehicle supplied by him [^{F11}or, as the case may be, by the trust], or
- (b) by persons providing general dental services . . . ^{F12} in respect of the replacement or repair of any dental . . . ^{F12} appliance supplied as part of those services,

if it is determined in the prescribed manner that the replacement or repair is necessitated by an act or omission of the person supplied or (if the act or omission occurred when the person supplied was under 16 years of age) of the person supplied or of the person having charge of him when the act or omission occurred.

Textual Amendments

- F10** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 5(8), [Sch. 2 para. 22\(a\)](#)
- F11** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 5(8), [Sch. 2 para. 22\(b\)](#)
- F12** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

83 Sums otherwise payable to those providing services.

Regulations made—

- (a) under sections 77 to 79 and under sections 81 and 82 above providing for the making and recovery of charges in respect of any services, may provide for the reduction of the sums which would otherwise be payable by a Regional Health Authority, an Area Health Authority [^{F13}a District Health Authority]

Status: Point in time view as at 06/03/1991.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

or a Family Practitioner Committee to the persons by whom those services are provided by the amount of the charges authorised by the regulations in respect of those services;

- (b) for the purposes of section 78(1) in relation to appliances provided as part of the general dental services . . . ^{F14} under Part II of this Act, may provide for the reduction of the sums which would otherwise be payable by an Area Health Authority [^{F13}a District Health Authority] or a Family Practitioner Committee to the persons by whom those services are provided by the amount of the charges authorised by section 78(1) in respect of those appliances.

Textual Amendments

F13 Words inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [Sch. 1](#), para. 64

F14 Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

[^{F15}83A Remission and repayment of charges and payment of travelling expenses.

- (1) Regulations may provide in relation to prescribed descriptions of persons—
- (a) for the remission or repayment of the whole or any part of any charges which would otherwise be payable by them in pursuance of section 77(1) above, section 78(1) [^{F16}or (1A)] above or section 79 above; and
- (b) for the payment by the Secretary of State [^{F17}or an NHS trust] in such cases as may be prescribed of travelling expenses (including the travelling expenses of a companion) incurred or to be incurred for the purpose of their availing themselves of any services provided under this Act [^{F17}and]
- [^{F18}(c) for the reimbursement by a District Health Authority to an NHS trust and, in such cases as may be prescribed to another District Health Authority, of payments made by virtue of exercising the functions conferred under paragraph (b) above].
- (2) Descriptions of persons may be prescribed for the purposes of paragraph (a) or (b) of subsection (1) above by reference to any criterion and, without prejudice to the generality of this subsection, by reference to any of the following criteria—
- (a) their age;
- (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;
- (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;
- (d) their receipt of benefit in money or in kind under any enactment or their entitlement to receive any such benefit;
- (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits; and
- (f) the relationship, as calculated in accordance with the regulations by a prescribed person, between their resources and their requirements.
- (3) Regulations under this section may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this subsection, may direct that they shall be calculated—
- (a) by a method set out in the regulations;

Status: Point in time view as at 06/03/1991.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (b) by a method described by reference to a method of calculating or estimating income or capital specified in an enactment other than this section or in an instrument made under an Act of Parliament or by reference to such a method but subject to prescribed modifications;
 - (c) by reference to an amount applicable for the purposes of a payment under an Act of Parliament or an instrument made under an Act of Parliament; or
 - (d) by reference to the person's being or having been entitled to payment under an Act of Parliament or an instrument made under an Act of Parliament.
- (4) Regulations under this section which refer to an Act of Parliament or an instrument made under an Act of Parliament may direct that the reference is to be construed as a reference to that Act or instrument—
- (a) as it has effect at the time when the regulations are made; or
 - (b) both as it has effect at that time and as amended subsequently.]

Textual Amendments

- F15** S. 83A inserted by Social Security Act 1988 (c. 7, SIF 113:1), s. 14(1)
- F16** Words inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), Sch. 2 para. 6
- F17** Words inserted and at the end of the paragraph the word “and” added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), Sch. 9 para. 18(5)(a)
- F18** S. 83A(c) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), Sch. 9 para. 18(5)(b)

Status:

Point in time view as at 06/03/1991.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations.