

*Status: Point in time view as at 24/09/2022.*

*Changes to legislation: National Health Service (Scotland) Act 1978, Cross Heading: Further provisions as to payments by patients for health service accommodation and services is up to date with all changes known to be in force on or before 02 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# 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, [<sup>F1</sup>for patients to such extent as he may determine, and may recover such charges as he may determine in respect of such accommodation and calculate them on any basis that he considers to be the appropriate commercial basis].

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 [<sup>F2</sup>vested in the Secretary of State].

(2<sup>F3</sup>)

#### Textual Amendments

- F1** Words substituted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\), s. 7\(9\)\(a\)](#)
- F2** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 66\(1\), Sch. 9 para. 19\(9\)](#)
- F3** [S. 55\(2\)](#) repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\), ss. 7\(9\)\(b\), 25\(2\), Sch. 3](#)

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## 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,

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.

## [<sup>F4</sup>57 Accommodation and services for private patients.

(1) If the Secretary of State is satisfied, in the case of a health service hospital [<sup>F5</sup>vested in the Secretary of State] that it is reasonable to do so, he may authorise accommodation and services at the hospital in question to be made available, to such extent as he may determine, for patients who give undertakings (or for whom undertakings are given) to pay, in respect of the accommodation and services made available, such charges as the Secretary of State may determine and may make and recover such charges as he may determine in respect of such accommodation and services and calculate them on any basis that he considers to be the appropriate commercial basis; but he shall do so only if and to the extent that he is satisfied that to do so—

- (a) will not to a significant extent interfere with the performance by him of any duty imposed on him by this Act to provide accommodation or services of any kind; and
- (b) will not to a significant extent operate to the disadvantage of persons seeking or afforded admission or access to accommodation or services at health service hospitals (whether as resident or non-resident patients) otherwise than under this section.

(2) The Secretary of State may allow accommodation and services to which an authorisation under subsection (1) above relates to be made available in connection with 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 a health service hospital for the treatment of private patients of that practitioner.

[ The Secretary of State shall revoke an authorisation under this section only if and <sup>F6</sup>(3) to the extent that he is satisfied that sufficient accommodation and facilities for the private practice of medicine and dentistry are otherwise reasonably available (whether privately or at health service hospitals) to meet the reasonable demand for them in the area served by the hospital in question.]]

### Textual Amendments

- F4** S. 57 substituted for ss. 57, 58 by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 7(11)
- F5** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 19\(10\)](#)
- F6** [Section 57\(3\)](#) repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), [Sch. 10](#)

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**Modifications etc. (not altering text)**

C1 S. 57 applied (1.4.1999) by S.I. 1999/686, art. 5(1), **Sch. Pt. I**

58A ..... F7

**Textual Amendments**

F7 S. 58A repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(2), **Sch. 3**

59— ..... F8  
63.

**Textual Amendments**

F8 Ss. 16(3), 20(2), 51, 52, 59–63, 65–68, 96(2), Sch. 16 paras. 25, 43 repealed by Health Services Act 1980 (c. 53), **Sch. 7**

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