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SCHEDULES

SCHEDULE 11 **S**

Sections 69—71.

ADDITIONAL PROVISIONS AS TO REGULATIONS FOR THE MAKING AND RECOVERY OF CHARGES

Regulations under section 69—charges for drugs, medicines or appliances, or pharmaceutical services

- 1 (1) No charge shall be made under section 69(1) in relation to the supply of drugs, medicines and appliances referred to in paragraph (a) of that subsection in respect of—
- (a) the supply of any drug, medicine or appliance for a patient who is for the time being resident in hospital, or
 - (b) the supply of any drug or medicine [^{F1} (otherwise than in accordance with section 17C arrangements)] for the treatment of venereal disease, or
 - (c) the supply of any appliance for a person who is under 16 years of age [^{F2} or is under 19 years of age and is receiving qualifying full-time education, or]
 - (d) the replacement or repair of any appliance in consequence of a defect in the appliance as supplied,

^{F3}(2)^{F4}

Textual Amendments

- F1** Words in Sch. 11 para. 1(1)(b) inserted (1.4.1998) by 1997 c. 46, s. 41(1), Sch. 2 Pt. I para. 60; S.I. 1998/631, art. 2(1)(b), Sch. 2 (with arts. 3, 5)
- F2** Words from “or is under” to “education, or” substituted for words from “or is undergoing” to “school, or” by Health Services Act 1980 (c. 53), s. 26(2), Sch. 5 Pt II para. 5
- F3** Words repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16(2), Sch. 5
- F4** Sch. 11 para. 1(2) repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16(2), Sch. 5

Regulations under section 70—charges for dental or optical appliances

- 2 [^{F5}(1) The optical appliances referred to in section 70(1) are glasses and contact lenses, and the charge for glasses and contact lenses which that subsection authorises is a charge of such sum as may be determined by or in accordance with directions given by the Secretary of State.]
- (2) Regulations may—
- (a) vary the amount or maximum amount of any charge authorised by section 70(1) for any ^{F6}optical appliance, and this power includes power to direct that the charge shall not be payable; or
 - (b) vary the descriptions of appliances for which any such charge is authorised;

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and regulations made for the purposes of section 70(1) may be made so as to take effect—

- (i) in the case of appliances supplied under this Act otherwise than under Part II, where the examination or testing of sight (otherwise than under that Part) leading to the supply of those appliances, or the first such examination or testing takes place on or after the date on which the regulations come into force;
 - (ii)
 - ^{F7}(iii)
- ^{F8}(3) No charge shall be made under section 70(1) [^{F9}or (1A)] in respect of any appliance supplied otherwise than under Part II to a patient for the time being resident in a hospital.
- (4) No charge shall be made under section 70 [^{F10}(1A)] in respect of the supply of a dental appliance if at the relevant time the person for whom that appliance was supplied—
- ^{F11}(a) was under [^{F12}18] years of age or was under 19 years of age and receiving qualifying full-time education; or]
 - (b) was an expectant mother or had borne a child within the previous 12 months.
- (5)
- ^{F13}(6) Regulations made with respect to any exemption under sub-paragraph (4) ^{F14} may provide that it shall be a condition of the exemption that such declaration is made in such form and manner, or such certificate or other evidence is supplied in such form and manner, as may be prescribed.
- (7) [^{F15}In sub-paragraph (4), “the relevant time” means—
- (a) in relation to a dental appliance supplied otherwise than under Part II, the time of the examination leading to the supply of the appliance, or the first such examination;]
 - (b) in relation to a dental appliance supplied under Part II, the time of the making of the contract or arrangement in pursuance of which the appliance is supplied.
- (8) References in section 70 and in this paragraph to the supply of appliances shall be construed as including references to their replacement [^{F16}and, in the case of dentures, to their being relined or adjusted or having additions made to them] but no charge shall be made under those provisions in respect of the replacement of dentures ^{F17} if the replacement is required in consequence of loss or damage.

Textual Amendments

- F5** Sch. 11 para. 2(1) substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 15(1)**
- F6** Words repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(2), **Sch. 3**
- F7** Sch. 11 para. 2(2)(ii) repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(2), **Sch. 3**
- F8** Sch. 11 para. 2(2)(iii) repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**
- F9** “or (1A)” inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 15(2)**
- F10** “(1A)” substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 15(3)**
- F11** Para. 2(4)(a) substituted by Health Services Act 1980 (c. 53), s. 26(2), **Sch. 5 Pt. II para. 6(3)**

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- F12** “18” substituted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), **s. 11(8)**
- F13** [Sch. 11 para. 2\(5\)](#) repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, **Sch. 8 Pt. I**
- F14** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, **Sch. 8 Pt. I**
- F15** [Sch. 11 para. 2\(7\)\(a\)](#) and preceding words substituted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 1(7), **Sch. 1 Pt. II para. 6**
- F16** Words inserted by [Health Services Act 1980 \(c. 53\)](#), s. 26(2), **Sch. 5 Pt. II para. 6(5)**
- F17** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, **Sch. 8 Pt. I**

[^{F18}2A (1) It shall be the duty of the Secretary of State to provide by regulations for payments to be made by him or by a Health Board to meet, or to contribute towards, the cost incurred (whether by way of charge under this Act or otherwise) for the supply of optical appliances for which a prescription has been given in consequence of a testing of sight under this Act—

- (a) for a child;
- (b) for a person whose resources fall to be treated under the regulations as being less than his requirements; or
- (c) for a person of such other description as may be prescribed [^{F19}or for which a prescription has been given for a person such as is mentioned in paragraph (a), (b) or (c) above in consequence of a testing of sight (not being a testing of sight under this Act) which took place in prescribed circumstances].

(2) In sub-paragraph (1) (above) “child” means—

- (a) a person who is under the age of 16 years; or
- (b) a person who is under the age of 19 years and receiving qualifying full-time education.

[The Secretary of State may by regulations—

- ^{F20}(3) (a) provide for himself or a Health Board to contribute to the cost of a testing of sight which he or the Board accepts as having been incurred by a person whose resources fall to be treated under the regulations as exceeding his requirements but only by an amount calculated under the regulations;
- (b) provide for payments to be made by him or by a Health Board to meet, or to contribute towards, any cost accepted by him or by the Board as having been incurred (whether by way of charge under this Act or otherwise) for the replacement or repair in prescribed circumstances of optical appliances for which a prescription was given in consequence of a testing of the sight of a person of a prescribed description; and
- (c) direct how a person’s resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, give any such direction as to how they are to be calculated as may be given by regulations under section 75A(3).

(3A) Descriptions of persons may be prescribed under this paragraph by reference to any criterion and, without prejudice to the generality of this sub-paragraph, by reference to any of the criteria specified in section 75A(2).

(3B) Subsection (4) of section 75A shall have effect in relation to regulations under this paragraph as it has effect in relation to regulations under that section.]

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- (4) If regulations under this paragraph provide for payments to be made by a Health Board, it shall be the duty of the Secretary of State to pay to the Board, in respect of each financial year, the sum attributable to the Board's disbursements under the regulations.
- (5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.]

Textual Amendments

- F18** Sch. 11 para. 2A inserted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 1(7), **Sch. 1 Pt. II para. 7**
- F19** Words added after paragraph (c) of sub-paragraph (1) by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 13(2)
- F20** Paragraphs (3)–(3B) substituted for paragraph (3) by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 13(5)

Regulations under section 71—charges for dental treatment

- 3 (1)
- ^{F21}(2) Regulations may vary the amount or the maximum amount of any charge authorised by section 71(1), and this power includes power to direct that the charge shall not be payable.
- (3) Where any services in respect of which a charge is payable under section 70 are provided in pursuance of the contract or arrangement, the charges payable under that section and section 71(1) in respect of all services provided in pursuance of the contract or arrangement shall not exceed a prescribed sum in the aggregate.
- (4) No charge shall be made under section 71(1) in respect of services provided for any person who, on the date of the contract or arrangement for the services—
- ^{F22}(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or]
- (c) was an expectant mother or had borne a child within the previous 12 months,
- ^{F23}(5) Regulations [^{F24}made with respect to any exemptions under sub-paragraph (4)]
- may provide that it shall be a condition of the exemption that such declaration is made in such form and manner, or such certificate or other evidence is supplied in such form and manner, as may be prescribed.

Textual Amendments

- F21** Sch. 11 para. 3(1) repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), **Sch. 3**
- F22** Words substituted by [Health Services Act 1980 \(c. 53\)](#), s. 26(2), **Sch. 5 Pt. II para. 7(2)**.
- F23** Words repealed by [Health Services Act 1980 \(c. 53\)](#), s. 26(2), **Sch. 5 Pt. II para. 7(2)**
- F24** Words substituted by [Health Services Act 1980 \(c. 53\)](#), s. 26(2), **Sch. 5 Pt. II para. 7(3)**

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Miscellaneous Provisions

- 4 For the purposes of section 39(2) (which provides for the Secretary of State to arrange for the free medical treatment of certain pupils) any charge made in pursuance of regulations under this Act in respect of the supply of drugs, medicines or appliances shall be disregarded.
- 5 Regulations may provide for the remission or repayment of any charges which, in pursuance of section 70(1) or section 71(1), are payable apart from this paragraph by a person whose income as calculated in accordance with regulations is at less than the prescribed rate, in respect of the supply or replacement of dental ^{F25} appliances or in respect of services provided as part of the general dental services.

Textual Amendments

F25 Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

- 6 For the purposes of sections 69 and 70 and of this Schedule, a bridge, whether fixed or removable, which takes the place of any teeth shall be deemed to be a denture having that number of teeth; ^{F26}

Textual Amendments

F26 Words repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), [Sch. 3](#)

- [^{F27} References in this Schedule to qualifying full-time education mean full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Secretary of State, and for the purposes of such references—
- (a) “recognised educational establishment” means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university; and
- (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.]

Textual Amendments

F27 [Para. 7](#) inserted by [Health Services Act 1980 \(c. 53\)](#), s. 26(2), [Sch. 5 Pt. II para. 8](#)

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