

SCHEDULES

SCHEDULE 11

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 for the treatment of venereal disease, or
 - (c) the supply of any appliance for a person who is under 16 years of age or is undergoing full-time education in a school, or
 - (d) the replacement or repair of any appliance in consequence of a defect in the appliance as supplied,
- and regulations may provide for the remission or repayment of any charge payable under paragraph (a) of section 69(1) in such other cases as may be prescribed.
- (2) Regulations made under section 69(1) in relation to the pharmaceutical services referred to in paragraph (b) of that subsection may provide for the remission or repayment of the charges made by those regulations in the case of such persons as may be prescribed.

Regulations under section 70—charges for dental or optical appliances

- 2 (1) The dental and optical appliances mentioned in the first column below, and the charges mentioned in the second column, are the appliances and charges referred to in section 70(1).

<i>Appliance</i>	<i>Charge</i>
The dentures described in regulations made under section 70(1) and this paragraph.	The amount or the maximum amount prescribed by regulations made under section 70(1) and this paragraph.
Glasses other than children's glasses—	
(a) The lenses described in regulations made under section 70(1) and this paragraph.	The amount or the maximum amount prescribed by regulations made under section 70(1) and this paragraph.
(b) Frames.	The current specified cost

In this sub-paragraph—

Status: This is the original version (as it was originally enacted).

" children's glasses " means glasses for which a standard type of children's frame as described in the Statement referred to below is used and which are supplied for a person who was, at the time of the examination or testing of sight leading to the supply of the glasses or of the first such examination or testing, under 16 years of age or receiving full-time education in a school, and

" current specified cost ", in relation to frames supplied under Part II, means the sum specified in the Statement as the sum payable for frames of that description by the person to whom they are supplied, and in relation to frames supplied under this Act otherwise than under Part II means a sum equal to the sum so specified, or in the case of frames of a description for which no sum is so specified, such sum as may be determined by or in accordance with directions given by the Secretary of State,

and for the purposes of this provision " the Statement " means the Statement published by the Secretary of State pursuant to the provisions of regulation 10 of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974 or any corresponding regulation for the time being in force.

(2) Regulations may—

(a) vary the amount or maximum amount of any charge authorised by section 70(1) for any dental or 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; 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) in the case of dental appliances supplied under Part II, where the contract or arrangement between the person by whom and the person to whom the appliances are supplied is made on or after that date;

(iii) in the case of optical appliances supplied under Part II, where the testing of sight leading to the supply of those appliances, or the first such testing, takes place on or after that date.

(3) No charge shall be made under section 70(1) 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(1) in respect of the supply of a dental appliance if at the relevant time the person for whom that appliance was supplied—

(a) was under 16 years of age or was receiving full-time education in a school; or

(b) was an expectant mother or had borne a child within the previous 12 months.

(5) No charge shall be made under section 70(1) for the supply under this Act of lenses for any glasses if—

(a) the person for whom the glasses are supplied was at the relevant time of the age of 10 or more and either under the age of 16 or receiving full-time education in a school; and

- (b) the frames of the glasses are of any description specified in the Statement referred to in sub-paragraph (1) or any corresponding regulation for the time being in force.
- (6) Regulations made with respect to any exemption under sub-paragraph (4) or sub-paragraph (5) 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) In sub-paragraphs (4) and (5), " the relevant time " means—
 - (a) in relation to a dental appliance supplied otherwise than under Part II, or to an optical appliance supplied under this Act, the time of the examination or testing of sight leading to the supply of the appliance, or the first such examination or testing;
 - (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, but no charge shall be made under those provisions in respect of the replacement of dentures or lenses if the replacement is required in consequence of loss or damage.

Regulations under section 71—charges for dental treatment

- 3 (1) The amount of the charge payable under section 71(1) in respect of services provided in pursuance of any contract or arrangement shall be (subject to sub-paragraph (3)) the current authorised fee for all services so provided in respect of which a charge is payable under that section or a prescribed sum, whichever is the less.

In this sub-paragraph " current authorised fee ", in relation to any services, means the fee authorised in accordance with regulations for the time being in force under this Act as the fee payable to the practitioner in respect of those services, but does not include—

- (a) any fee so authorised in respect of a visit to a patient by a practitioner; or
- (b) any fee or part of a fee payable by the patient in pursuance of regulations under—
 - (i) section 71(2);
 - (ii) section 73, in relation to paragraph (b) of that section ;
 - (iii) section 74, in relation to paragraph (b) of that section.
- (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—
 - (a) was under 21 years of age (other than for services in respect of the relining of a denture or the addition of teeth, bands or wires to a denture),

(b) was under 16 years of age or was receiving full-time education in a school,
(c) was an expectant mother or had borne a child within the previous 12 months,
if (in any such case) a declaration to that effect is made by or on behalf of that person
in such form and manner as may be prescribed.

(5) Regulations under section 71(1), in relation to—

- (a) the persons described in paragraphs (b) and (c) of sub-paragraph (4), and
- (b) any exemption in respect of the relining of a denture or the addition of teeth,
bands or wires to a denture,

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.

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 or optical
appliances or in respect of services provided as part of the general dental services.

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 ; and the reference in paragraph (a) of
section 71(1) to appliances described in paragraph 2(1) of this Schedule shall be
construed accordingly.