



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART IV

#### POWERS OF THE SECRETARY OF STATE

##### *Regulations as to certain charges*

#### **[<sup>F1</sup>75D Deduction of NHS charges**

- (1) A Health Board may deduct from any amount to be reimbursed under section <sup>F2</sup>... [<sup>F3</sup>75BA], in whole or in part, any NHS charge which would have been payable by the eligible person for the same service or an equivalent service if the service had been made available by the Health Board in whose area the eligible person resides.
- (2) Subsection (1) does not apply to the extent that the eligible person would, if the services received had been provided under this Act otherwise than in accordance with sections <sup>F4</sup>... [<sup>F5</sup>75BA and 75BB], be entitled to any exemption or remission from any NHS charge.

[<sup>F6</sup>(3) In this section—

- “eligible person” means a person who is ordinarily resident in Scotland,
- “NHS charge” means any charge payable in accordance with sections 69 to 74 or regulations made under those sections,
- “services” has the meaning given in section 75BA(15).]]

#### **Textual Amendments**

- F1** Ss. 75B-75D inserted (7.7.2010) by [The National Health Service \(Reimbursement of the Cost of EEA Treatment\) \(Scotland\) Regulations 2010 \(S.S.I. 2010/283\)](#), **reg. 3(3)**

---

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. 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** Words in s. 75D(1) omitted (31.12.2020) by virtue of [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **4(8)(a)** (with reg. 3) (as amended by [S.S.I. 2020/478](#), regs. 1, 3); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 75D(1) inserted by 1978 c. 29, s. 75BB(7)(a) (as inserted (25.10.2013) by [The National Health Service \(Cross-Border Health Care\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/292\)](#), regs. 1(1), **8(4)**)
- F4** Words in s. 75D(2) omitted (31.12.2020) by virtue of [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **4(8)(b)** (with reg. 3) (as amended by [S.S.I. 2020/478](#), regs. 1, 3); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 75D(2) inserted by 1978 c. 29, s. 75BB(7)(b) (as inserted (25.10.2013) by [The National Health Service \(Cross-Border Health Care\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/292\)](#), regs. 1(1), **8(4)**)
- F6** S. 75D(3) substituted (31.12.2020) by [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **4(8)(c)** (with reg. 3) (as amended by [S.S.I. 2020/478](#), regs. 1, 3); 2020 c. 1, Sch. 5 para. 1(1)

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations.