The National Health Service (General Dental and Supplementary Ophthalmic Services) (Scotland) Regulations, 1951

1951 No. 861 (S. 50)

Made - - - -	11*th May*, 1951
Laid before Parliament	15*th May*, 1951
Coming into Operation	21*st May*, 1951

In exercise of the powers conferred on me by Sections 39, 42 and 45 of the National Health Service (Scotland) Act, 1947(**a**), and Section 1 of the National Health Service Act, 1951(**b**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (General Dental and Supplementary Ophthalmic Services) (Scotland) Regulations, 1951, and shall come into operation on the twenty-first day of May, 1951.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the National Health Service Act, 1951(**b**);

"The Act of 1947" means the National Health Service (Scotland) Act, 1947(**a**);

"Committee" means a Joint Ophthalmic Services Committee appointed in accordance with the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948(**c**);

"Council" means the Executive Council for any area;

"existing dental regulations" mean the National Health Service (General Dental Services) (Scotland) Regulations, 1948(**d**), the National Health Service (General Dental Services Fees) (Scotland) Regulations, 1948(**e**), the National Health Service (General Dental Services and Fees) (Amendment No. 2) (Scotland) Regulations, 1949(**f**), and the National Health Service (General Dental Services Fees) (Amendment) (Scotland) Regulations, 1950(**g**);

"existing ophthalmic regulations" means the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948(**h**);

(2) The Interpretation Act, 1889(**i**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Subject to the provisions of these regulations a dental practitioner shall, in respect of the supply under Part IV of the Act of 1947 of such dental appliances as are mentioned in the Schedule to the Act of 1951, be entitled to make and recover the appropriate charges specified in the said schedule, as

(**a**) 10 & 11 Geo. 6. c. 27. (**b**) 14 & 15 Geo. 6. c. 31. (**c**) S.I. 1948 (No. 1452) I, p. 2425.
(**d**) S.I. 1948 (No. 1257) I, p. 2354. (**e**) S.I. 1948 (No. 1393) I, p. 2384.
(**f**) S.I. 1949 (No. 994) I, p. 2651. (**g**) S.I. 1950 (No. 657) I, p. 1445.
(**h**) S.I. 1948 (No. 1450) I, p. 2571. (**i**) 52 & 53 Vict. c. 63.

modified by any Order in Council made under the Act of 1951 and for the time being in force, provided that no such charge shall be made unless the contract or arrangement between the person by whom and the person to whom the appliances are supplied is made on or after the twenty-first day of May, 1951.

(2) (*a*) The practitioner shall secure, on a form to be provided for the purpose by the Council, an acknowledgment by the patient, or some person competent to sign the acknowledgment on his behalf, of his obligation to pay the said charge.

(*b*) The practitioner shall send the said acknowledgment to the Scottish Dental Estimates Board.

(*c*) The Scottish Dental Estimates Board shall, if they approve the provision of the appliance under the existing dental regulations, signify their approval of the amount of the appropriate charge on the said form of acknowledgment.

(*d*) On the receipt of any sum paid under this regulation the practitioner shall give an acknowledgment of the receipt on a form to be provided for that purpose by the Council.

(3) Any fee which but for this regulation would have been payable by the Council to the practitioner in respect of such appliance shall be reduced by the amount payable by the patient by virtue of this regulation.

(4) Any payment required to be made under this regulation shall be without prejudice to any charge authorised by the existing dental regulations and shall not include any charge made in respect of the replacement of a denture where the replacement is required in consequence of loss or damage.

4.—(1) Subject to the modifications set out in the following paragraph of this regulation the provisions contained in the last preceding regulation shall have effect with respect to the supply of dental appliances at a health centre.

(2) (*a*) In paragraph (1) for the words " a dental practitioner " there shall be substituted the words " the Council ";

(*b*) In place of paragraph (2) there shall be substituted the following paragraph:—

" (2) the Council shall secure on a form to be provided for the purpose by them an acknowledgment by the patient, or some person competent to sign the acknowledgment on his behalf, of his obligation to pay the said charge and shall on receipt of any sum so paid give an acknowledgment in writing ".

(*c*) Paragraph (3) shall not apply.

5.—(1) Subject to the provisions of these regulations an optician shall, in respect of the supply under Part IV of the Act of 1947 of such optical appliances as are mentioned in the Schedule to the Act of 1951 be entitled to make and recover the appropriate charges specified in the said Schedule, as modified by any Order in Council made under the Act of 1951 and for the time being in force, provided that no such charge shall be made unless where testing of sight leads to the supply of the appliance the testing or the first such testing took place on or after the twenty-first day of May, 1951.

(2) (*a*) The optician shall secure, on a form to be provided for the purpose by the Committee, an acknowledgment by the person to be supplied with such appliances, or some person competent to sign the acknowledgment on his behalf, of his obligation to pay the said charge.

(*b*) The optician shall send the said acknowledgment to the Committee.

(*c*) On receipt of any sum paid under this regulation the optician shall give an acknowledgment of the receipt on a form to be provided for the purpose by the Committee.

(3) Any sum which but for this regulation would have been payable by the the Council to the optician in respect of any such appliance shall be reduced by the amount payable by the person supplied by virtue of this regulation.

(4) Any payment required to be made under this regulation shall be without prejudice to any charge authorised by the existing ophthalmic regulations and shall not include any charge made in respect of the replacement of lenses where the replacement is required in consequence of loss or damage.

6. In paragraph (1) of Regulation 3 of the existing ophthalmic regulations (which provides for the preparation of a statement specifying fees, etc., for Supplementary Ophthalmic Services) there shall be substituted for sub-paragraphs (*b*), (*c*) and (*d*) the following sub-paragraphs:—

" (*b*) the types and quality of glasses which may be supplied ;

(*c*) the charges to be paid by the Council in respect of the supply or repair of glasses ;

(*d*) the charges to be paid by a person to whom or for whom an ophthalmic or dispensing optician supplies or repairs glasses."

7. Any provision of these regulations affecting the rights and obligations of dental practitioners, ophthalmic opticians and dispensing opticians shall, so far as they are applicable, be deemed to form part of their respective terms of service under the arrangements made for the provision of general dental services and supplementary ophthalmic services.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
11th May, 1951.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations provide for the manner in which the appropriate charges fixed by the National Health Service Act, 1951, as payable in respect of the supply of dentures and glasses by the person supplied with such appliances under Part IV of the National Health Service (Scotland) Act, 1947, shall be made and recovered. The regulations further provide for the consequential reduction of the fees payable by Executive Councils to dentists and opticians for the supply of such appliances.