STATUTORY INSTRUMENTS

1974 No. 548 (S.48)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Supply of Goods at Clinics) (Scotland) Regulations 1974

Made - - -	*22nd March* 1974
Laid before Parliament	*29th March* 1974
Coming into Operation	*1st April* 1974

In exercise of the powers conferred on me by sections 5(2) and 8(2) of the National Health Service (Scotland) Act 1972**(a)**, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Supply of Goods at Clinics) (Scotland) Regulations 1974, and shall come into operation on 1st April 1974.

Interpretation

2.—(1) In this order unless the context otherwise requires—

"cost price" means the actual cost of an article payable by a Health Board after any deductions in respect of discount or rebate but including any transport or delivery charges due to the supplier by that Health Board in respect of the article;

"enactment" includes a provision in a statutory instrument;

"family planning clinic" means a clinic at which services are provided under section 8 of the National Health Service (Scotland) Act 1972 and includes such a clinic situated in a health centre or a hospital;

"Health Board" means a board constituted under section 13 of the National Health Service (Scotland) Act 1972;

"hospital" has the meaning assigned to it by section 4(3) of the National Health Service (Scotland) Act 1972;

"local health authority" has the meaning assigned to it by section 20(1) of the National Health Service (Scotland) Act 1947**(b)**;

"maternity or child health clinic" means such a clinic which, before 1st April 1974, was the responsibility of a local health authority and includes such a clinic situated in a health centre or a hospital.

(2) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(a) 1972 c. 58. **(b)** 1947 c. 27.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Supply of goods at maternity or child health clinics

3. Without prejudice to regulation 4 of these regulations or to the provisions of the Welfare Food Order 1971(b), a Health Board shall on and after 1st April 1974 make and recover for the supply at a clinic of goods appropriate to the promotion of the health of nursing and expectant mothers and young children (not being a drug, a medicine or an appliance of a type normally supplied), charges equal to the cost price of each article to the Health Board plus a sum in respect of handling charges of ten per cent of the cost price; but so that such charge shall be calculated to the nearest half penny.

Exemption from charge

4. Where before 1st April 1974, having regard to the means of those concerned a local health authority exempted from its charges under section 22(2) of the National Health Service (Scotland) Act 1947 proprietary brands of milk for babies supplied in respect of a child at any clinic, the Health Board whose responsibility that clinic becomes on 1st April 1974 shall likewise exempt the supply of such milk for that child from the charges required to be made and recovered under these regulations.

Supply of contraceptive substances and appliances

5. A Health Board shall make and recover, for the supply at or through a family planning clinic of contraceptive substances or appliances otherwise than following consultation with and advice from a doctor or nurse employed by the Board or on prescription, charges equal to the cost price of each article to the Health Board plus a sum in respect of handling charges of ten per cent of the cost price; but so that such charge shall be calculated to the nearest half penny.

Revocations

6.—(1) The National Health Service (Local Health Authority Charges) (Scotland) Regulations 1948(c) and the National Health Service (Local Health Authority Charges) (Scotland) Amendment Regulations 1951(d) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by paragraph (1) above were Acts of Parliament repealed by an Act of Parliament.

William Ross,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
22nd March 1974.

(a) 1889 c. 63.
(b) S.I. 1971/457 (1971 I, p. 1358).
(c) S.I. 1948/1677 (Rev. XV, p. 1030: 1948 I, p. 2436).
(d) S.I. 1951/1464 (1951 I. p. 1426).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide that where goods suitable for expectant or nursing mothers and young children are sold in maternity or child welfare clinics, or contraceptive substances or appliances are sold in family planning clinics, the charge made by the Health Board is normally to be the cost price plus a handling charge of 10 per cent. The Regulations make provision for continued exemption from charges in respect of the supply of proprietary brands of milk for babies where a free supply was being provided before 1st April 1974.

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