STATUTORY INSTRUMENTS

1979 No. 704 (S. 63)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 1979

Made - - - -	*20th June* 1979
Laid before Parliament	*25th June* 1979
Coming into Operation	*16th July* 1979

In exercise of the powers conferred on me by sections 69(1) and (2), 75(*a*) and 108(1) of, and paragraph 1 of Schedule 11 to, the National Health Service (Scotland) Act 1978(**a**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 1979 and shall come into operation on 16th July 1979.

(2) In these regulations, "the principal regulations" means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1974(**b**).

Amendment of principal regulations

2. In regulations 3(1)(*a*), 3(4), 4(1)(*a*) and 5(1) of the principal regulations, for the words "the Schedule" there shall be substituted the words "Schedule 1".

3. In regulations 3(1)(*b*), 3(4), 4(1)(*b*) and 5(1)(*b*) of the principal regulations, for the reference to "20p" wherever it appears, there shall be substituted a reference to "45p".

4. After regulation 5 of the principal regulations, there shall be inserted the following new regulation:—

"*Fabric supports and wigs*

5A.—(1) A Board which, otherwise than under Part II of the National Health Service (Scotland) Act 1978, supplies to a patient for the purposes of his treatment an appliance of a description specified in column (1) of Schedule 2 to these regulations, shall, subject to the provisions of paragraph 1 of Schedule 11 to that Act, make and recover from the patient a charge of the amount specified in column (2) of the said Schedule 2 in respect of that appliance.

(**a**) 1978 c. 29.
(**b**) S.I. 1974/508. The relevant amending Instruments are S.I. 1974/647 1975/695, 1975/1716 and 1976/1873.

(2) A Board which makes and recovers a charge under this regulation shall, if so required by the patient making the payment, give him a receipt for the amount paid.

(3) No charge under this regulation shall be payable by or on behalf of a patient to whom the Secretary of State has issued an exemption certificate in respect of treatment for accepted war disablement or, as the case may be, for accepted service disablement, in respect of the supply of an appliance which he requires for the purpose of the treatment of that disablement.

(4) Where a patient has paid a charge which, but for paragraph (3) would be authorised by paragraph (1) he may claim a refund of that charge by presenting to the Board the receipt for it together with—

(*a*) the certificate mentioned in paragraph (3); and

(*b*) if the patient was referred by a doctor to the Board for treatment, either—

(i) a certificate from the doctor certifying that it was for the accepted war disablement or, as the case may be, the accepted service disablement; or

(ii) a statement that such a certificate was surrendered to the Board on or before the supply of the appliance.

(5) The Board, if satisfied by the evidence so produced that the charge to which the receipt relates was not properly payable, shall return to the patient the amount of the charge and any certificate to which paragraph (3) refers which he may have submitted.

(6) In this regulation, "patient", in relation to the making and recovery or the payment of a charge, includes a person who pays or undertakes to pay the charge on behalf of a person to whom an appliance is supplied".

5. In regulation 6(1) of the principal regulations, after the words "under these regulations", there shall be inserted the words "other than regulation 5A."

6. In regulation 7(1)(*b*)(i) of the principal regulations, for the reference tc "30p", there shall be substituted a reference to "65p".

7. In regulation 8(6) of the principal regulations, for the reference to "£2·00" and "£3·50", there shall be substituted a reference to "£4·50" and "£8·00" respectively.

8. For the Schedule to the principal regulations, there shall be substituted the following Schedules:—

"SCHEDULE 1

Regulations 3, 4 *and* 5

CHARGES FOR ELASTIC HOSIERY

Column 1 *Specified Appliances*	*Column* 2 *Specified Sum*
Anklet, kneecap, kneelegging, legging, thigh kneecap, thigh legging or thighpiece.	50p each
Above knee stocking, below knee stocking or thigh stocking.	£1·00 each

SCHEDULE 2

Regulation 5A

CHARGES FOR FABRIC SUPPORTS AND WIGS

Column 1 *Specified Appliances*	*Column 2* *Specified Sum*
Fabric Support (other than elastic hosiery)	£4·50 each
Bespoke Wig	£17·00 each
Stock Wig	£6·00 each"

Revocation

9. Regulation 7 of and Schedule 2 to the National Health Service (Charges) (Scotland) Regulations 1974(**a**) are hereby revoked.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
20th June 1979.

(**a**) S.I. 1974/522. There are no relevant amending regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1974 ("the 1974 Regulations").

These Regulations increase the charges specified for the supply of drugs and certain appliances under the National Health Service (Scotland) Act 1978, increase the sums prescribed for the grant of pre-payment certificates of exemption from those charges and increase the allowance for exemption from those charges on grounds of low income.

These Regulations also insert into the 1974 Regulations provision for the making and recovery of charges for fabric supports and wigs and for the remission and repayment of such charges, which were previously contained in Regulation 7 of and Schedule 2 to the National Health Service (Charges) (Scotland) Regulations 1974 and, as a consequence, those latter provisions are revoked. The specified charges for these fabric supports and wigs are also increased.

SI 1979/704
ISBN 0-11-093704-X

