

Changes to legislation: There are currently no known outstanding effects for the Health Services Act 1980, SCHEDULE 5. (See end of Document for details)

SCHEDULES

^{X1}SCHEDULE 5

Section 25(2).

AMENDMENTS OF THE ACT OF 1977 AND THE SCOTTISH ACT OF 1978 RELATING TO EXEMPTIONS FROM CHARGES FOR CERTAIN SERVICES AND APPLIANCES

Editorial Information

- X1** The text of Schedule 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

AMENDMENTS OF THE ACT OF 1977

Exemption from charges for appliances

1 ^{F1}

Textual Amendments

- F1** Sch. 5 para. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Exemption from charges for dental or optical appliances

2 (1) ^{F2}

^{F3}(2)

(3) ^{F4}

^{F3}(4)

(5) ^{F5}

Textual Amendments

- F2** Sch. 5 para. 2(1) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)
- F3** Sch. 5 paras. 2(2)(4), 6(2)(4) repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**

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- F4** Sch. 5 para. 2(3) repealed (1.4.2006) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, **Sch. 14 Pt. 4**; S.I. 2005/2925, **art. 11** and S.I. 2006/345, **art. 7**
- F5** Sch. 5 para. 2(5) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Exemptions from charges for dental treatment

- 3 (1) Paragraph 3 of the said Schedule 12 shall be amended as provided in this paragraph.
- (2) In sub-paragraph (4), for the words from “(a) was under 21 years” to “in a school”, there shall be substituted—
 - “(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or”;
 and the words from “if” to the end shall be omitted.
- (3) In sub-paragraph (5), for the words from “under section 79(1)” to “to a denture” there shall be substituted the words “made with respect to any exemption under sub-paragraph (4) above”.

Interpretation

- 4 **F6**

Textual Amendments

- F6** Sch. 5 para. 4 repealed (1.4.2006) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, **Sch. 14 Pt. 4**; S.I. 2005/2925, **art. 11**; S.I. 2006/345, **art. 7**, Sch. 5 para. 4; and expressed to be repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

PART II

AMENDMENTS OF THE SCOTTISH ACT OF 1978

Exemption from charges for appliances

- 5 In paragraph 1(1)(c) of Schedule 11 to the Scottish Act of 1978, for the words “or is undergoing full-time education in a school, or”, there shall be substituted the words “or is under 19 years of age and receiving qualifying full-time education, or”.

Exemption from charges for dental or optical appliances

- 6 (1) Paragraph 2 of the said Schedule shall be amended as provided in this paragraph.
- (2) **F7**
- (3) For sub-paragraph (4)(a), there shall be substituted,—
 - “(a) was under 16 years of age or was under 19 years of age and receiving qualifying full-time education; or”.
- (4) **F7**

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- (5) In sub-paragraph (8), after the word “replacement”, where it first occurs, there shall be inserted the words “ and, in the case of dentures, to their being relined or adjusted or having additions made to them, ”.

Textual Amendments

- F7** Sch. 5 paras. 2(2)(4), 6(2)(4) repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

Exemptions from charges for dental treatment

- 7 (1) Paragraph 3 of the said Schedule 11 shall be amended as provided in this paragraph.
- (2) In sub-paragraph (4), for the words from “(a) was under 21 years” to “in a school”, there shall be substituted—
- “(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or”;
- and the words from “if” to the end shall be omitted.
- (3) In sub-paragraph (5), for the words from “under section 71(1)” to “to a denture” there shall be substituted the words “ made with respect to any exemption under sub-paragraph (4) ”.

Interpretation

- 8 After paragraph 6 of the said Schedule 11, there shall be inserted the following paragraph—
- “7 References in this Schedule to qualifying full-time education mean full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Secretary of State, and for the purposes of such references—
- (a) “recognised educational establishment” means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university; and
- (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.”

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