

SCHEDULE 5

Regulation 28

FEES AND CHARGES

1. The contractor may demand or accept a fee or other remuneration—
 - (a) from any statutory body for services rendered for the purposes of that body's statutory functions;
 - (b) from any body, employer or school for a routine medical examination of persons for whose welfare the body, employer or school is responsible, or an examination of such persons for the purpose of advising the body, employer or school of any administrative action they might take;
 - (c) for treatment which is not primary medical services or otherwise required to be provided under the contract and which is given—
 - (i) pursuant to the provisions of section 57 of the Act⁽¹⁾ (accommodation and services for private patients); or
 - (ii) in accommodation provided by a care home service which is not providing services under the Act,if, in either case, the person providing the treatment is serving on the staff of a hospital providing services under the Act as a specialist providing treatment of the kind the patient requires and if, within 7 days of giving the treatment, the contractor or the person providing the treatment supplies the Health Board, on a form provided by it for the purpose, with such information about the treatment as it may require;
 - (d) under section 158 of the Road Traffic Act 1988 (payment for emergency treatment of traffic casualties)⁽²⁾;
 - (e) when the contractor treats a patient under regulation 28(3), in which case the contractor is entitled to demand and accept a reasonable fee (recoverable in certain circumstances under regulation 28(4)) for any treatment given, if the contractor gives the patient a receipt;
 - (f) for attending and examining (but not otherwise treating) a patient—
 - (i) at the patient's request at a police station in connection with possible criminal proceedings against the patient;
 - (ii) at the request of a commercial, educational or not-for-profit organisation for the purpose of creating a medical report or certificate; or
 - (iii) for the purpose of creating a medical report required in connection with an actual or potential claim for compensation by the patient;
 - (g) for treatment consisting of an immunisation for which no remuneration is payable by the Health Board and which is requested in connection with travel abroad;
 - (h) for prescribing or providing drugs, medicines or appliances (including a collection of such drugs, medicines and appliances in the form of a travel kit) which a patient requires to have in their possession solely in anticipation of the onset of an ailment or occurrence of an injury while they are outside the United Kingdom but for which they are not requiring treatment when the medicine is prescribed;
 - (i) for a medical examination—
 - (i) to enable a decision to be made as to whether or not it is inadvisable on medical grounds for a person to wear a seat belt; or

(1) Section 57 was substituted by section 7 of the Health and Medicines Act 1988 (c.49), and amended by paragraph 19(1) of schedule 9 and paragraph 1 of schedule 10 of the National Health Service and Community Care Act 1990 (c.19).

(2) 1988 c.52. Section 158 was amended by section 20(2) of the Community Care and Health (Scotland) Act 2002 (asp 5).

Status: This is the original version (as it was originally made).

- (ii) for the purpose of creating a report—
 - (aa) relating to a road traffic accident or criminal assault; or
 - (bb) that offers an opinion as to whether a patient is fit to travel; or
- (j) for prescribing or providing drugs or medicines for malaria chemoprophylaxis.