

Serial Number 1947/68



**THE SOCIAL SECURITY (HOSPITAL BENEFITS FOR
OUT-PATIENTS) REGULATIONS 1947**

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 16th day of
April, 1947

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Social Security Act, 1938, His Excellency the
Governor-General, acting by and with the advice and consent of the
Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. (1) These regulations may be cited as the Social Security
(Hospital Benefits for Out-patients) Regulations 1947, and shall
form part of and be read together with the Social Security (Hospital
Benefits) Regulations 1939.*

(2) The regulations specified in the Schedule hereto are hereby
revoked.

(3) All offices, appointments, applications, forms, directions,
requirements, notices, approvals, decisions, and generally all acts
of authority that originated under any of the provisions of the
regulations hereby revoked and are subsisting or in force at the
commencement of these regulations shall enure for the purposes of
these regulations as if they had originated under the corresponding
provisions of these regulations, and accordingly shall, where necessary
be deemed to have so originated.

(4) All matters and proceedings commenced under the regulations
hereby revoked and pending or in progress at the commencement
of these regulations may be continued, completed, and enforced
under these regulations.

2. In these regulations, unless the context otherwise requires,—
“Artificial aids” means such artificial limbs, hearing aids,
contact lenses, and other appliances for the physical aid
or relief of persons as the Minister may from time to
time prescribe for the purposes of these regulations :

* Statutory Regulations 1939, Serial number 1939/75, page 303.

“Hospital treatment”, in relation to an out-patient of any public hospital, includes the supply of artificial aids and all medical surgical or other treatment afforded to the out-patient by the staff of the hospital or by any person acting by direction or with the authority of the Hospital Board, but does not include—

(a) Dental treatment; or

(b) The supply of any drugs, medicines, dressings, or appliances (other than artificial aids) that are not to be taken by the patient or applied in the course of his treatment, but are intended for his subsequent use; or

(c) X-ray services for the purposes of diagnosis only; or

(d) Laboratory services for bacteriological or pathological purposes.

“Out-patient” means a person who receives any hospital treatment, whether at a public hospital or elsewhere, at any time when he is not being maintained as a patient in the hospital.

HOSPITAL TREATMENT ELSEWHERE THAN AT A PUBLIC HOSPITAL

3. (1) Hospital treatment may, with the approval of the Minister be afforded elsewhere than at a public hospital.

(2) The approval of the Minister for the purposes of this regulation may be given to all Hospital Boards or to any specified Hospital Board, and may apply with respect to all patients suffering from any specified ailment or bodily condition, or may be limited to specified patients or to patients of a specified class.

(3) Any approval under this regulation may be given subject to such conditions as the Minister may think fit.

(4) No services rendered elsewhere than at a public hospital shall be deemed to be hospital treatment within the meaning of these regulations unless rendered under the authority of this regulation.

CONDITIONS AS TO SUPPLY OF ARTIFICIAL AIDS

4. (1) The Minister may from time to time, in respect of the supply of artificial aids, impose such conditions as he thinks fit, and in particular may provide that a portion of the cost of such aids shall be recoverable from the person to whom they are supplied.

(2) Notice of conditions imposed under this clause shall be published in the *Gazette* and in such other manner as the Minister thinks fit.

PAYMENTS FROM SOCIAL SECURITY FUND TO HOSPITAL BOARDS IN RESPECT OF OUT-PATIENTS

5. (1) There shall from time to time, at intervals of not more than three months, be paid out of the Social Security Fund to every Hospital Board that makes provision for affording hospital treatment for out-patients such amounts as the Minister may determine in accordance with the provisions of this regulation.

(2) In fixing the amounts to be paid to any Hospital Board under this regulation the Minister shall take into account the expenditure or liability incurred by the Board by way of salaries, fees, and the cost of materials in providing hospital treatment for out-patients and shall fix such amount as in his opinion is sufficient to cover not less than one-half of such expenditure or liability.

(3) The decision of the Minister as to the amount of any payment to be made to any Hospital Board in accordance with this regulation shall be final.

EXEMPTION OF OUT-PATIENTS FROM CHARGES IN RESPECT
OF HOSPITAL TREATMENT

6. No Hospital Board that after the coming into force of these regulations affords hospital treatment to out-patients shall be entitled to claim or receive, in respect of any such treatment afforded to any person who is entitled to claim hospital benefits under the Act or to any member of the family of any such person, any payment other than a payment from the Social Security Fund in accordance with these regulations :

Provided that nothing in this regulation shall be deemed to prevent a Hospital Board from recovering from an out-patient the fees or costs incurred in the supply of artificial aids if the aids are not supplied in accordance with conditions prescribed by the Minister under these regulations or if the recovery of the fees or costs is authorized by any such conditions.

RETURNS

7. Every Hospital Board shall from time to time furnish to the Director-General of Health such returns and particulars as the Director-General, acting by direction or with the authority of the Minister, may require as to the provision made by the Board for affording hospital treatment to out-patients, the cost involved in making such provision, the services actually rendered to out-patients, and any other particulars in relation to the treatment of out-patients.

SAVING

8. Nothing in these regulations shall be construed to limit the operation of subsection (2) of section 92 of the Act, and for the purposes of that subsection all payments made under these regulations shall be deemed to have been made in accordance with subsection (1) of that section.

SCHEDULE

REGULATIONS REVOKED

- THE Social Security (Hospital Benefits for Out-patients) Regulations 1941 (Statutory Regulations 1941, Serial number 1941/49, page 212).
The Social Security (Hospital Benefits for Out-patients) Regulations 1941, Amendment No. 1 (Statutory Regulations 1944, Serial number 1944/179, page 503).

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 15th day of May, 1947.
These regulations are administered in the Department of Health.