

# National Health Service (Scotland) Act, 1947.

10 & 11 GEO. 6. CH. 27.

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Part I.—Amendments.

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## CHAPTER 27.

An Act to provide for the establishment of a comprehensive health service for Scotland, and for purposes connected therewith. [21st May 1947.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I.

## CENTRAL ADMINISTRATION.

1.—(1) It shall be the duty of the Secretary of State to promote the establishment in Scotland of a comprehensive health service designed to secure improvement in the physical and mental health of the people of Scotland and the prevention, diagnosis and treatment of illness, and for that purpose to provide or secure the effective provision of services in accordance with the following provisions of this Act.

Duty of  
Secretary of  
State.

(2) The services so provided shall be free of charge, except where any provision of this Act expressly provides for the making and recovery of charges.

2.—(1) There shall be constituted in accordance with the First Schedule to this Act a council, to be called the Scottish Health Services Council and hereafter in this Act referred to as "the Health Services Council", and it shall be the duty of that Council to advise the Secretary of State upon such general matters relating to the services provided or which could be provided under this Act or any health services provided or which could be provided by local health authorities or by education authorities as the Council think fit and upon any questions referred to them by him relating to those services.

Scottish  
Health  
Services  
Council and  
Standing  
Advisory  
Committees.

PART I.  
—cont.

(2) The Secretary of State may, after consultation with the Health Services Council, by order vary the constitution of that Council.

(3) The Secretary of State may, after consultation with the Health Services Council, by order constitute standing advisory committees for the purpose of advising him and the Health Services Council on such of the services aforesaid as may be specified in the order, and any committee constituted under this subsection shall consist partly of members of the Health Services Council appointed by that Council as being persons of experience in those services and partly of persons, whether members of the Health Services Council or not, appointed by the Secretary of State after consultation with such representative organisations as the Secretary of State may recognise for the purpose.

(4) It shall be the duty of a standing advisory committee constituted under this section to advise the Secretary of State and the Health Services Council upon such matters relating to the services with which the committee are concerned as they think fit and upon any questions referred to them by the Secretary of State or Health Services Council relating to those services, and, if the committee advise the Secretary of State upon any matter, they shall inform the Health Services Council, who may express their views thereon to the Secretary of State.

(5) The Health Services Council shall make an annual report to the Secretary of State on their proceedings and on the proceedings of any standing advisory committee constituted under this section, and the Secretary of State shall lay that report before Parliament with such comments (if any) as he thinks fit:

Provided that, if the Secretary of State, after consultation with the Health Services Council, is satisfied that it would be contrary to the public interest to lay any such report, or a part of any such report, before Parliament, he may refrain from laying that report or part.

(6) The supplementary provisions contained in the First Schedule to this Act shall have effect in relation to the Health Services Council and any standing advisory committee constituted under this section.

## PART II.

## SERVICES PROVIDED BY THE SECRETARY OF STATE.

*Hospital and Specialist Services.*

Provision of  
hospital and  
specialist  
services.

3.—(1) As from the appointed day, it shall be the duty of the Secretary of State to provide throughout Scotland, to such extent as he considers necessary to meet all reasonable

requirements, accommodation and services of the following descriptions, that is to say:—

PART II.  
—cont.

- (a) hospital accommodation;
- (b) medical, nursing and other services required at or for the purposes of hospitals;
- (c) the services of specialists, whether at a hospital, a health centre provided under this Part of this Act, a clinic or, if necessary on medical grounds, the home of the patient or elsewhere;

and any accommodation and services provided under this section are in this Act referred to as “ hospital and specialist services ”.

(2) It shall be the duty of the Secretary of State, in providing hospital and specialist services, to make available such facilities for undergraduate and post-graduate clinical teaching and research as he considers necessary to meet all reasonable requirements.

(3) Regulations may provide for the making and recovery by the Secretary of State of charges in respect of:—

- (a) the supply, as part of the hospital and specialist services, of any appliance which is, at the request of the person supplied, of a more expensive type than the type which would normally be supplied, or the replacement or repair of any such appliance; or
- (b) the replacement or repair of any appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by lack of care on the part of the person supplied.

(4) Regulations may provide for the payment by the Secretary of State, in such cases as may be prescribed, of travelling expenses (including the travelling expenses of a companion) incurred or to be incurred by persons for the purpose of availing themselves of hospital and specialist services.

4. Where there is provided in any hospital, as part of the hospital and specialist services, accommodation in single rooms or small wards, the Secretary of State may make any such accommodation which is not for the time being needed by any patient on medical grounds, available for patients who undertake, or in respect of whom an undertaking is given, to pay for the accommodation such charges, designed to cover part of the cost thereof, as may be determined in the prescribed manner, and the Secretary of State may recover those charges.

Accommodation available on part payment.

5.—(1) If the Secretary of State, having regard to his duty to provide hospital and specialist services, is satisfied that it is reasonable so to do, he may set aside in any

Accommodation for private patients.

PART II.  
—cont.

hospital vested in him and providing such services special accommodation for patients who undertake, or in respect of whom an undertaking is given, to pay such charges as may be determined in the prescribed manner, being charges designed to cover the whole cost so far as falling to be defrayed out of moneys provided by Parliament of the accommodation and services provided for the patient at the hospital, including an appropriate amount in respect of overhead expenses, and the Secretary of State may recover those charges:

Provided that no accommodation shall be so set aside unless there will remain available, as part of the hospital and specialist services, for other patients at least as much accommodation as was immediately before the appointed day available free of charge or at hospitals vested in local authorities, being accommodation which became part of the hospital and specialist services on that day:

Provided also that nothing in this section shall prevent accommodation so set aside from being made available for any patient who urgently needs that accommodation on medical grounds and for whom suitable accommodation is not otherwise available.

(2) The Secretary of State may allow any medical practitioner serving, whether in an honorary or paid capacity, on the staff of a hospital vested in the Secretary of State and providing hospital and specialist services to make arrangements for the treatment of the private patients of such medical practitioner either at that hospital or at any other such hospital, and may make available for that purpose the special accommodation aforesaid, and in that case the charges under the last foregoing subsection shall not include the cost of any services rendered by the medical practitioner, and regulations may provide for determining the maximum charges to be made and recovered by any such medical practitioner in respect of the treatment of his private patients under this subsection.

*Transfer of hospitals to the Secretary of State.*

Transfer of  
hospitals to  
the Secretary  
of State.

6.—(1) Subject to the provisions of this Act, there shall, on the appointed day, be transferred to and vest in the Secretary of State for Scotland by virtue of this Act all interests in or attaching to premises forming part of a voluntary hospital or used for the purposes of a voluntary hospital, and in equipment, furniture or other corporeal moveable property used in or in connection with such premises, being interests held immediately before the appointed day by the governing body of the hospital or by trustees solely for the purposes of that



hospital, and all rights and liabilities to which any such governing body or trustees were entitled or subject immediately before the appointed day, being rights and liabilities acquired or incurred solely for the purposes of managing any such premises or property as aforesaid or otherwise carrying on the business of the hospital or any part thereof, but not including any endowment within the meaning of the next following section or any rights or liabilities transferred under that section.

(2) Subject to the provisions of this Act, there shall also, on the appointed day, be transferred to and vest in the Secretary of State for Scotland by virtue of this Act all hospitals vested in a local authority immediately before the appointed day, and all property and liabilities held by a local authority, or to which a local authority were subject, immediately before the appointed day, being property and liabilities held or incurred solely for the purposes of those hospitals or any of them.

(3) If it appears to the Secretary of State that, in the case of any such hospital as is mentioned in the foregoing provisions of this section, the transfer of the hospital or of the interests referred to in subsection (1) of this section will not be required for the purpose of providing hospital and specialist services, he may, at any time before the appointed day, serve a notice to that effect on the governing body of the hospital or, as the case may be, on the local authority in whom the hospital is vested, and in that event this section shall not apply to that hospital:

Provided that if the governing body or local authority, within such period (not being less than twenty-eight days from the service of the notice) as may be specified in the notice, serve a notice on the Secretary of State stating that they wish the hospital or interests to be transferred to the Secretary of State, this section shall apply to the hospital.

(4) All property transferred to the Secretary of State for Scotland under this section shall vest in him free of any trust existing immediately before the appointed day, and the Secretary of State may use any such property for the purpose of any of his functions under this Act, but shall so far as practicable secure that the objects for which any such property was used immediately before the appointed day are not prejudiced by the exercise of the power hereby conferred.

(5) There shall be apportioned between the Secretary of State for Scotland and the other persons concerned—

- (a) interests in premises used partly for the purposes of any hospital to which this section applies and partly for other purposes;
- (b) periodical sums payable in respect of such interests;

PART II.  
—cont.

- (c) liabilities incurred partly for the purposes referred to in subsection (1) or subsection (2) of this section and partly for other purposes;

and regulations may provide for the granting of the deeds required to transfer to and vest in the Secretary of State for Scotland and the other persons concerned with effect from the appointed day the appropriate shares of such interests sums or liabilities as aforesaid.

(6) Any question arising as to any of the matters referred to in the last foregoing subsection shall, in default of agreement, be determined by arbitration.

(7) The provisions of this section shall apply as regards interests, rights and liabilities held, acquired or incurred for the purpose of two or more voluntary hospitals to which this section applies in like manner as if those interests, rights and liabilities were held, acquired or incurred for the purposes of one such hospital.

(8) This section shall not apply to rights and liabilities arising under contracts for the rendering of personal services or to rights and liabilities arising under any enactment, scheme or contract providing for the payment of superannuation benefits, except superannuation benefits payable in respect of officers employed for the purposes of a voluntary hospital who have ceased to be so employed before the appointed day, but this subsection shall be without prejudice to the provisions of Part VI of this Act relating to the transfer and compensation of officers and the superannuation of officers.

Endowments  
of voluntary  
hospitals.

7.—(1) All endowments of a voluntary hospital to which the last foregoing section applies, being endowments given after the fifth day of November, nineteen hundred and forty-six, and before the appointed day, whether to the governing body of the hospital or to trustees, upon trusts which provide either—

(a) for the administration of the property as a capital fund separate from the general funds of the hospital;

or

(b) for the application of the property for some specific object distinct from the general purposes of the hospital and involving expenditure of a capital nature;

shall on the appointed day, by virtue of this Act, be transferred to and vest in the Board of Management constituted under the following provisions of this Part of this Act for the hospital or for the group of hospitals comprising the hospital, and shall vest in that Board free of any trust existing immediately before the appointed day, and shall be held by the Board on trust for such purposes relating to the hospital or specialist services or to the functions of the Board under this Part of this Act with respect to research as the Board think fit:

Provided that the Board of Management shall secure, so far as is reasonably practicable, that the objects of the endowment and the observance of any conditions attaching thereto, including, in particular, conditions intended to preserve the memory of any person or class of persons, are not prejudiced by the exercise of the power hereby conferred.

(2) All endowments of a voluntary hospital to which the last foregoing section applies, other than endowments to which the last foregoing subsection applies, being endowments held immediately before the appointed day, shall on that day by virtue of this Act be transferred to and vest in the Board of Management constituted under the following provisions of this Part of this Act for the hospital or for the group of hospitals comprising the hospital.

(3) Any endowment vested in a Board of Management under the last foregoing subsection shall, pending the coming into operation of a scheme for that endowment made by the Hospital Endowments Commission constituted under the next succeeding section, be held by that Board on trust for the like uses and purposes as it was held immediately before the appointed day.

(4) Where any endowment which is to be transferred to and vested in a Board of Management under the provisions of this section is, immediately before the date of such transfer, subject to a liability, that liability shall be transferred to the Board on that day.

(5) All rights and liabilities acquired or incurred, whether by the governing body or by trustees, solely for the purposes of managing any endowment of a voluntary hospital to which the last foregoing section applies, being rights or liabilities to which the governing body or trustees were entitled or subject immediately before the appointed day, shall be transferred to and vest in the Board of Management of the hospital or of the group of hospitals comprising the hospital on that day by virtue of this Act.

(6) Regulations may provide, notwithstanding anything in the foregoing provisions of this section, for enabling the application, to such extent as may be prescribed, of property comprised in any endowment to which subsection (2) of this section applies to the discharge of any liabilities transferred to the Secretary of State from the governing body or trustees of a voluntary hospital under the last foregoing section or to a Board of Management under either of the last two foregoing subsections.

(7) There shall be apportioned between the Board of Management of the hospital or of the group of hospitals comprising the hospital and the other persons concerned—

(a) any property held partly for the purposes of a voluntary hospital to which the last foregoing section

PART II.  
—cont.

applies and partly for other purposes, being property which would, if it were held solely for the purposes of the hospital, constitute an endowment of that hospital;

- (b) any rights or liabilities acquired or incurred for the purpose of managing such property and any liabilities charged thereon; and
- (c) any periodical sums payable in respect of such property.

(8) Regulations may provide for the granting of the deeds required to transfer to and vest in the Board of Management and the other persons concerned with effect from the appointed day the appropriate shares of any such property, rights, liabilities or sums as aforesaid, and any shares of property so transferred to and vested in the Board of Management shall be deemed to be endowments transferred to and vested in that Board under subsection (1) or under subsection (2) of this section, whichever of those subsections would have applied if the property had been held solely for the purposes of a voluntary hospital to which the last foregoing section applies.

(9) Any question arising with respect to the matters referred to in the last foregoing subsection shall be determined in default of agreement by arbitration.

(10) In this section the expression “endowment,” in relation to a voluntary hospital, means property held by the governing body of the hospital or by trustees solely for the purposes of that hospital, being property of the following descriptions—

- (a) interests in or attaching to land other than the premises referred to in subsection (1) or subsection (5) of the last foregoing section, and in equipment, furniture or other corporeal moveable property used on or in connection with such land;
- (b) shares, stocks, bonds, debentures and other securities, and any other moveable property held by way of an investment;
- (c) money, including any credit in a banking account;
- (d) rights under any bill of exchange, promissory note, bond, or obligation for the payment of money.

(11) The foregoing provisions of this section shall apply, in like manner as they apply to property held solely or partly for the purposes of a voluntary hospital, to any property held solely or partly for the purposes of a hospital vested in a local authority immediately before the appointed day, which, if the hospital had been a voluntary hospital immediately before that day, would have been an endowment of that hospital within the meaning of this section, or could have been apporportioned under paragraph (a) of subsection (7) of this section.

8.—(1) The Secretary of State shall constitute in accordance with the Second Schedule to this Act a Hospital Endowments Commission.

PART II.  
—cont.  
Hospital  
Endowments  
Commission.

(2) It shall be the duty of the Hospital Endowments Commission to frame and submit to the Secretary of State schemes for the government and management of endowments transferred to Boards of Management under subsection (2) of the last foregoing section, for the transfer in appropriate cases of such endowments to other Boards of Management or to Regional Hospital Boards constituted under the following provisions of this Part of this Act, and for the application of the capital or income of such endowments to such purposes as the Commission think fit, being purposes relating to hospital or specialist services or to research into any such matters as are mentioned in section seventeen of this Act. In framing any such scheme the Commission shall have special regard to—

- (a) the spirit of the intention of the founder or donor of the endowment to which the scheme relates and in particular to conditions intended to preserve the memory of any person or class of persons; and
- (b) the extent to which the original purpose of the endowment is sufficiently provided for by a public service or otherwise.

(3) Where in pursuance of a scheme under this section an endowment is transferred from the Board of Management in whom it was vested under the last foregoing section to another Board of Management or to a Regional Hospital Board the scheme may provide for the transfer to that other Board of Management or Regional Hospital Board, as the case may be, of any rights and liabilities in relation to that endowment vested in the first mentioned Board by subsection (4) or subsection (5) of the last foregoing section.

(4) Any sums received in pursuance of any such scheme by a Regional Hospital Board or a Board of Management may, subject to the provisions of the scheme, be used for such purposes relating to hospital or specialist services or to the functions of the Regional Hospital Board or the Board of Management under this Part of this Act with respect to research as they think fit.

(5) Regulations shall prescribe the procedure governing the framing and publication of schemes, the lodging and consideration of objections thereto and the holding of inquiries thereanent, and the provisions of the Tenth Schedule to this Act shall apply to any such inquiries held by the Hospital Endowments Commission with the substitution of the Commission for the Secretary of State in paragraphs 1 and 2, and the omission of paragraphs 6, 7 and 8 of the said Schedule.

PART II.  
—cont.

(6) The Secretary of State may by order approve, with or without modifications, which may include additions or exceptions, any scheme submitted to him by the Hospital Endowments Commission or may remit to the Commission to frame and submit a new scheme.

(7) The powers of the Hospital Endowments Commission shall terminate on the expiry of seven years from the appointed day:

Provided that the Secretary of State may from time to time by order direct that the said powers shall continue for a further period.

(8) On the expiry of the powers of the Hospital Endowments Commission the Secretary of State shall have the like powers to frame schemes as were exercisable by the Commission prior to such expiry, and for that purpose the provisions of this section shall, so far as applicable, have effect with the substitution, however, of power to confirm for power to approve a scheme.

(9) A scheme under this section may be varied or revoked by a subsequent scheme framed and approved or confirmed under this section.

Supplement-  
ary provisions  
relating to  
transfer of  
hospital  
property and  
liabilities.

9.—(1) For the purposes of the foregoing provisions of this Part of this Act relating to the transfer of property and liabilities, the expression “hospital” includes, in addition to the premises specified in the definition of the said expression contained in section eighty of this Act, any clinic, dispensary or out-patient department not maintained in connection with such premises as aforesaid at which treatment by or under the direction of medical or dental practitioners is provided, not being—

(a) a clinic or out-patient department maintained by an education authority or maintained by any other local authority for the care of expectant and nursing mothers and young children; or

(b) a clinic, out-patient department or dispensary where medical advice or treatment is ordinarily given by general medical practitioners and not by specialists;

and also includes any part of a poorhouse which would, if it were a separate institution, be a hospital as defined by the said section eighty, but save as aforesaid does not include any premises forming part of or ancillary to any institution or undertaking of which the main purpose is not therapeutic.

(2) Where in connection with a voluntary hospital any premises are used for providing accommodation for paying patients and any profits thereby earned are made available for the purposes of the hospital, the premises shall be deemed for the purposes of this Part of this Act to form part of the hospital.

(3) Where a dental school is associated with any hospital to which section six of this Act applies, nothing in the last three foregoing sections shall be taken as affecting any property or liabilities held or incurred solely for the purposes of that school, and those purposes shall not be deemed to be purposes of the hospital.

(4) Where—

- (a) any premises are intended to be used for the purposes of a hospital to which section six of this Act applies but have not been so used before the appointed day, and work has been done before that day for the purpose of adapting the premises for such use;
- (b) it is intended to construct on any land new buildings or works which will on completion be used for the purposes of such a hospital as aforesaid, and the work of constructing the buildings or works has commenced before the appointed day;
- (c) any premises used for the purposes of such a hospital as aforesaid have been destroyed and have not been restored before the appointed day; or
- (d) any premises normally used for the purposes of such a hospital as aforesaid are, owing to damage or any other cause, not so used immediately before the appointed day;

any interests in those premises or in that land or, in the case of destroyed premises, the site thereof held immediately before the appointed day by the governing body of the hospital or trustees or, as the case may be, the local authority in whom the hospital is vested, being interests held solely for the purposes of the hospital, shall be deemed for the purposes of this Part of this Act to be interests in premises forming part of the hospital.

(5) Where any premises or land normally used for other purposes are or is temporarily used immediately before the appointed day by a local authority for the purposes of a hospital, the premises or land shall not be deemed, for the purposes of this Part of this Act, to be a hospital, or, as the case may be, to form part of a hospital.

(6) Any right under the War Damage Act, 1943, to receive 6 & 7 Geo. 6. a payment in respect of war damage within the meaning of that Act, held immediately before the appointed day by the governing body of a voluntary hospital or by trustees solely for the purposes of such a hospital, and any such right, other than a right to receive a payment of cost of works or a temporary works payment within the meaning of that Act, held immediately before the appointed day by a local authority in whom a hospital is vested, in respect of war damage to property which before the occurrence of the

PART II.  
—cont.

damage was held for the purposes of that hospital, shall be deemed for the purposes of this Part of this Act to be a right acquired solely for the purposes of carrying on the business of the voluntary hospital or, as the case may be, a right held by the local authority solely for the purposes of the hospital vested in them:

Provided that, if the property to which the right relates was before the occurrence of the damage an endowment (within the meaning of section seven of this Act) of a voluntary hospital, the right shall for the purposes of this Part of this Act be deemed to be such an endowment.

(7) For the purposes of section fourteen of the War Damage Act, 1943 (which relates to the compulsory acquisition of partially damaged land) the transfer of any land under the foregoing provisions of this Part of this Act shall not be deemed to be the compulsory acquisition thereof.

(8) Where any property was, at any time between the twenty-first day of March, nineteen hundred and forty-six and the appointed day, held or used by such persons and for such purposes as would result, but for anything done after the said date, in the transfer of the property to the Secretary of State or to a Board of Management under the foregoing provisions of this Part of this Act, and that property ceases to be so held or used before the appointed day, it shall nevertheless be treated for the purposes of those provisions as if it had continued to be so held or used until the appointed day, unless it is proved by a person whose interest in that property would be transferred to the Secretary of State or to a Board of Management under those provisions, that the fact that it was not so held or used immediately before the appointed day was due to something done or occurring in the ordinary course of business, or was in no way connected with the said provisions.

(9) Regulations may make such provision, supplementary to or consequential on the foregoing provisions of this Part of this Act relating to the transfer of property and liabilities, as appears to the Secretary of State to be necessary or expedient, and in particular, but without prejudice to the generality of this subsection, regulations may provide—

- (a) for the determination by arbitration, in default of agreement, of any question arising as to whether any property or liability will be or has been transferred under the said provisions or as to the person to whom it will be or has been transferred;
- (b) for the granting of the deeds required for the purposes of such transfer; and
- (c) for enabling pending proceedings relating to any transferred property or liabilities to be carried on.



10. Where, in the exercise of powers to purchase land conferred on him by Part VI of this Act, the Secretary of State acquires any hospital (as defined by the last foregoing section), whether or not carried on for profit, he may also acquire, either by agreement or compulsorily in accordance with the provisions of the Third Schedule to this Act, any equipment, furniture or other corporeal moveable property used in or in connection with the hospital premises.

PART II.  
—cont.  
Power to  
acquire  
hospital  
equipment.

*Administration of hospital and specialist services.*

11.—(1) The Secretary of State shall by order constitute, in accordance with Part I of the Fourth Schedule to this Act, boards to be called Regional Hospital Boards, for such areas as he may by order determine, for the purpose of exercising functions with respect to the administration of the hospital and specialist services in those areas; and the Secretary of State shall secure, so far as practicable, that each area is such that the provision of the said services in the area can conveniently be associated with a university having a school of medicine.

Regional  
Hospital  
Boards,  
Medical  
Education  
Committees  
and Boards of  
Management.

(2) The order or orders made under the last foregoing subsection determining the areas for which the Regional Hospital Boards are to be constituted shall be separate from the order or orders constituting those Boards, and before making any order determining such an area, the Secretary of State shall consult with such bodies and organisations as appear to him to be concerned.

(3) The Secretary of State shall by order constitute, in accordance with Part II of the Fourth Schedule to this Act, for the area of each Regional Hospital Board, a Medical Education Committee for the purpose of advising that Board on the administration of the hospital and specialist services in the area so far as relating to the provision of facilities for undergraduate or post-graduate clinical teaching or for research.

(4) Every Regional Hospital Board shall, within such period as the Secretary of State may specify, submit to the Secretary of State a scheme for the appointment by them of boards to be called Boards of Management, for the purpose of exercising functions with respect to the control and management of individual hospitals or groups of hospitals vested in the Secretary of State and providing hospital and specialist services in the area of the Regional Hospital Board.

(5) Before submitting a scheme under the last foregoing subsection the Regional Hospital Board shall consult any university with which the provision of hospital and specialist services in the area of the Board is or is to be associated and any other body or organisation which appears to the Board to be concerned.

PART II.  
—cont.

(6) The Secretary of State may approve, with or without modifications, which may include additions or exceptions, any scheme submitted to him by a Regional Hospital Board under subsection (4) of this section, or may remit to the Board to submit a new scheme, and it shall be the duty of the Board to give effect to any scheme so approved by the Secretary of State.

(7) A Regional Hospital Board may at any time, and if directed by the Secretary of State shall within such period as he may specify, submit a new scheme under this section, and the last two foregoing subsections shall apply to any such new scheme.

(8) If a Regional Hospital Board fail to submit any scheme which they are required under this section to submit within a period specified by the Secretary of State, the Secretary of State may, after consultation with any university with which the provision of the hospital and specialist services in the area of the Board is associated, himself prepare a scheme, which shall have effect as if it had been submitted and approved under the foregoing provisions of this section.

(9) A Board of Management shall be constituted in accordance with Part III of the Fourth Schedule to this Act.

(10) Where after the appointed day—

(a) any of the areas for which Regional Hospital Boards are constituted are varied, whether or not such variation involves the constitution of a new Board or the termination of the functions of an existing Board; or

(b) a new scheme is made under this section involving the appointment of a new Board of Management or the termination of the functions of an existing Board or any variation in the grouping of hospitals managed by such Board;

then—

(i) the Secretary of State may by order make provision for any supplementary and incidental matters for which it appears to him to be necessary or expedient to provide, and in particular for the transfer and compensation of officers, and the transfer of property and liabilities; and

(ii) the Hospital Endowments Commission shall, if the Secretary of State so requests, frame and submit to him a scheme under section eight of this Act for adjusting the application of any endowments vested in the Regional Hospital Boards or Boards of Management concerned.

(11) The supplementary provisions contained in Part IV of the Fourth Schedule to this Act shall have effect in relation to the various bodies constituted under this section.

PART II.  
—cont.

12.—(1) Subject to the exercise of functions by Boards of Management in accordance with subsection (6) of this section, it shall be the duty of a Regional Hospital Board, subject to and in accordance with regulations and such directions as may be given by the Secretary of State, generally to administer on behalf of the Secretary of State the hospital and specialist services provided in their area.

Functions of  
Regional  
Hospital  
Boards and  
Boards of  
Management.

(2) Every Regional Hospital Board shall, within such period as the Secretary of State may specify, submit to him a scheme for the exercise on their behalf by Boards of Management of hospitals or groups of hospitals within their area of functions relating to the control and management of those hospitals or groups of hospitals, and any such scheme may include provision as to the following matters:—

- (a) the appointment of officers required to be employed at or for the purposes of any hospital controlled and managed by a Board of Management;
- (b) the maintenance of any premises forming part of or used in connection with any such hospital; and
- (c) the acquisition on behalf of the Secretary of State and the maintenance of equipment, furniture and other corporeal moveable property, required for the purposes of any such hospital.

(3) The Secretary of State may approve with or without modifications, which may include additions or exceptions, any scheme submitted to him by a Regional Hospital Board under subsection (2) of this section or may remit to the Board to submit a new scheme.

(4) A Regional Hospital Board may at any time, and if directed by the Secretary of State shall within such period as he may specify, submit a new scheme under this section and the last foregoing subsection shall apply to any such new scheme.

(5) If a Regional Hospital Board fail to submit any scheme which they are required under this section to submit within a period specified by the Secretary of State, the Secretary of State may himself prepare a scheme, which shall have effect as if it had been submitted and approved under the foregoing provisions of this section.

(6) It shall be the duty of the Board of Management of any hospital or group of hospitals, subject to and in accordance with regulations and any scheme approved under this section, to control and manage that hospital or group of hospitals

PART II.  
—cont.

on behalf of the Regional Hospital Board, and for that purpose to exercise on behalf of the Regional Hospital Board such of that Board's functions relating to the hospital or group of hospitals as may be specified in the said scheme.

Legal status of  
Regional  
Hospital  
Boards and  
Boards of  
Management.

13.—(1) A Regional Hospital Board shall, notwithstanding that they are exercising functions on behalf of the Secretary of State and a Board of Management shall, notwithstanding that they are exercising functions on behalf of the Regional Hospital Board be entitled to enforce any rights acquired, and shall be liable in respect of any liabilities incurred (including liability in damages for wrongful or negligent acts or omissions), in the exercise of those functions, in all respects as if the Regional Hospital Board or Board of Management, as the case may be, were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Regional Hospital Board or Board of Management, as the case may be, in their own name.

(2) A Regional Hospital Board or Board of Management shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the recovery or production of documents, but this subsection shall be without prejudice to any right of the Crown to withhold or procure the withholding from production of any document on the ground that its disclosure would be contrary to the public interest.

Conditions of  
service and  
appointment  
of officers.

14.—(1) All officers employed for the purposes of the functions of a Regional Hospital Board under this Act shall be officers of that Board, and the remuneration and conditions of service of all such officers shall, subject to regulations, be determined by that Board.

(2) Regulations may make provision with respect to the appointment of such classes of the medical or dental officers employed on the staff of any such hospitals providing hospital and specialist services as may be specified in the regulations, and such regulations shall, without prejudice to the generality of the foregoing provision, provide—

- (a) for the advertisement of any vacancy in any office to which the regulations apply;
- (b) for the constitution, on the occasion of each such vacancy, of an advisory appointments committee consisting of—
  - (i) persons nominated by any Regional Hospital Board concerned;
  - (ii) persons nominated by any Board of Management concerned;
  - (iii) in the case of an appointment involving specialist duties, specialists nominated from among their own number by the members of a

national panel constituted in accordance with regulations for the purpose of making such nominations; and

- (iv) in the case of an appointment involving teaching duties, persons nominated by any university concerned, the number of persons nominated under this sub-paragraph being, except in such circumstances as may be prescribed, equal to one half of the total number of members of the committee;
- (c) for the selection by the appointments committee from the applicants of the persons considered by them to be suitable for the appointment, and for the making of the appointment from the persons so selected;
- (d) for the payment of the reasonable expenses of any appointments committee constituted as aforesaid.

*Other services provided by the Secretary of State.*

15.—(1) It shall be the duty of the Secretary of State to make such provision in such areas as he may deem necessary for the establishment, equipping and maintenance of premises, which shall be called "health centres", at which facilities shall be available for all or any of the following purposes:—

- (a) the provision of general medical services under Part IV of this Act by medical practitioners;
- (b) the provision of general dental services under Part IV of this Act by dental practitioners;
- (c) the provision of pharmaceutical services under Part IV of this Act by registered pharmacists;
- (d) the provision of the services of specialists or other services provided for out-patients under this Part of this Act;
- (e) the provision or organisation of any of the health services which local health or education authorities are required or empowered to provide;
- (f) the publication of information (including the delivery of lectures and the display of pictures or cinematograph films) relating to health or disease.

(2) The Secretary of State may provide staff for any health centre (other than staff employed solely for the purposes of paragraph (e) of the last foregoing subsection), and may provide residential accommodation at a health centre for members of the staff employed at that centre.

(3) The Secretary of State may delegate to a local health authority, on such conditions as may be agreed, any of his functions under this section relating to the area of that authority or any part thereof, and that authority may defray in whole or in part the expense incurred in the performance of

PART II.  
—cont.

any functions so delegated to them in like manner as if those functions had been conferred on the authority by this Act.

(4) Where a health centre affords facilities for the provision or organisation of any of the health services which local health or education authorities are required or empowered to provide, those facilities may be made available to such local health or education authority or authorities on such terms, including terms as to the payment of charges, and on such conditions as the Secretary of State may determine.

(5) Where a health centre affords facilities for the provision of general medical services, general dental services or pharmaceutical services, the centre shall be made available for those services on such terms, including terms as to the payment of charges by the persons providing such services, and on such conditions as the Secretary of State may determine.

## Ambulances.

**16.—(1)** It shall be the duty of the Secretary of State to make such provision as he thinks necessary for securing that ambulances and other means of transport are available for the conveyance of persons suffering from illness or mental deficiency or of expectant or nursing mothers.

(2) Regulations and schemes under section twelve of this Act may provide for the administration of the services under the last foregoing subsection as if those services formed part of the hospital and specialist services.

## Research.

9 & 10 Geo. 5.  
c. 21.

**17.—(1)** Without prejudice to the general powers and duties conferred or imposed on the Secretary of State under the Scottish Board of Health Act, 1919, the Secretary of State may conduct, or assist by grants or otherwise any person to conduct, research into any matters relating to the causation, prevention, diagnosis or treatment of illness or mental deficiency, or to the development of medical or surgical appliances including hearing aids.

(2) A Regional Hospital Board and a Board of Management shall have power to conduct or assist by grants or otherwise any person to conduct research into any of the aforesaid matters.

Bacteriological  
service.

**18.—(1)** The Secretary of State may provide or secure the provision of a bacteriological service, which may include the provision of laboratories, for the control of the spread of infectious diseases, and the Secretary of State may allow persons to make use of services provided at such laboratories on such terms, including terms as to the payment of charges, and on such conditions as the Secretary of State may determine.

(2) Regulations and schemes under section twelve of this Act may provide for the administration of the services under the last foregoing subsection as if those services formed part of the hospital and specialist services.

19. Where the Secretary of State has, in providing hospital and specialist services, acquired supplies of human blood for the purpose of carrying out blood transfusion, or supplies of any other substances or preparations not readily obtainable, he may make arrangements for making such supplies available to local health authorities and medical practitioners who require them on such terms, including terms as to the payment of charges, and on such conditions as the Secretary of State may determine.

PART II.  
—cont.  
Blood trans-  
fusion and  
other services.

## PART III.

## SERVICES PROVIDED BY LOCAL HEALTH AUTHORITIES.

20.—(1) Subject to the provisions of this section, the local authority for the purposes of this Part of this Act, who shall be called the “local health authority”, shall be

Local health  
authorities.

- (a) for a large burgh, the town council;
- (b) for counties combined for the purposes mentioned in subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council; and
- (c) for any county other than aforesaid, the county council,

19 & 20 Geo. 5.  
c. 25.

and for the purposes of this subsection the expression “county” means a county inclusive of any small burgh situate in the county.

(2) Two or more local health authorities may, with the consent of the Secretary of State, combine for the purposes of all or any of their functions on such terms and conditions as may be agreed between them and approved by the Secretary of State.

(3) The agreement entered into for the purposes of any such combination may provide for the appointment of a joint committee or joint board consisting of representatives of the local health authorities concerned, and for the delegation to the joint committee or board of all or some of the functions relating to the purposes for which the combination has effect; and the agreement may make provision for the transfer of property and liabilities, the adjustment of liabilities between the authorities, the settlement of differences and for such other matters as appear to be necessary or expedient for the purpose of carrying the combination into effect.

(4) The expenses of a joint committee or board shall be defrayed by the authorities concerned in the proportions specified or provided for in the agreement, and the proportion of such expenses falling to be defrayed by a local health authority shall be defrayed by that authority in like manner as if the expenses had been incurred by the local health authority for the purposes for which the combination has effect.

PART III.  
—cont.

(5) The Secretary of State may, on the application of the local health authorities concerned, make an order for the purpose of giving effect to any of the provisions of this section.

(6) Whether or not an order is made under the last preceding subsection, the Secretary of State may by order constitute a joint committee or board a body corporate by such name as may be determined by the order.

(7) The Secretary of State may, if it appears to him expedient so to do, make an order withdrawing the consent given by him to the combination, under subsection (2) of this section, of any two or more local health authorities and dissolving the combination; and any such order may contain provisions regulating the rights and liabilities of the authorities concerned and such other provisions as the Secretary of State thinks necessary or proper in the circumstances.

(8) If it appears to the Secretary of State to be expedient in the interests of the efficiency of any services provided by local health authorities in the exercise of their functions that two or more local health authorities should be combined for the purposes of all or any of their functions, he may make an order combining the authorities for the purpose of such of those functions as may be specified in the order.

(9) An order under the last foregoing subsection may provide—

- (a) for the appointment of a joint committee or joint board consisting of representatives of the local health authorities concerned and for the constitution of the joint committee or joint board as a body corporate;
- (b) for the delegation to the joint committee or joint board of such of the functions of the authorities concerned relating to the purposes for which the combination has effect as may be specified in the order;
- (c) for the transfer of property and liabilities; and
- (d) the adjustment of liabilities and the settlement of differences between the authorities concerned;

and shall specify the manner in which the expenses of the combination are to be defrayed by the local authorities concerned, and the order may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient for the purposes of the order.

(10) The Secretary of State shall not make an order under subsection (7) or subsection (8) of this section except after an inquiry unless all the authorities concerned have consented to the making of the order, and where any such order made after an inquiry is, in pursuance of subsection (1) of section seventy-three of this Act, laid before Parliament there shall be laid



together with it a copy of the report of the person by whom the inquiry was held.

PART III.  
—cont.

(11) The provisions of the Fifth Schedule to this Act shall have effect with respect to health committees of local health authorities.

21.—(1) Every local health authority shall, within such period as the Secretary of State may specify, submit to the Secretary of State proposals for carrying out their duties under the next following six sections of this Act, including their duties as local supervising authority for the purposes of the Midwives (Scotland) Acts, 1915 and 1927.

Proposals for  
provision of  
services by  
local health  
authority.

The Secretary of State may specify different periods under this section for proposals relating to different duties.

(2) Not later than the day on which any proposals are submitted to the Secretary of State, the local health authority shall serve a copy thereof—

- (a) on every voluntary organisation which to the knowledge of the local health authority provides in the area of the authority services of the kind dealt with in those proposals, and
- (b) on the Executive Council constituted under Part IV of this Act, and the Regional Hospital Board for the area in which any part of the area of the local health authority is situated;

and any such voluntary organisation, Council or Board may within two months of the service on them of a copy of the proposals make recommendations to the Secretary of State for modifying the proposals, and shall, not later than the day on which such recommendations are made, serve a copy thereof on the local health authority.

(3) The Secretary of State may approve the proposals with or without modifications, which may include additions or exceptions, or may remit to the local health authority to submit new proposals, and it shall be the duty of the local health authority to carry out their aforesaid duties in accordance with the proposals submitted and approved for their area under this section.

(4) A local health authority may at any time, and if directed by the Secretary of State shall within such period as he may specify, submit new proposals, and the last two foregoing subsections shall apply to any such new proposals.

(5) If any local health authority fail to submit any proposals which they are required to submit within a period specified by the Secretary of State, the Secretary of State may himself make proposals, and they shall have effect as if they had been submitted and approved under the foregoing provisions of this section:

PART III.  
—cont.

Provided that, before making any such proposals, the Secretary of State shall serve a copy of the draft proposals on the local health authority and on every voluntary organisation which to the knowledge of the Secretary of State provides in the area of the authority services of the kind dealt with in the proposals and on the bodies mentioned in paragraph (b) of subsection (2) of this section, and give an opportunity to that authority and those organisations and bodies to make recommendations to him for modifying the proposals.

Care of  
mothers and  
young  
children.

9 & 10 Geo. 6.  
c. 72.

22.—(1) It shall be the duty of every local health authority to make arrangements for the care, including in particular dental care, of expectant and nursing mothers and of children who are not attending a school under the management of an education authority and who have not attained, or are deemed under section thirty-three of the Education (Scotland) Act, 1946, not to have attained, the age of five years.

(2) Where the aforesaid arrangements provide for the supply of anything that may be prescribed, not being a drug, a medicine, or an appliance of a type normally supplied, the local health authority may recover from any person so supplied such charge as the authority may determine having regard to the cost of supply:

Provided that the authority may remit the said charge in whole or in part if in the circumstances of any particular case they consider it reasonable to do so.

(3) A local health authority may, with the approval of the Secretary of State, contribute to any voluntary organisation including among its objects any of the purposes mentioned in subsection (1) of this section.

Midwifery.

23.—(1) The local health authority shall be the local supervising authority for the purposes of the Midwives (Scotland) Acts, 1915 and 1927.

(2) It shall be the duty of every local health authority to make adequate arrangements for the provision to women by whom or on whose behalf application is made, of the services in their own homes of certified midwives before and during child-birth and from time to time thereafter during a period not less than the lying-in period and for that purpose the authority may arrange with Regional Hospital Boards or voluntary organisations employing midwives or they may themselves employ midwives.

5 & 6 Geo. 5.  
c. 91.

In this subsection the expression "lying-in period" means the period defined as the lying-in period by any rule for the time being in force under section five of the Midwives (Scotland) Act, 1915.

24.—(1) It shall be the duty of every local health authority to make provision in their area for the visiting of persons in their homes by visitors, to be called "health visitors", for the purpose of giving advice as to the care of young children, persons suffering from illness and expectant or nursing mothers, and as to the measures necessary to promote health and to prevent the spread of infection.

PART III.  
—cont.Health  
visiting.

(2) The duty of a local health authority under this section may be discharged by making arrangements with voluntary organisations for the employment by those organisations of health visitors or by themselves employing health visitors.

25. It shall be the duty of every local health authority to make provision in their area, whether by making arrangements with voluntary organisations employing nurses or by themselves employing nurses, for securing the attendance of nurses on persons who require nursing in their own homes.

Home nursing.

26.—(1) Every local health authority shall make arrangements with medical practitioners for the vaccination of persons in the area of the authority against smallpox, and the immunisation of such persons against diphtheria.

Vaccination  
and immuni-  
sation.

(2) Any local health authority may, with the approval of the Secretary of State, and if directed by the Secretary of State shall, make similar arrangements for vaccination or immunisation against any other disease.

(3) In making arrangements under this section a local health authority shall give every medical practitioner providing general medical services in their area under Part IV of this Act an opportunity to provide services under this section.

(4) The Secretary of State may, either directly or by entering into arrangements with such persons as he thinks fit, supply free of charge to local health authorities and medical practitioners providing services under this section, vaccines, sera or other preparations for vaccinating or immunising persons against any disease.

(5) The Vaccination (Scotland) Acts, 1863 to 1907, and section seventy-seven of the Public Health (Scotland) Act, 1897, shall cease to have effect.

60 & 61 Vict.  
c. 38.

27.—(1) A local health authority may with the approval of the Secretary of State, and to such extent as the Secretary of State may direct shall, make arrangements for the purpose of the prevention of illness, the care of persons suffering from illness or mental deficiency, or the aftercare of such persons, but no such arrangements shall provide for the payment of

Prevention of  
illness, care  
and after-care.

PART III. money to such persons, except in so far as they may provide  
—cont. for the remuneration of such persons engaged in suitable work  
in accordance with the arrangements.

(2) The local health authority may recover from any person availing himself of any such service provided under this section as may be prescribed such charge as the authority may determine having regard to the cost of the service:

Provided that the authority may remit the said charge in whole or in part if in the circumstances of any particular case they consider it reasonable to do so.

(3) A local health authority may, with the approval of the Secretary of State, contribute to any voluntary organisation including among its objects any such purpose as aforesaid.

Domestic help.

28.—(1) A local health authority may make such arrangements as the Secretary of State may approve for providing domestic help for households where such help is required owing to the presence of any person who is ill, lying-in, an expectant mother, mentally defective, aged, or a child not over school age within the meaning of the Education (Scotland) Act, 1946.

(2) The local health authority may recover from any person availing himself of domestic help so provided such charge as the authority may determine having regard to the cost of the arrangements:

Provided that the authority may remit the said charge in whole or in part if in the circumstances of any particular case they consider it reasonable to do so.

Powers of local health authorities regarding research.

29. Without prejudice to any other powers of a local health authority, such an authority may, with the approval of the Secretary of State, make such provision for conducting, or assisting the conduct of, research as appears to the authority desirable for purposes relating to their functions:

Power of local health authority to contribute to expenditure on co-ordination of services.

30. A local health authority may contribute towards expenditure incurred by any body including representatives of the authority among its members and approved by the Secretary of State that may be set up to advise on the local co-ordination of any of the services referred to in section two of this Act.

Appointed day for the purposes of Part III.

31. This Part of this Act, except section twenty, section twenty-one and section thirty, shall come into force on the appointed day.

## PART IV.

GENERAL MEDICAL AND DENTAL SERVICES, PHARMACEUTICAL  
SERVICES AND SUPPLEMENTARY OPHTHALMIC SERVICES.*Administration.*

32.—(1) The Secretary of State shall by order constitute, <sup>Executive</sup> in accordance with the provisions of the Sixth Schedule to <sup>Councils.</sup> this Act, for each area as hereinafter defined, a council, to be called the Executive Council, for the purpose of exercising functions with respect to the provision of services under this Part of this Act, and the supplementary provisions contained in the said Schedule shall apply to every such Council.

(2) Where it appears to the Secretary of State, either before or after Executive Councils have been constituted under the last foregoing subsection, to be expedient in the interests of the efficiency of the services provided under this Part of this Act that a single Executive Council should be constituted for two or more areas, he may by order provide for the constitution of such a Council.

(3) Where it appears to the Secretary of State that owing to the special circumstances of the area for which an Executive Council has been or is to be constituted under this section it is desirable to vary the constitution of that Council, he may by order provide for such variation:

Provided that before making any such order with respect to a Council already constituted, he shall consult with that Council, and in making any order under this subsection he shall have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between the members appointed by the several authorities and bodies mentioned in the Sixth Schedule to this Act.

(4) Where it appears to the Secretary of State to be expedient in the interests of the efficiency of the services provided under this Part of this Act that a joint committee should be established for the areas of two or more Executive Councils for the purpose of exercising some but not all of their functions, the Secretary of State may by order constitute such a joint committee and provide for the exercise by that committee of such of the said functions as may be specified in the order, and for the payment of the expenses of the committee by the constituent Councils, and for the application, with such modifications as may be so specified, to that committee of any provisions of this Act

PART IV.  
—cont.

relating to those functions, and for any of the matters for which, in relation to an Executive Council, regulations made under the Sixth Schedule to this Act may provide.

(5) Any order made under this section may contain such supplementary and incidental provisions as appear to the Secretary of State to be necessary or expedient, including provision for the transfer of officers and their compensation by the Secretary of State and the transfer of property and liabilities.

(6) In this section—

the expression “ area ” means a county or a burgh being a county of a city: Provided that the Secretary of State may, by order, direct that an area consisting of a part or parts of one or more counties shall be an area for the purposes of this section;

the expression “ county ” includes any burgh (other than a county of a city) situate therein.

Local repre-  
sentative  
committees.

33.—(1) Where the Secretary of State is satisfied that a local committee formed for the area of any Executive Council is representative—

(a) of the medical practitioners of that area, or

(b) of the dental practitioners of that area, or

(c) of the persons providing pharmaceutical services in that area,

the Secretary of State shall recognise that committee, and any committee so recognised shall be called the Local Medical Committee, the Local Dental Committee or the Local Pharmaceutical Committee, as the case may be, for the area concerned.

(2) The Executive Council shall in exercising their functions under this Part of this Act consult with the said Committees on such occasions and to such extent as may be prescribed, and the said Committees shall exercise such other functions as may be prescribed.

*General Medical Services.*Arrangements  
for general  
medical  
services.

34.—(1) It shall be the duty of every Executive Council in accordance with regulations to make as respects their area arrangements with medical practitioners for the provision by them as from the appointed day of personal medical services for all persons in the area who wish to take advantage of the arrangements, and the services provided in accordance with the arrangements are in this Act referred to as “ general medical services.”

(2) Regulations may make provision for defining the personal medical services to be provided and for securing that the arrangements will be such that all persons availing themselves of those services will receive adequate personal care and attendance, and the regulations shall include provision—

- (a) for the preparation and publication of lists of medical practitioners who undertake to provide general medical services;
- (b) for securing a right to any person to choose or to change, in accordance with the prescribed procedure, the medical practitioner by whom he is to be attended, subject to the consent of the practitioner who is to give the attendance and to any prescribed limit on the number of patients to be accepted by any practitioner;
- (c) for the distribution, among medical practitioners whose names are on the aforesaid lists, of any persons who have indicated a wish to obtain general medical services but who have not made any choice of medical practitioner or have been refused by the practitioner chosen;
- (d) for the issue to patients or their personal representatives by medical practitioners providing such services as aforesaid of certificates reasonably required by them under or for the purposes of any enactment.

35.—(1) Subject to the provisions of this Part of this Act relating to the disqualification of persons providing services, every medical practitioner engaged in medical practice (otherwise than as a paid assistant) who wishes to provide general medical services shall be entitled, on making an application at any time before the appointed day in the prescribed manner to the Executive Council for any area in which he is practising, to be included in the list of medical practitioners undertaking to provide general medical services for persons in that area.

Distribution  
of medical  
practitioners  
providing  
services.

(2) With a view to securing that the number of medical practitioners undertaking to provide general medical services in the areas of different Executive Councils or in different parts of those areas is adequate, the Secretary of State shall constitute a committee, to be called the Scottish Medical Practices Committee, for the purpose of considering and determining applications—

- (a) made before the appointed day by a medical practitioner who is not entitled under the last foregoing subsection to be included in the list of an Executive Council, for inclusion in that list; and
- (b) made on or after the appointed day for inclusion in any such list kept by an Executive Council for any area;

PART IV.  
—cont.

and all such applications made in the prescribed manner to an Executive Council shall be referred by that Council to the said Committee, and any medical practitioner whose application is granted by the said Committee shall, subject to the provisions of this Part of this Act relating to the disqualification of practitioners, be entitled to be included in the list.

(3) The Scottish Medical Practices Committee may refuse any such application on the ground that the number of medical practitioners undertaking to provide general medical services in the area or part of an area concerned is already adequate, and, if in the opinion of the Committee additional practitioners are required for any area or part but the number of persons who have made applications exceeds the number required, the Committee shall select the persons whose applications are to be granted and shall refuse the other applications.

Before selecting any persons under this subsection the Scottish Medical Practices Committee shall consult the Executive Council concerned, and that Council shall, if a Local Medical Committee has been formed for the area of the Council and recognised under the last but one foregoing section, consult that Committee before expressing their views on the persons to be selected.

(4) Except as provided by the last foregoing subsection, the Scottish Medical Practices Committee shall not refuse any such application, but the Committee may grant an application subject to conditions excluding the provision of general medical services by the applicant in such part or parts of the area of the Executive Council as the Committee may specify.

(5) The Scottish Medical Practices Committee shall be constituted in accordance with the Seventh Schedule to this Act and the provisions of that Schedule shall apply to that Committee.

(6) A medical practitioner who has made such an application as aforesaid which has been refused or has been granted subject to conditions, may appeal to the Secretary of State, and the Secretary of State may, on any such appeal, direct the said Committee to grant the application either unconditionally or subject to such conditions as the Secretary of State may specify.

(7) Where the Scottish Medical Practices Committee select persons from a number of applicants, the persons selected shall not, during the period for bringing an appeal to the Secretary of State or pending the determination of any such appeal, be included in the list in question, and on any such appeal the Secretary of State may, if he grants the appeal, direct either that the application shall be granted in addition to the applications already granted or that it shall be granted



instead of such one of those applications as the Secretary of State may specify:

PART IV.  
—cont.

Provided that in the latter case he shall make the other applicant a party to the appeal, and no further appeal shall be brought by that applicant in respect of the application in question.

(8) Regulations shall make provision—

- (a) for requiring Executive Councils to make reports, at such times and in such manner as may be prescribed, to the Scottish Medical Practices Committee as to the number of medical practitioners required to meet the reasonable needs of their area and the different parts thereof, as to the occurrence of any vacancies in the lists of medical practitioners kept by them under this Part of this Act and as to the need for filling such vacancies;
- (b) for prescribing the procedure for the determination of applications by the Scottish Medical Practices Committee and for the making and determination of appeals to the Secretary of State under this section, and for requiring Executive Councils and applicants to be informed of the decisions of the Committee and the Secretary of State.

(9) The Scottish Medical Practices Committee shall, in a case where persons have to be selected from a number of applicants, and the Secretary of State shall, on an appeal in any such case, have regard to any desire expressed by any applicant to practise with other medical practitioners already providing general medical services in the area or part of an area concerned, and to any desire expressed by such other medical practitioners to take any applicant into practice with them, and shall have special regard to the matters aforesaid in cases where an applicant is related to any such other medical practitioner.

36.—(1) Where the name of any medical practitioner is, on the appointed day or at any time thereafter, entered in any list of medical practitioners undertaking to provide general medical services, it shall be unlawful subsequently to sell the goodwill or any part of the goodwill of the medical practice of that medical practitioner: Prohibition  
of sale of  
medical  
practices.

Provided that, where a medical practitioner, whose name has ceased to be entered in any such list as aforesaid, practises in the area of an Executive Council in whose list his name has never been entered, this subsection shall not render unlawful the sale of the goodwill or any part of the goodwill of his practice in that area.

PART IV.  
—cont.

(2) Any person who sells or buys the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of the last foregoing subsection, shall be guilty of an offence and shall be liable on conviction on indictment to a fine not exceeding—

(a) such amount as will in the opinion of the court secure that he derives no benefit from the offence; and

(b) the further amount of five hundred pounds;

or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(3) Where any medical practitioner or the personal representative of any medical practitioner knowingly sells or lets premises previously used by that practitioner for the purposes of his practice to another medical practitioner, or in any other way disposes or procures the disposition of the premises, whether by a single transaction or a series of transactions, with a view to enabling another practitioner to use the premises for the purposes of his practice, and the consideration for the sale, letting or other disposition is substantially in excess of the consideration which might reasonably have been expected to be paid by a medical practitioner for the premises as such irrespective of goodwill, the sale, letting or other disposition of the premises shall be deemed for the purposes of this section to be a sale by the first medical practitioner or his personal representative of the goodwill or part of the goodwill of the practice of that practitioner to that other practitioner.

Where a medical practitioner or his personal representative sells, lets, or disposes or procures the disposition of, any premises together with any other property, the court shall, for the purposes of this subsection, make such apportionment of the consideration as it thinks just.

(4) Where in pursuance of any partnership agreement between medical practitioners—

(a) any valuable consideration, other than the performance of services in the partnership business, is given by a partner or proposed partner as consideration for his being taken into partnership;

(b) any valuable consideration is given to a partner, on or in contemplation of his retirement or of his acceptance of a reduced share of the partnership profits, or to the personal representative of a partner on his death, not being a payment in respect of that partner's share in past earnings of the partnership or in any partnership assets or any other payment required to be made to him as the result of the final

settlement of accounts, as between him and the other partners, in respect of past transactions of the partnership; or

- (c) services are performed by any partner for a consideration substantially less than those services might reasonably have been expected to be worth having regard to the circumstances at the time when the agreement was made;

there shall be deemed for the purposes of this section to have been a sale of the goodwill or part of the goodwill of the practice of any partner to whom or to whose personal representative the consideration or any part thereof is given or, as the case may be, for whose benefit the services are performed, to the partner or each of the partners by or on whose behalf the consideration or any part thereof was given or, as the case may be, the partner who performed the services, and the said sale shall be deemed for the purposes of this section to have been effected—

- (i) in a case to which paragraph (a) or paragraph (b) applies, at the time when the consideration was given or, if the consideration was not all given at the same time, at the time when the first part thereof was given; or
- (ii) in a case to which paragraph (c) applies, at the time when the agreement was made.

(5) Where any medical practitioner performs services as an assistant to another medical practitioner for a remuneration substantially less than those services might reasonably have been expected to be worth, having regard to the circumstances at the time when the remuneration was fixed, and subsequently succeeds, whether as the result of a partnership agreement or otherwise, to the practice or any part of the practice of the second practitioner, there shall be deemed for the purposes of this section to have been a sale of the goodwill or part of the goodwill of the said practice by the second practitioner to the first practitioner, unless it is shown that the said remuneration of the first practitioner was not fixed in contemplation of his succeeding to the said practice or any part thereof, and the said sale shall be deemed for the purposes of this section to have been effected at the time when the remuneration was fixed.

(6) For the purposes of this section—

- (a) if a medical practitioner or the personal representative of a medical practitioner agrees, for valuable consideration, to do or refrain from doing any act, or allow any act to be done, for the purpose of facilitating the succession of another medical practitioner to

**PART IV.**  
—cont.

PART IV.  
—cont.

the practice or any part of the practice of the first practitioner, the transaction shall be deemed to be a sale of the goodwill or part of the goodwill of that practice by the first practitioner or his personal representative to the second practitioner;

- (b) if any medical practitioner or any person acting on his behalf gives any valuable consideration to another medical practitioner or the personal representative of another medical practitioner, and the first medical practitioner succeeds or has succeeded, whether before or after the transaction aforesaid, to the practice or any part of the practice of the second practitioner, the transaction shall be deemed to be a sale of the goodwill or part of the goodwill of the practice of the second practitioner by him or by his personal representative to the first practitioner, unless it is shown that no part of the consideration was given in respect of the said goodwill or part thereof:

Provided that this subsection shall not apply to anything done in relation to the acquisition of premises for the purposes of a medical practice, or in pursuance of a partnership agreement, or to the performance of services as an assistant to a medical practitioner.

(7) In determining for the purposes of this section the consideration given in respect of any transaction, the court shall have regard to any other transaction appearing to the court to be associated with the first transaction, and shall estimate the total consideration given in respect of both or all the transactions and shall apportion it between those transactions in such manner as it thinks just.

(8) Where any consideration is, with the knowledge and consent of a medical practitioner or his personal representative, given to any other person, and it appears to the court that the medical practitioner or, if he has died, his estate or some person beneficially interested in his estate derives a substantial benefit from the giving of the consideration, the consideration shall be deemed for the purposes of this section to have been given to the medical practitioner or his personal representative, as the case may be.

(9) Any medical practitioner or the personal representative of any medical practitioner may apply to the Scottish Medical Practices Committee for their opinion as to whether a proposed transaction or series of transactions involves the sale of the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of this section, and the Committee shall consider any such application and, if they are satisfied that the transaction or series of transactions does

not involve the giving of valuable consideration in respect of the goodwill or any part of the goodwill of such a medical practice, they shall issue to the applicant a certificate to that effect, which shall be in the prescribed form and shall set out all material circumstances disclosed to the Committee.

PART IV.  
—cont.

(10) Where any person is charged with an offence under this section in respect of any transaction or series of transactions, it shall be a defence to the charge to prove that the transactions or series of transactions was certified by the Scottish Medical Practices Committee under the last foregoing subsection, and any document purporting to be such a certificate shall be admissible in evidence and shall be deemed to be such a certificate unless the contrary is proved:

Provided that, if it appears to the court that the applicant for any such certificate failed to disclose to the Committee all the material circumstances or made any misrepresentation with respect thereto, it may disregard the certificate and this subsection shall not apply thereto.

(11) The Scottish Medical Practices Committee shall, at the request of the Lord Advocate, furnish him with a copy of any certificate issued by them under subsection (9) of this section and with copies of any documents produced to them in connection with the application for that certificate.

(12) For the purposes of this and the next two following sections, references to the goodwill of a medical practice shall, in relation to a medical practitioner practising in partnership, be construed as referring to his share of the goodwill of the partnership practice.

37.—(1) Every medical practitioner whose name is entered on the appointed day in any list of medical practitioners undertaking to provide general medical services shall be entitled to be paid out of moneys provided by Parliament compensation in accordance with this section in respect of any loss suffered by him by reason that he is or will be unable to sell the goodwill or any part of the goodwill of his practice by virtue of the last foregoing section.

Compensation for loss of right to sell a medical practice.

(2) The aggregate amount of the compensation to be paid under this section (exclusive of any sums paid by way of interest) shall be the amount apportioned to Scotland under paragraph (b) of subsection (4) of section thirty-six of the National Health Service Act, 1946, of the sum of sixty-six million pounds or, as the case may be, of that sum as reduced in pursuance of the proviso to subsection (2) of that section.

9 & 10 Geo. 6. c. 81.

(3) Regulations shall—

(a) prescribe the manner in which and the time within which claims for compensation are to be made, and

PART IV.  
—cont.

provide for determining whether any claimant has suffered loss by reason of the matters referred to in subsection (1) of this section and, if so, the extent of that loss;

- (b) provide for the distribution of the said aggregate amount among the persons who have suffered such loss as aforesaid, having regard to the extent of their respective losses;
- (c) prescribe the manner in which and the times at which the compensation is to be paid, and secure that, except in such circumstances as may be prescribed, it shall not be paid until the retirement or death of the medical practitioner concerned, whichever first occurs; and
- (d) provide for paying out of moneys provided by Parliament interest at two and three-quarters per cent. per annum on the amount of the compensation payable to any medical practitioner, in respect of the period from the appointed day until the time when the compensation is paid;

and before making any regulations under this subsection the Secretary of State shall consult such organisations as may be recognised by him as representing the medical profession.

Practitioners  
dying or  
retiring before  
appointed day.

38. Where the Scottish Medical Practices Committee are satisfied, on the application of a medical practitioner or his personal representative, that—

- (a) the practitioner has retired from practice or died during the period between the fifth day of November, nineteen hundred and forty-six, and the appointed day; and
- (b) the goodwill of his practice has not been sold in whole or in part before the appointed day;

the last two foregoing sections shall apply in relation to that medical practitioner and to his practice as if his name were entered on the appointed day on a list of medical practitioners undertaking to provide general medical services.

*General Dental Services.*

Arrangements  
for general  
dental  
services.

39.—(1) It shall be the duty of every Executive Council in accordance with regulations to make as respects their area arrangements with dental practitioners under which, as from the appointed day, any person for whom a dental practitioner undertakes in accordance with the arrangements to provide dental treatment and appliances, shall receive such treatment and appliances, and the services provided in accordance with the arrangements are in this Act referred to as “general dental services”.

(2) Regulations may make provision as to the arrangements to be made under the last foregoing subsection, and shall include provision—

- (a) for the preparation and publication of lists of dental practitioners who undertake to provide general dental services;
- (b) for conferring a right, subject to the provisions of this Part of this Act relating to the disqualification of persons providing services, on any dental practitioner, who wishes to be included in any such list, to be so included;
- (c) for conferring a right on any person to choose in accordance with the prescribed procedure the dental practitioner from whom he is to receive general dental services, subject to the consent of the practitioner so chosen;
- (d) for constituting a Board, to be called the Scottish Dental Estimates Board, of whom the chairman and a majority of the members shall be dental practitioners, for the purpose of carrying out such duties as may be prescribed with respect to the approval of estimates of dental treatment and appliances;
- (e) for providing, in relation to the Scottish Dental Estimates Board, for any of the matters for which, in relation to an Executive Council, provision is or may be made by or under the supplementary provisions of the Sixth Schedule to this Act, and also for the remuneration of members of the Board.

*Pharmaceutical Services.*

40.—(1) It shall be the duty of every Executive Council in accordance with regulations to make as respects their area arrangements for the supply as from the appointed day of proper and sufficient drugs and medicines and prescribed appliances to persons who are receiving general medical services, and of prescribed drugs and medicines to persons who are receiving general dental services, and the services provided in accordance with the arrangements are in this Act referred to as “ pharmaceutical services ”.

Arrangements  
for pharma-  
ceutical  
services.

(2) Regulations may make provision for securing that arrangements made under this section will be such as to enable any person receiving general medical services to obtain proper and sufficient drugs and medicines and prescribed appliances, if ordered by the medical practitioner rendering those services, from any persons with whom arrangements have been made under this section, and to enable any person receiving general dental services to obtain prescribed drugs and medicines, if

PART IV.  
—*cont.*

ordered by the dental practitioner rendering those services, from any persons with whom such arrangements have been made and the regulations shall include provision—

- (a) for the preparation and publication of lists of persons who undertake to provide pharmaceutical services; and
- (b) for conferring a right, subject to the provisions of this Part of this Act relating to the disqualification of persons providing services, on any person who wishes to be included in any such list to be so included for the purpose of supplying such drugs, medicines and appliances as that person is entitled by law to sell.

Persons authorised to provide pharmaceutical services.

41.—(1) Except as may be provided by regulations, no arrangement shall be made by the Executive Council with a medical practitioner or dental practitioner under which he is required or agrees to provide pharmaceutical services to any person to whom he is rendering general medical services or general dental services.

23 & 24 Geo. 5.  
c. 25.

(2) Except as may be provided by regulations, no arrangements for the dispensing of medicines shall be made with persons other than persons who are registered pharmacists or are authorised sellers of poisons within the meaning of the Pharmacy and Poisons Act, 1933, and who undertake that all medicines supplied by them under the arrangements made under this Part of this Act shall be dispensed either by or under the direct supervision of a registered pharmacist or by a person who for three years immediately before the sixteenth day of December, nineteen hundred and eleven, acted as a dispenser to a medical practitioner or a public institution.

*Supplementary Ophthalmic Services.*

Supplementary ophthalmic services.

42.—(1) Without prejudice to the duty of the Secretary of State under Part II of this Act to provide, as part of the hospital and specialist services, services in connection with the diagnosis and treatment of disease or defect of the eyes and the supply of optical appliances, it shall be the duty of every Executive Council to make as respects their area, in accordance with regulations, arrangements with medical practitioners having the prescribed qualifications, ophthalmic opticians and dispensing opticians for securing, as from the appointed day, the testing of sight by such medical practitioners and ophthalmic opticians and the supply by ophthalmic opticians and dispensing opticians of optical appliances, and the services provided in accordance with the arrangements are in this Act referred to as “supplementary ophthalmic services.”



(2) The functions of an Executive Council under this section shall, to such extent as may be prescribed, be exercised on behalf of the Council by a committee to be called the "Ophthalmic Services Committee" constituted for the area of the Council in accordance with regulations so as to include members appointed by the Executive Council and by medical practitioners having the prescribed qualifications, ophthalmic opticians and dispensing opticians, respectively, and the regulations may make provision in relation to the Ophthalmic Services Committee, for any of the matters for which, in relation to an Executive Council, provision is or may be made by or under the supplementary provisions of the Sixth Schedule to this Act.

(3) Regulations may make provision as to the arrangements to be made under this section, and shall include provision—

- (a) for the preparation and publication of lists of medical practitioners, ophthalmic opticians and dispensing opticians respectively who undertake to provide supplementary ophthalmic services;
- (b) for conferring a right, subject to the provisions of this Part of this Act relating to the disqualification of persons providing services, on any medical practitioner having the prescribed qualifications, ophthalmic optician or dispensing optician, who wishes to be included in the appropriate list, to be so included;
- (c) for conferring on any person a right to choose in accordance with the prescribed procedure the medical practitioner or ophthalmic optician by whom his sight is to be tested or from whom any prescription for the supply of optical appliances is to be obtained and the ophthalmic or dispensing optician who is to supply the appliances.

(4) Where the Secretary of State is satisfied that adequate ophthalmic services are available in the area of any Executive Council through the hospital and specialist services provided under Part II of this Act, he may by order direct that this section shall cease to apply to that area, and this section shall thereupon cease to apply as from a date specified in the order; and any such order may contain such consequential and incidental provisions as the Secretary of State considers necessary or expedient.

#### *Supplementary Provisions.*

43.—(1) There shall be constituted in accordance with the provisions of the Eighth Schedule to this Act, a tribunal, in this section referred to as "the Tribunal", for the purpose of inquiring into cases where representations are made in the

Disqualifica-  
tion of persons  
providing  
services.

PART IV.  
—cont.

prescribed manner to the Tribunal by an Executive Council or any other person that the continued inclusion of any person in any list prepared under this Part of this Act—

- (a) of medical practitioners undertaking to provide general medical services;
- (b) of dental practitioners undertaking to provide general dental services;
- (c) of persons undertaking to provide pharmaceutical services;
- (d) of medical practitioners undertaking to provide supplementary ophthalmic services;
- (e) of ophthalmic opticians undertaking to provide supplementary ophthalmic services; or
- (f) of dispensing opticians undertaking to provide supplementary ophthalmic services;

would be prejudicial to the efficiency of the services in question.

(2) The supplementary provisions contained in the said Eighth Schedule shall apply in relation to the Tribunal.

(3) The Tribunal, on receiving representations from an Executive Council shall, and in any other case may, inquire into the case and, if they are of opinion that the continued inclusion of the said person in any list to which the representations relate would be prejudicial to the efficiency of the said services, shall direct that his name be removed from that list, and may also, if they think fit, direct that his name be removed from, or not be included in, any corresponding list kept by any other Executive Council under this Part of this Act.

(4) An appeal shall lie to the Secretary of State from any direction of the Tribunal under the last foregoing subsection, and the Secretary of State may confirm or revoke that direction in whole or in part.

(5) Where the Tribunal direct that the name of any person be removed from or not included in any list or lists, the Executive Council or Councils concerned shall—

- (a) if no appeal is brought, at the end of the period for bringing an appeal; or
- (b) if an appeal is brought and the direction of the Tribunal as regards any such list or lists is confirmed by the Secretary of State, on receiving notice of the Secretary of State's decision,

remove the name of the person concerned from the list or lists in question, and, until such time as the Tribunal or the Secretary of State directs to the contrary, that person shall be disqualified for inclusion in any list to which the direction or the direction as so confirmed, as the case may be, relates.

(6) A person who is for the time being disqualified under Part IV of the National Health Service Act, 1946, for inclusion in all lists prepared under that Part of that Act of persons undertaking to provide services of one or more of the kinds specified in subsection (1) of this section, shall so long as that disqualification is in force be disqualified for inclusion in any list prepared under this Part of this Act of persons undertaking to provide services of that kind or of those kinds, and the name of that person shall be removed from any such list in which his name is included.

(7) Regulations shall make provision—

(a) with regard to the procedure for the holding of inquiries by the Tribunal and for the making and determining of appeals to the Secretary of State under this section and, in particular, for securing that any person who is the subject of an inquiry by the Tribunal under this section shall be informed, as soon as may be, of the substance of any charge or complaint to which the inquiry relates and shall have an opportunity—

(i) of appearing, either in person or by counsel or solicitor or such other representative as may be prescribed, before the Tribunal and, in the case of an appeal, before a person appointed by the Secretary of State; and

(ii) of being heard by the Tribunal or the person so appointed and of calling witnesses and producing other evidence on his behalf;

and that the hearing, whether by the Tribunal or the person appointed as aforesaid, shall be in public if the person who is the subject of the inquiry so requests;

(b) for conferring on the Tribunal and on any person appointed as aforesaid such powers as the Secretary of State considers necessary for the purpose of holding such inquiries, including power to require the attendance of witnesses and the production of documents and to administer oaths; and

(c) for the publication of the decisions of the Tribunal and the Secretary of State under this section and of the imposition and removal of any disqualification imposed by virtue of this section and for the intimation to any person who is the subject of such an inquiry of the grounds upon which any disqualification has been imposed in his case.

(8) Where, before the appointed day—

(a) the name of any person has after inquiry been removed from any list of medical practitioners kept

PART IV.  
—cont.  
26 Geo. 5 &  
1 Edw. 8. c. 32.

- by an insurance committee under the National Health Insurance Act, 1936, or any enactment repealed by that Act;
- (b) any dental practitioner has been declared under regulations made under the National Health Insurance Act, 1936, or any enactment repealed by that Act, to be permanently unsuitable for service in connection with the provision of dental benefit within the meaning of those regulations;
- (c) an application by any person for inclusion in a list of persons supplying drugs, medicines or appliances under the National Health Insurance Act, 1936, or any enactment repealed by that Act, has after inquiry been refused, or the name of any person has after inquiry been removed from any such list;
- (d) an application by any person for inclusion in a list of persons recognised for the purpose of the provision of optical appliances under the National Health Insurance (Additional Benefits) Regulations, 1930, has been rejected, or the name of any person has after inquiry been removed from any such list;

and the name of that person has not before the appointed day been included in or restored to the list or, in the case of a dental practitioner, the declaration of unsuitability has not before the appointed day been withdrawn, that person shall, until such time as the Tribunal or the Secretary of State directs to the contrary, be disqualified for inclusion in the appropriate list referred to in subsection (1) of this section.

Powers of  
Secretary of  
State where  
services are  
inadequate.

44. If the Secretary of State is satisfied, after such inquiry as he may think fit, as respects the area of any Executive Council or part of any such area that the persons included in any list prepared under this Part of this Act—

- (a) of medical practitioners undertaking to provide general medical services;
- (b) of dental practitioners undertaking to provide general dental services; or
- (c) of persons undertaking to provide pharmaceutical services,

are not such as to secure the adequate provision of the services in question in that area or part, or that for any other reason any considerable number of persons in any such area or part are not receiving satisfactory services under the arrangements in force under this Part of this Act, he may authorise the Executive Council to make such other arrangements as he may approve, or may himself make other arrangements, and may dispense with any of the requirements of regulations made under this Part of this Act so far as appears to him to be necessary to meet exceptional circumstances and enable such arrangements to be made.

45.—(1) Regulations may provide for the making and recovery by persons providing general dental services or supplementary ophthalmic services of charges in respect of—

PART IV.  
—cont.

Recovery of charges in respect of certain appliances and dental treatment.

- (a) the supply, as part of those services, of any dental or optical appliance which is, at the request of the person supplied, of a more expensive type than the type which would normally be supplied, or the replacement or repair of any such appliance; or
- (b) the replacement or repair of any dental or optical appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by lack of care on the part of the person supplied.

(2) Regulations may provide that, in the case of such special dental treatment as may be prescribed, being treatment provided as part of the general dental services, such charges as may be determined in the prescribed manner may be made and recovered by the person providing the services.

46. Regulations may provide that, where a right to choose the person by whom services are to be provided under this Part of this Act is conferred by or under any provision of this Part of this Act, that right shall, in the case of such persons as may be specified in the regulations, be exercisable on their behalf by other persons so specified.

Exercise of choice of medical practitioner, etc., in certain cases.

47. Any dispute arising under this Part of this Act or any regulation made thereunder between an Executive Council and a person receiving, or claiming that he is entitled to receive, any services under this Part of this Act shall in such manner as may be prescribed be referred to and decided by the Secretary of State who shall, where either party to the dispute so requests, cause an inquiry to be held unless he is satisfied that, in the special circumstances of the case, an inquiry is unnecessary.

Decision of disputes.

48. For the purpose of affording opportunities for persons providing any services under this Part of this Act to keep themselves informed of the latest developments in professional knowledge, the Secretary of State may enter into arrangements with universities, medical schools and dental schools, and any other persons for the provision of courses which the persons providing such services as aforesaid may attend, and may, with the approval of the Treasury, make payments towards the cost of the provision of such courses and the expenses of persons attending such courses.

Provision of courses for persons providing services.

## PART V.

## PROVISIONS AS TO MENTAL HEALTH SERVICES.

Functions of  
Secretary of  
State under  
Lunacy and  
Mental  
Deficiency  
Acts.

3 & 4 Geo. 5.  
c. 38.

49.—(1) It shall be the duty of the Secretary of State to co-ordinate and supervise the administration by education and local health authorities of their powers and duties with regard to defectives under the Mental Deficiency (Scotland) Acts, 1913 and 1940, and subsection (1) of section twenty-five of the Mental Deficiency and Lunacy (Scotland) Act, 1913, in so far as it imposes such a duty on the General Board of Control for Scotland (hereinafter referred to as the General Board) shall cease to have effect.

(2) The Secretary of State shall, in the performance of any of his functions under the Lunacy (Scotland) Acts, 1857 to 1913, the Mental Deficiency (Scotland) Acts, 1913 and 1940 and this Act relating to mental illness or mental deficiency, consult the General Board.

63 & 64 Vict.  
c. 54.

2 & 3 Geo. 6.  
c. 20.

(3) The officers of the General Board, other than the Deputy Commissioners and the secretary, shall be transferred to and become officers of the Secretary of State, and the Lunacy Board (Scotland) Salaries and Clerks Act, 1900 (which provides for the appointment of clerks by the General Board) shall cease to have effect except in so far as it applies, by virtue of subsection (8) of section two of the Reorganisation of Offices (Scotland) Act, 1939, to the appointment of the secretary or in so far as it relates to the salary of the secretary.

(4) The services of such officers, other than the Deputy Commissioners and the secretary, as the General Board may require for the purpose of the exercise of their functions shall be provided by the Secretary of State.

(5) Any institution established under subsection (1) of section twenty-eight of the Mental Deficiency and Lunacy (Scotland) Act, 1913, for defectives of dangerous or violent propensities, and any institution provided under Part II of this Act for such defectives shall be under the management of the General Board, and the provisions of this Act relating to Regional Hospital Boards and Boards of Management shall not apply to any such institution.

20 & 21 Vict.  
c. 71.

(6) Section five of the Lunacy (Scotland) Act, 1857 (which relates to meetings of the General Board) shall, except in so far as it enacts that three members shall be a quorum at any meeting of the General Board, cease to have effect.

(7) This section shall come into force on the appointed day.

Amendment  
and Repeal of  
enactments  
relating to  
lunacy or  
mental  
deficiency.

50.—(1) The provisions of the Lunacy (Scotland) Acts, 1857 to 1919, and the Mental Deficiency (Scotland) Acts, 1913 and 1940, and the other enactments specified in Part I of the Ninth Schedule to this Act shall be amended to the extent specified in that Part and the provisions of the said Acts

and the other enactments specified in Part II of that Schedule shall be repealed to the extent specified in the third column of that Part, such amendment and repeal being required—

- (a) in consequence of the provision by the Secretary of State of hospitals for lunatics and mental defectives;
- (b) for making it unlawful to detain lunatics in poor-houses;
- (c) for the purpose of assimilating as regards all lunatics the procedure for securing the reception into mental hospitals, the placing under guardianship and the discharge from such hospitals or guardianship; and
- (d) generally for bringing the provisions of the said Acts into conformity with this Act.

(2) Nothing in the aforesaid repeals and amendments or in the provisions of this Act shall affect any order, certificate, licence, sanction, registration, approval, regulation or other thing, made, issued, granted or done under any provision of any enactment specified in the Ninth Schedule to this Act, and in force immediately before the appointed day if it could have been made, issued, granted or done under that provision as amended by this Act or under any corresponding provision of this Act, and any such order, certificate, licence, sanction, registration, approval, regulation or other thing shall be deemed to have been duly made, issued, granted or done under that provision as so amended or under that provision of this Act.

(3) Where immediately before the appointed day any person is detained with the sanction of the General Board under section four of the Lunacy (Scotland) Act, 1862, in the lunatic ward of a poorhouse which is transferred under this Act to the Secretary of State and is or forms part of a hospital designated by him as a public mental hospital, such person shall be deemed to be detained in pursuance of an order for his detention in a mental hospital granted on the appointed day by the sheriff under section fourteen of the said Act. <sup>25 & 26 Vict</sup> <sub>c. 54.</sub>

(4) Where immediately before the appointed day any person is detained, whether on an order of the sheriff or by virtue of the sanction of the General Board, in the lunatic ward of a poorhouse which is not transferred to the Secretary of State under this Act the order or sanction shall, for a period of six months or such longer period as the Secretary of State may direct, continue to be an authority for his detention in such ward and while he is so detained the provisions of the Lunacy (Scotland) Acts, 1857 to 1913, shall continue to apply to him as if this Act had not passed, and the order or sanction shall be an authority for his transfer to and for his detention in a mental hospital as if an order for his detention in a mental hospital had been granted on the appointed day by the sheriff

PART V.  
—cont.

under section fourteen of the Lunacy (Scotland) Act, 1862: Provided that any decree or order for recovery of the cost of the maintenance of the said person shall cease to have effect.

(5) This section shall come into force on the appointed day.

Duties of  
local health  
authorities  
under Lunacy  
and Mental  
Deficiency  
Acts.

**51.—(1)** It shall be the duty of the local health authority to provide or secure the provision of suitable training and occupation for—

(a) persons under the age of sixteen who have been reported by the education authority under section fifty-six of the Education (Scotland) Act, 1946, as having been found incapable of receiving education or training in a special school, and

(b) mental defectives over the age of sixteen:

Provided that this subsection shall not apply in the case of mental defectives in mental deficiency institutions.

(2) Section twenty-one of this Act (which requires local health authorities to submit proposals to the Secretary of State for carrying out their duties under certain provisions of Part III of this Act and to carry out those duties in accordance with the proposals) shall apply with respect to the duties of local health authorities under the Lunacy (Scotland) Acts, 1857 to 1913, the Mental Deficiency (Scotland) Acts, 1913 and 1940, and this Part of this Act.

(3) Where a local health authority make arrangements with any voluntary organisation for the performance of any services in connection with the duties of the local health authority under the Mental Deficiency (Scotland) Acts, 1913 and 1940, or this Part of this Act, the local health authority may, with the approval of the Secretary of State, contribute to that voluntary organisation.

(4) This section shall come into force on the appointed day.

## PART VI.

## GENERAL.

*Financial Provisions.*Expenses and  
receipts of  
the Secretary  
of State.

**52.—(1)** Any expenses incurred by the Secretary of State in the exercise of his functions under this Act, the Lunacy (Scotland) Acts, 1857 to 1913, or the Mental Deficiency (Scotland) Acts, 1913 and 1940, shall be defrayed out of moneys provided by Parliament.

(2) All sums received by the Secretary of State under this Act shall be paid into the Exchequer.

Grants to  
local health  
authorities.

**53.—(1)** In respect of the period beginning with the appointed day and ending with the fifteenth day of May next following and each subsequent period of twelve months,



there shall be paid out of moneys provided by Parliament to every local health authority a grant in respect of the expenditure, estimated in the prescribed manner, incurred by the authority in carrying out their functions and the grant shall be payable in accordance with regulations made by the Secretary of State with the approval of the Treasury:

Provided that the total amount of the grant payable to any local health authority in respect of any such period shall not exceed three-quarters of the total expenditure estimated as aforesaid of that authority, and shall not be less than three-eighths of that expenditure.

(2) In the case of a local health authority whose financial year ends on a day other than the fifteenth day of May, the last foregoing subsection shall have effect with the substitution of a reference to that other day for any reference to the fifteenth day of May.

(3) Where any functions of two or more local health authorities are being exercised by a joint committee or a joint board, grants shall be paid to the said authorities under subsection (1) of this section in respect of their expenditure in defraying expenses of the committee or board in exercising those functions, as if that expenditure were incurred by them in exercising functions as local health authorities.

(4) For the purposes of section sixty-six of the Local Government (Scotland) Act, 1929 (which authorises the reduction of grants payable under Part III of that Act to a council which fails to achieve and maintain an efficient service) grants payable under this section shall be deemed to be payable under the said Part III.

(5) The council of every county and large burgh shall pay to the Secretary of State in respect of the period beginning with the appointed day and ending with the fifteenth day of May next following, and each subsequent period of twelve months during the third fixed grant period within the meaning of the Local Government (Scotland) Act, 1929, a sum equal to the loss on account of the grants mentioned in paragraph 2 of the Fifth Schedule to the Local Government (Scotland) Act, 1929, discontinued by virtue of section fifty-two of that Act, as determined in accordance with Part II of the Seventh Schedule to that Act, less such part of that loss as is attributable to grants for the welfare of the blind:

Provided that—

- (a) where the said loss on account of the said grants has, in the case of the council of any county or large burgh, been increased or reduced by an amount certified by the Secretary of State under

PART VI.  
—cont.

regulations made under paragraph (b) of subsection (1) of section seventy of the Local Government (Scotland) Act, 1929, the payment to be made by the council under this subsection shall be increased or reduced by such part of the amount so certified as is attributable to the said grants other than grants for the welfare of the blind;

- (b) if the said third fixed grant period ends during the period beginning with the appointed day and ending with the fifteenth day of May next following or during any subsequent period of twelve months, the payments to be made by councils under this subsection in respect of that period shall bear the same proportion to the sums that would be payable in respect of a complete period of twelve months as that period bears to a complete period of twelve months.

(6) The expenditure incurred by a local health authority in carrying out their functions, so far as not defrayed out of grants payable under this section, shall be defrayed in like manner as expenditure incurred by a local authority in carrying out functions under the Public Health (Scotland) Act, 1897 for the purpose of which small burghs are included within the county in which they are situate.

(7) A local health authority shall, subject to the provisions of subsection (2) of section twenty-three of the Local Government (Scotland) Act, 1929, have power to borrow such sums as may be required by them for the purposes of their functions in order to meet any expenditure of a capital nature or the cost of executing any work or providing any plant or doing any other thing where, having regard to the nature of the work, plant or thing, the cost ought to be spread over a period of years:

Provided that—

- (i) nothing in this subsection shall authorise the exercise of the aforesaid power or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act, 1945, of any Defence Regulation within the meaning of the Supplies and Services (Transitional Powers) Act, 1945, for the time being having effect by virtue of that Act and of any orders for the time being in force made by the Treasury under section one of the Borrowing (Control and Guarantees) Act, 1946; and
- (ii) any sums borrowed under this subsection shall be repaid within a period of thirty years or such other period as the Secretary of State may determine.

8 & 9 Geo. 6.  
c. 18.  
9 & 10 Geo. 6.  
c. 10.

9 & 10 Geo. 6.  
c. 58.

54.—(1) There shall be paid out of moneys provided by Parliament to each of the following bodies, that is to say—

- (a) every Regional Hospital Board;
- (b) every Executive Council;
- (c) the Health Services Council;
- (d) every standing advisory committee constituted under section two of this Act;
- (e) the Hospital Endowments Commission;
- (f) the Scottish Medical Practices Committee;
- (g) the Tribunal constituted under section forty-three of this Act;
- (h) the Scottish Dental Estimates Board;

PART VI.  
—cont.  
Payments  
to Regional  
Hospital  
Boards,  
Executive  
Councils and  
other bodies.

such sums as may be necessary to defray the expenditure of that body, being expenditure approved by the Secretary of State in the prescribed manner.

For the purposes of this subsection, expenditure incurred by the Medical Education Committee for any area and expenditure incurred by a Board of Management in exercising functions on behalf of the Regional Hospital Board for any area shall be deemed to be expenditure of the Regional Hospital Board for that area, and expenditure incurred by an Ophthalmic Service Committee on behalf of an Executive Council shall be deemed to be expenditure of that Council.

(2) All expenditure approved as aforesaid of the Medical Education Committee for any area or of the Board of Management of a hospital or group of hospitals situated in any area shall be defrayed by the Regional Hospital Board for that area.

(3) Any sums required for the making of payments under regulations in respect of any loss of remunerative time or any travelling or subsistence expenses to the members of any body constituted under this Act, or for the payment of any remuneration so payable to members of the Scottish Medical Practices Committee, the Tribunal constituted under section forty-three of this Act or the Scottish Dental Estimates Board shall be defrayed out of moneys provided by Parliament.

(4) Payments under this section shall be made at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, or otherwise as the Secretary of State may with the approval of the Treasury determine.

55.—(1) The council of a county or of a large burgh shall keep accounts of their revenue and expenditure for the purposes of their functions as a local health authority, and such accounts shall be kept separate from their other accounts, and the provisions of subsection (1) of section fifteen of the Local

Accounts of  
local health  
authorities,  
Regional  
Hospital  
Boards.

PART VI.  
—cont.  
Boards of  
Management  
and Executive  
Councils.

Government (Scotland) Act, 1929 (which relate to the audit of county and town council accounts), shall have effect in relation to the accounts which a council are required to keep under this section.

(2) Every Regional Hospital Board, Board of Management and Executive Council shall keep, in such form as the Secretary of State may with the approval of the Treasury prescribe, accounts of all moneys received or paid out by them, and those accounts shall be audited by auditors appointed by the Secretary of State, and the Comptroller and Auditor General may examine all such accounts and any records relating thereto and any report of the auditor thereon.

(3) Every such Board and Council shall prepare and transmit to the Secretary of State in respect of each financial year accounts in such form as the Secretary of State may with the approval of the Treasury prescribe.

(4) The Secretary of State shall prepare in respect of each financial year, in such form as the Treasury may direct, summarised accounts of such Boards and Councils, and shall transmit them on or before the thirtieth day of November in each year to the Comptroller and Auditor General who shall examine and certify them and lay copies of them together with his report thereon before both Houses of Parliament.

*Administrative provisions.*

Default powers  
of Secretary  
of State.

56.—(1) Where the Secretary of State is of opinion on representations made to him or otherwise that any Regional Hospital Board, Board of Management, Executive Council, Ophthalmic Services Committee or local health authority, or the Scottish Medical Practices Committee or the Scottish Dental Estimates Board have failed to carry out any functions conferred or imposed on them by or under this Act, or have in carrying out those functions failed to comply with any regulations, schemes, proposals or directions relating thereto, he may after holding an inquiry make an order declaring them to be in default.

(2) Except where the body in default is a local health authority, the members of the body shall forthwith vacate their office and the order shall provide for the appointment, in accordance with the provisions of this Act, of new members of the body, and may contain such provisions as seem to the Secretary of State expedient for authorising any person to act in the place of the body in question pending the appointment of the new members.

(3) If the body in default is a local health authority, the order shall direct them, for the purpose of remedying the default, to discharge such of their functions, in such manner

and within such time or times, as may be specified in the order, and if the authority fail to comply with any direction given under this subsection, within the time limited for compliance therewith, the Court of Session may, on the application of the Lord Advocate on behalf of the Secretary of State, order specific performance of the functions in respect of which there has been default and do otherwise as to the Court appears to be just.

(4) An order made by the Secretary of State under this section may contain such supplementary and incidental provisions as appear to him to be necessary or expedient.

**57.—(1)** The Secretary of State may purchase by agreement or compulsorily any land required by him or by an Executive Council for the purposes of this Act, and, without prejudice to the generality of this subsection, land may be so purchased for the purpose of providing residential accommodation for persons employed at any hospital or health centre vested in the Secretary of State. Purchase of land.

(2) A local health authority may purchase by agreement or may be authorised by the Secretary of State to purchase compulsorily land for the purposes of this Act.

(3) For the purpose of the purchase of land by agreement by the Secretary of State or by a local health authority, the Lands Clauses Acts (except the provisions relating to the acquisition of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty to one hundred and twenty-five of the Land Clauses Consolidation (Scotland) Act, 1845) and section six and sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845 (as originally enacted and not as amended by section fifteen of the Mines (Working Facilities and Support) Act, 1923), shall be incorporated with this section, and in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act, and the Secretary of State or the local health authority, as the case may be, to be the promoters. 8 & 9 Vict. c. 19.  
8 & 9 Vict. c. 33.  
13 & 14 Geo. 5. c. 20.

(4) The provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect with regard to the compulsory purchase of land by the Secretary of State or by a local health authority under this section as if— 9 & 10 Geo. 6. c. 49.

- (i) in subsection (7) of section nine of that Act there were inserted after the word "under" the words "section fifty-seven of the National Health Service (Scotland) Act, 1947"; and
- (ii) this Act had been in force immediately before the commencement of the Acquisition of Land (Authorisation Procedure) Act, 1946:

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—cont.

Provided that section two of the said Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this section.

Power of Regional Hospital Boards and Boards of Management to hold property on trust.

58. A Regional Hospital Board and the Board of Management of any hospital or group of hospitals shall have power to accept, hold and administer any property upon trust for purposes relating to hospital or specialist services or to their functions under Part II of this Act with respect to research.

Power of trustees to make payments to Regional Hospital Boards and Boards of Management.

59.—(1) Where property, other than property transferred to the Secretary of State or to a Board of Management under section six or section seven of this Act, is held on trust immediately before the appointed day, and the terms of the trust instrument authorise or require the trustees, whether immediately or in the future, to apply any part of the capital or income of the trust property for the purposes of any hospital to which section six of this Act applies, the trust instrument shall be construed as authorising or, as the case may be, requiring the trustees to pay that part of the capital or income of the trust property to the Regional Hospital Board for the area in which the hospital is situated or to the Board of Management of the hospital or group of hospitals comprising the hospital, as the trustees, having regard to the purposes of the trust, may determine.

(2) Any sums paid to a Regional Hospital Board or Board of Management in pursuance of the last foregoing subsection shall, so far as practicable, be applied by them for the purposes specified in the trust deed.

Preservation of associations of denominational hospitals.

60.. Where the character and associations of any voluntary hospital transferred to the Secretary of State by virtue of this Act are such as to link it with a particular religious denomination, regard shall be had in the general administration of the hospital and in the making of appointments to the Board of Management to the preservation of the character and associations of the hospital.

Provision of special educational treatment in hospitals.

61.—(1) The Secretary of State may arrange with any education authority or voluntary organisation for—

- (a) the provision by the authority or organisation in a hospital vested in the Secretary of State of special educational treatment (within the meaning of the Education (Scotland) Act, 1946) for patients in the hospital or for persons other than patients attending the hospital for the purpose of receiving such treatment, and
- (b) the maintenance by the Secretary of State (where necessary) of persons other than patients receiving such treatment,

and any such arrangements may include provision for payment by the authority or organisation to the Secretary of State in respect of the use of any part of the hospital for the purpose of such provision or in respect of the maintenance of such persons.

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—cont.

(2) Regulations and schemes under section twelve of this Act may provide for the making of arrangements under the last foregoing subsection as if those arrangements formed part of the hospital and specialist services.

62. A local health authority may purchase and store and supply to the following authorities, that is to say—

Supply of goods by local health authorities.

- (a) the Secretary of State;
- (b) any other local health authority;
- (c) any education authority (for the purposes of any health services provided by them);
- (d) any Regional Hospital Board or Board of Management; or
- (e) any Executive Council;

any goods or materials required for the discharge of the functions of the authority supplied, on such terms as may be agreed between the two authorities.

63. Any of the authorities mentioned in the last foregoing section who provide premises, furniture or equipment for any of the purposes of this Act may, on such terms (including terms with respect to the services of any staff employed by them) as may be agreed, permit the use thereof by any other such authority or by any voluntary organisation providing services under Part II or Part III of this Act or any service connected with the duties of a local health authority under the Mental Deficiency (Scotland) Acts, 1913 and 1940, or under Part V of this Act.

Use of premises and equipment by other authorities.

64.—(1) A local health authority may provide residential accommodation for officers employed by them for the purposes of any of their functions, or for officers employed by a voluntary organisation for the purposes of any services provided under Part III of this Act.

Provision of residential accommodation for staff.

(2) An Executive Council may, if so authorised by the Secretary of State in any case in view of the special circumstances thereof, provide residential accommodation for medical practitioners providing services under Part IV of this Act.

65. Regulations may make provision with respect to the qualifications, remuneration, and conditions of service of officers who are employed by any one or more of the following bodies, that is to say—

Qualifications, remuneration and conditions of service of officers.

- (a) any body constituted under this Act,
- (b) a local health authority,

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—cont.

- (c) an education authority,
- (d) any such voluntary organisation as is referred to in section sixty-three of this Act,

and who are so employed wholly or mainly for the purpose of the provision of such services as are referred to in section two of this Act, and no officer to whom the regulations apply shall be employed otherwise than in accordance with the regulations.

Super-  
annuation of  
officers.

## 66.—(1) Regulations may provide—

- (a) for the granting out of moneys provided by Parliament of superannuation benefits to officers of such classes as may be prescribed, being officers of Regional Hospital Boards, Boards of Management, Executive Councils, or other bodies constituted under this Act, or other officers engaged in health services, whether provided under this Act or otherwise but not provided by a local health authority or other local authority, and for the recovery of contributions from such officers and, in such cases as may be prescribed, from their employers;
- (b) for extending, with such modifications as may be prescribed, the provisions of the Local Government Superannuation (Scotland) Act, 1937, or any local Act scheme within the meaning of that Act to such officers as may be prescribed, or for modifying the provisions of the said Act or of any such scheme in their application to such officers as may be prescribed, being in either case officers of local health authorities or other local authorities or officers of voluntary organisations engaged in the provision of services under Part III or Part V of this Act or under the Mental Deficiency (Scotland) Acts, 1913 and 1940;
- (c) for the granting out of moneys provided by Parliament of superannuation benefits to medical practitioners and dental practitioners providing general medical services or general dental services, and for the recovery of contributions from such practitioners and, in such cases as may be prescribed, from Executive Councils;
- (d) for dealing with cases where any person is engaged in employment which would bring him within all or any two of the foregoing paragraphs;
- (e) for the payment to the Secretary of State by any local authority or other person of transfer value in respect of persons who become entitled to participate in superannuation benefits provided under the

17 Edw. 8 &  
1 Geo. 6. c. 69.



- regulations out of moneys provided by Parliament, who were previously entitled to participate in superannuation benefits provided by that authority or person or to which that authority or person was liable to contribute, or for the transfer to the Secretary of State, in lieu of such payment, of any fund or part of a fund or policy of insurance previously maintained for the purpose of providing superannuation benefits to persons who become entitled to participate in superannuation benefits provided under the regulations out of moneys provided by Parliament;
- (f) for the payment of transfer value by the Secretary of State in respect of persons leaving employment entitling them to participate in superannuation benefits provided under the regulations out of moneys provided by Parliament and entering employment entitling them to participate in superannuation benefits otherwise provided;
  - (g) for making special provision for special classes of persons;
  - (h) for granting to persons who, immediately before becoming entitled to participate in superannuation benefits provided under or by virtue of the regulations, were entitled to participate in other superannuation benefits, an option to retain rights corresponding with those previously enjoyed by them in lieu of the rights which they would otherwise enjoy under or by virtue of the regulations;
  - (i) for the determination by the Secretary of State of all questions arising under the regulations;
  - (k) for such provisions supplementary to and consequential on the matters aforesaid as appear to the Secretary of State to be necessary, including provisions for adapting, modifying or repealing any Acts of Parliament, whether public general, local or private, or any such local Act schemes as aforesaid so far as appears to the Secretary of State to be necessary in consequence of the regulations.

(2) If the Secretary of State and the appropriate Minister are satisfied that any Act for the time being in force in England and Wales or in Northern Ireland makes provision with respect to the superannuation of persons employed in health services in England and Wales or in Northern Ireland which is substantially similar to the provision made under this section, they may make regulations with respect to the rights and liabilities of any person who leaves employment in England and Wales or Northern Ireland entitling him to participate in superannuation benefits (whether provided under the said Act or otherwise) and enters into employment

PART VI.  
—cont.

in respect of which superannuation benefits are provided under regulations made under subsection (1) of this section or into the employment of a local health authority in respect of which superannuation benefits are provided under the Local Government Superannuation (Scotland) Act, 1937, as extended or modified by the regulations or under a local Act scheme as so extended or modified, and vice versa, and with respect to the rights and liabilities of the Secretary of State, the appropriate Minister and other authorities concerned.

In this subsection the expression "the appropriate Minister" means, as respects England and Wales, the Minister of Health, and as respects Northern Ireland, the Minister of Health and Local Government for Northern Ireland.

Transfer and  
compensation  
of officers.

## 67.—(1) Regulations shall provide—

- (a) for the transfer of officers employed immediately before the appointed day solely or mainly at or for the purposes of any hospital transferred to the Secretary of State by virtue of this Act, to the Regional Hospital Board for the area in which the hospital is situated, subject in the case of honorary officers to such exceptions and conditions as may be prescribed.
- (b) for the transfer of officers employed immediately before the appointed day by an insurance committee to the Executive Council for the area comprising the area of the insurance committee or, where the area of the insurance committee is not wholly comprised in the area of one Executive Council, to such Executive Council as may be determined by the Secretary of State;
- (c) for the payment of compensation subject to any prescribed exceptions or conditions, by the Secretary of State or such local health authority as may be prescribed, to persons who immediately before the appointed day—
  - (i) devoted the whole of their time to employment by the governing body of a voluntary hospital, a local authority, an insurance committee or any such other body as may be prescribed, or to any combination of such employments; and
  - (ii) were employed for at least part of their time for the purposes of any hospital transferred to the Secretary of State by virtue of this Act or for the purposes of functions which cease, or are transferred from the employing authority or body, in consequence of this Act,

and who suffer loss of employment or loss or diminution of emoluments which is attributable to the passing of this Act;

- (d) for the payment of compensation subject to any prescribed exceptions or conditions by the Secretary of State or such local health authority as may be prescribed to officers who, having before the appointed day been employed in the employment mentioned in paragraph (c) hereof, would have been in that employment immediately before that day but for any war service in which they have been engaged; and
- (e) for the determination of any question arising under the regulations.

(2) This section shall—

- (i) apply, in the case of an officer employed immediately before the appointed day solely or mainly for the purposes of two or more hospitals, not all of which will be administered by the same Regional Hospital Board, with the modification that the Board to whom the officer is to be transferred shall be determined by the Secretary of State;
- (ii) apply in relation to a joint insurance committee constituted under section ninety-four of the National Health Insurance Act, 1936, as it applies to an insurance committee for a county or burgh, with the modification that any officer to be transferred shall be transferred to such Executive Council or joint Committee established for the areas of two or more such Councils as may be determined by the Secretary of State;

and the expression “ war service ” in this section means service in any of His Majesty’s forces and such other employment as may be prescribed.

68. Regulations may provide—

- (a) for the transfer of property and liabilities to an Executive Council from the insurance committee for any county or burgh comprised wholly or partly in the area of the Council;
- (b) for the transfer to the Executive Council for any area of houses in that area provided for medical practitioners by local authorities in pursuance of a scheme under the Highlands and Islands (Medical Service) Grant Act, 1913, together with any rights or liabilities acquired or incurred solely for the purposes of such houses or the appropriate shares of any rights or liabilities acquired or incurred partly for such purposes and partly for other purposes;

Consequential provisions on transfer of functions.

3 & 4 Geo. 5. c. 26.

PART VI.  
—cont.

- (c) for the granting of such deeds as appear to the Secretary of State to be necessary for the purposes of such transfers as aforesaid;
- (d) for enabling any proceedings pending with respect to any such property, liabilities or houses to be carried on by or against the Executive Council;
- (e) for the winding up of the Highlands and Islands (Medical Service) Fund and the payment into the Exchequer of any balance thereof remaining after discharging any liabilities attaching thereto; and
- (f) for the determination of questions arising in relation to the matters aforesaid.

This section shall apply in relation to a joint insurance committee constituted under section ninety-four of the National Health Insurance Act, 1936, as it applies in relation to an insurance committee for a county or burgh, with the modification that the body to whom any property or liability is to be transferred, or by or against whom any proceedings are to be carried on, shall be such Executive Council or joint committee established for the areas of two or more such Councils as may be determined by the Secretary of State.

## Inquiries.

**69.**—(1) The Secretary of State may cause an inquiry to be held in any case where he deems it advisable to do so in connection with any matter arising under this Act.

(2) The provisions of the Tenth Schedule to this Act shall have effect with regard to any inquiry which the Secretary of State is, under this Act, required or authorised to hold.

Protection of  
certain bodies  
and their  
officers.

**70.** Section one hundred and sixty-six of the Public Health (Scotland) Act, 1897 (which relates to the protection of local authorities and their officers) shall apply in relation to a Regional Hospital Board, Board of Management, a local health authority and an Executive Council, in like manner as the said section applies in relation to a local authority subject however to the following modifications—

- (a) for any reference to that Act there shall be substituted a reference to this Act; and
- (b) for the reference to two months there shall be substituted a reference to twelve months.

Exemptions  
from stamp  
duty on certain  
documents  
required for  
purposes of  
Act.

**71.** Stamp duty shall not be chargeable on any draft, order or receipt given by or to an Executive Council in respect of money payable in pursuance of this Act, or on any agreement entered into by any person with an Executive Council for the provision of services under Part IV of this Act, or on any document required in connection with the transfer of property or liabilities from an insurance committee to an Executive Council.

72. Regulations may make provision for all or any of the following matters:

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—cont.  
Miscellaneous  
administrative  
matters.

- (a) for prescribing the forms of notices and other documents, and the manner of service of notices and other documents;
- (b) for prescribing the manner in which documents may be executed or proved;
- (c) for prescribing the manner in which resolutions of local health authorities and any bodies constituted under this Act are to be proved.

73.—(1) The following regulations and orders made under this Act—

Regulations  
and orders.

- (a) all regulations (except regulations made under section sixty-six or section sixty-seven);
- (b) all orders made under subsection (2) of section two or under section eight or under subsection (3) of section thirty-two or under section seventy-five;
- (c) such of the orders made under subsection (1) of section eleven as determine the areas for which regional hospital boards are to be constituted; and
- (d) such of the orders made under subsection (7) or subsection (8) of section twenty as are required to be preceded by an inquiry;

shall be laid before Parliament immediately after they are made, and if either House of Parliament, within the period of forty days beginning with the day on which any such regulations or order are or is laid before it, resolves that the regulations or order be annulled, the regulations or order shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of new regulations or a new order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(2) No regulations shall be made under section sixty-six or section sixty-seven of this Act unless a draft of the regulations has been laid before Parliament and has been approved by resolution of each House of Parliament.

(3) Any power conferred on the Secretary of State by this Act to make regulations shall, if the Treasury so direct, not be exercisable except in conjunction with the Treasury.

(4) Any order made by the Secretary of State under this Act may be varied or revoked by a subsequent order made by him in like manner and subject to the like conditions as the original order.

## PART VI.

—*cont.*Consequential  
amendment  
and repeal of  
enactments.*Supplementary Provisions.*

74. As from the appointed day, the enactments specified in Part I of the Eleventh Schedule to this Act shall be amended to the extent therein specified, and the enactments specified in Part II of the said Schedule shall be repealed to the extent specified in the third column of that Part, such amendment and repeal being required in consequence of the passing of this Act or for the purpose of bringing the said enactments into conformity with the provisions of this Act.

Amendment  
and repeal of  
local Acts  
and charters.

75.—(1) Where at the passing of this Act, there is in force a local or private Act or charter containing provisions appearing to the Secretary of State either to be inconsistent with any of the provisions of this Act, or to be redundant in consequence of the passing of this Act, the Secretary of State may by order make such alterations, whether by amendment or by repeal, in the local or private Act or charter as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be.

(2) Any provision of a local or private Act or charter defining or restricting the objects of any hospital to which section six of this Act applies or the purposes for which any property transferred to the Secretary of State or a Board of Management under this Act may be used shall cease to have effect.

Provision for  
winding up  
certain bodies.

76.—(1) The following bodies, that is to say—

- (a) bodies formed by combination deemed to have taken place under subsection (4) of section eleven of the Local Government (Scotland) Act, 1929;
- (b) joint committees or combined bodies constituted or deemed to have been constituted under any enactment for the purpose of the maintenance and management of any hospital transferred to the Secretary of State under this Act, or for the purpose of exercising functions which cease to be exercisable in consequence of this Act or are transferred to the Secretary of State under this Act; and
- (c) governing bodies of voluntary hospitals transferred to the Secretary of State by virtue of this Act whose functions wholly cease in consequence of this Act;

shall as from the appointed day be dissolved, and regulations may make such provision, supplementary to the provisions of this Act, as may be necessary for the purpose of winding up the affairs of those bodies.

(2) Without prejudice to the provisions of the last foregoing subsection, regulations may provide that any rights or liabilities of any of the bodies referred to in paragraphs

(a) and (b) of the last foregoing subsection under any enactment, scheme or contract providing for the payment of, or contribution towards, superannuation benefits in respect of officers employed by those bodies, being rights and liabilities arising in respect of officers who have ceased to be so employed before the appointed day, shall as from that day be apportioned among the constituent authorities of those bodies.

PART VI.  
—cont.

77. Any question which is required by this Act or by any regulation thereunder to be determined by arbitration shall be determined by a single arbiter agreed upon by the parties or, failing such agreement, appointed by the Court of Session on the application of any of the parties to the question, and at any stage in the proceedings in any such arbitration the arbiter may and shall if so directed by the Court of Session state a case for the opinion of that Court on any question of law arising in the arbitration.

78. Subsection (3) of section two of the Nurses (Scotland) Act, 1943 (which subsection precludes rules made under that section from enabling a course of training begun after the fourth day of August nineteen hundred and forty-eight to qualify any person for admission to the roll of assistant nurses) shall cease to have effect.

Repeal of  
s. 2 (3) of  
6 & 7 Geo. 6.  
c. 33.

79. Asylums within the meaning of the Lunacy (Scotland) Act, 1857, shall hereafter be called and are in this Act referred to as mental hospitals, and for references to such an asylum in any enactment or in any order, regulation or other document issued under any enactment there shall be substituted references to a mental hospital.

Expression  
“asylum”  
to cease to be  
used.

80.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

Interpretation.

“appointed day” means such day as His Majesty may by Order in Council appoint, and different days may be appointed for the purposes of different provisions of this Act and for the repeal or amendment of different enactments by this Act;

“certified midwife” means a person certified under the Midwives (Scotland) Acts, 1915 and 1927;

“dental practitioner” means a person registered in the dentists register under the Dentists Acts, 1878 to 1923;

“dispensing optician” means a person having the prescribed qualifications for the fitting and supply of optical appliances;

“education authority” has the same meaning as in the Education (Scotland) Act, 1946;

PART VI.  
— cont.

- “ equipment ” includes any machinery, apparatus or appliance, whether fixed or not, and any vehicle;
- “ the governing body ”, in relation to any voluntary hospital, includes any body, whether corporate or unincorporate, having the control and management of the hospital or any part thereof or otherwise carrying on the business of the hospital or any part thereof;
- “ hospital ” means any institution for the reception and treatment of persons suffering from illness or mental deficiency, any maternity home, any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and any institution for providing dental treatment maintained in connection with a dental school and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid, and “ hospital accommodation ” shall be construed accordingly;
- “ illness ” includes lunacy, mental illness and any injury or disability requiring medical or dental treatment or nursing;
- “ insurance committee ” means an insurance committee constituted under the National Health Insurance Act, 1936;
- “ large burgh ” and “ small burgh ” have the like meanings as in the Local Government (Scotland) Act, 1929;
- “ local authority ” means a county or town council, and includes any joint board or joint committee or other combined body of which all the constituent authorities are such councils as aforesaid and any body which is, in pursuance of any Act, deemed to be a combination of such councils;
- “ local health authority ” has the meaning assigned to it by section twenty of this Act;
- “ medical ” includes surgical;
- “ medical practitioner ” means a registered medical practitioner;
- “ medicine ” includes any prescribed chemical re-agent;
- “ mental defective ” means a person who is a defective within the meaning of the Mental Deficiency (Scotland) Acts, 1913 and 1940;
- “ officer ” includes servant;



“ophthalmic optician” means a person having the prescribed qualifications in optics including the measurement of errors of refraction, in orthoptics and in the fitting and supply of optical appliances;

PART VI.  
—cont.

“patient” includes an expectant or nursing mother and a lying-in woman;

“prescribed” means prescribed by regulations made by the Secretary of State under this Act;

“property” includes rights;

“registered nurse” means a nurse registered in the register of nurses established under the Nurses Registration (Scotland) Act, 1919;

9 & 10 Geo. 5.  
c. 95.

“registered pharmacist” means a pharmacist registered in the register of pharmaceutical chemists or the register of chemists and druggists;

“regulations” means regulations made by the Secretary of State under this Act;

“superannuation benefits” means annual superannuation allowances, gratuities and periodical payments payable on retirement, death or incapacity, and similar benefits;

“voluntary” means not carried on for profit and not provided by a local or public authority.

(2) References in this Act to the purposes of a hospital shall be construed as referring both to the general purposes of the hospital and to any specific purpose of the hospital.

(3) References in this Act to the functions of or services provided by a local health authority shall, unless the context otherwise requires, be construed respectively as references to all the functions exercisable or services provided by a local health authority whether under this Act or under any other enactment conferring functions on or empowering or requiring the provision of services by a local health authority in their capacity as such an authority.

(4) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this Act.

81.—(1) This Act may be cited as the National Health Service (Scotland) Act, 1947.

Short title  
and extent.

(2) This Act, except subsection (2) of section sixty-six, shall extend to Scotland only.

## SCHEDULES.

## FIRST SCHEDULE.

## Section 2.

## SCOTTISH HEALTH SERVICES COUNCIL AND ADVISORY COMMITTEES.

*Constitution of Scottish Health Services Council.*

1. The Scottish Health Services Council shall consist of thirty-five members who shall be appointed by the Secretary of State and of whom—

- (a) eighteen shall be medical practitioners of whom two shall be selected for their knowledge of mental illness and mental deficiency;
- (b) four shall be persons, not being medical practitioners, with experience in hospital management including one with experience in mental health services;
- (c) five shall be persons, not being medical practitioners, with experience in local government including one with experience in local government in relation to mental health services;
- (d) three shall be dental practitioners;
- (e) two shall be registered nurses;
- (f) one shall be a certified midwife; and
- (g) two shall be registered pharmacists;

and before appointing any of the persons specified in sub-paragraphs (a) to (g), respectively, the Secretary of State shall consult with such organisations as he may recognise as representative of those persons.

*Supplementary Provisions.*

2. Regulations may make provision with respect to the appointment, tenure of office and vacation of office of the members of the Health Services Council and of any standing advisory committee constituted under section two of this Act and for the making of payments to such members and to members of any committee or sub-committee set up under paragraph 4 of this Schedule in respect of any loss of remunerative time or any travelling or subsistence expenses.

3. The Secretary of State shall appoint a secretary to the Health Services Council and to each standing advisory committee, and the Health Services Council and any standing advisory committee may also appoint a secretary to the Council or the committee, as the case may be, who shall act jointly with the secretary appointed by the Secretary of State.

4. The Health Services Council may appoint such committees, and any standing advisory committee may appoint such sub-committees, as they think fit, to consider and report upon questions referred to them by the Health Services Council or standing advisory committee, as the case may be, and any such committee or sub-committee may include persons who are not members of the Health Services Council or standing advisory committee, as the case may be.

5. The Health Services Council and any standing advisory committee shall elect one of the members of the Council or committee,

as the case may be, to be chairman of the Council or committee, and shall have power to regulate their own procedure.

1ST SCH.  
—cont.

6. The proceedings of the Health Services Council or of any standing advisory committee shall not be invalidated by any vacancy in the membership of the Council or committee or by any defect in the appointment or qualification of any member thereof.

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SECOND SCHEDULE.

Section 8.

HOSPITAL ENDOWMENTS COMMISSION.

1. The Hospital Endowments Commission shall consist of a chairman appointed by the Secretary of State and such number of other members so appointed as the Secretary of State may from time to time determine.

2. The chairman and other members of the Commission shall, except where their office is sooner vacated by death or resignation, hold office from the time of appointment until the expiry of seven years from the appointed day. If an order is made under subsection (7) of section eight of this Act directing that the powers of the Commission shall continue, the Chairman and other members of the Commission shall be eligible for re-appointment and if so re-appointed shall, except as aforesaid, hold office from the time of such re-appointment till the expiry of the powers of the Commission.

3. The Secretary of State may make regulations for the making of payments to members of the Commission in respect of any loss of remunerative time or any travelling or subsistence expenses.

4. The Secretary of State may provide the services of such officers as the Commission may require.

5. The proceedings of the Commission shall not be invalidated by any vacancy in the membership thereof.

6. It is hereby declared for the avoidance of doubt that a member of the Commission is not, by reason of his membership, rendered incapable of being elected, or of sitting and voting, as a Member of the House of Commons.

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THIRD SCHEDULE.

Section 10.

ACQUISITION OF HOSPITAL PROPERTY OTHER THAN LAND.

1. Where under Part II of this Act, in connection with the acquisition of any hospital, the Secretary of State proposes to acquire any equipment, furniture or other corporeal moveable property used in or in connection with the hospital premises, he may, at any time after the acquisition of the hospital (in the case of acquisition by agreement) or at any time after the service of the notice to treat (in the case of the compulsory acquisition of a hospital), serve a notice on the owner of the property specifying the property proposed to be acquired, and specifying the time within which and the manner in which any objection to such acquisition may be made.

2. If any objection is duly made, the Secretary of State shall afford to the said owner an opportunity of appearing before and being heard by a person appointed by him for the purpose, and

3RD SCH.  
—cont.

after considering any such objection and the report of the person so appointed by him, the Secretary of State shall either withdraw the notice aforesaid or serve upon the owner a notice confirming that notice.

3. The property with respect to which a notice is served under paragraph 1 of this Schedule and is not withdrawn shall—

- (a) if no objection is duly made to the notice, vest in the Secretary of State at the expiration of the time for making such an objection;
- (b) if such an objection is duly made and the notice is confirmed by a notice served under the last foregoing paragraph, vest in the Secretary of State on the service of the last mentioned notice;

and shall in each case vest free of any pledge, lien or right in security.

4. Where any property is acquired in accordance with this Schedule there shall be paid by way of compensation to the owner of the property concerned a sum equal to the price which he might reasonably have been expected to have obtained upon a sale of the property effected by him immediately before the acquisition of the property by the Secretary of State, and any dispute as to the amount of such compensation shall be determined by arbitration, and the compensation shall accrue due at the time when the property vested in the Secretary of State.

5. Where property in respect of which compensation is payable as aforesaid was, immediately before the acquisition thereof by the Secretary of State, in the possession of some person by virtue of a hire purchase agreement, that person may, by a notice served on the Secretary of State, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and in default of agreement between the parties the claim shall be determined by arbitration and the arbiter may apportion the compensation between the owner and the other person in such manner as appears to him to be just.

6. Any such compensation shall carry interest, as from the time when it accrues due until payment, at such rate as the Treasury may from time to time by order prescribe.

7. Where any sum by way of compensation is paid in accordance with this Schedule in respect of any property and, at the time when the compensation accrues due, the property is subject to any pledge, lien or right in security, the sum so paid shall be deemed to be subject to that pledge, lien or right.

Section II.

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 FOURTH SCHEDULE.
 

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 REGIONAL HOSPITAL BOARDS, MEDICAL EDUCATION COMMITTEES AND  
BOARDS OF MANAGEMENT.

## PART I.

*Constitution of Regional Hospital Boards.*

A Regional Hospital Board shall consist of a chairman appointed by the Secretary of State and such number of other members so

appointed as the Secretary of State thinks fit, and the members, of whom at least one half shall be persons other than medical practitioners, shall include—

- (a) persons appointed after consultation with any university with which the provision of hospital and specialist services in the area of the Board is associated;
  - (b) persons appointed after consultation with such organisations as the Secretary of State may recognise as representative of the medical profession in the said area or the medical profession generally;
  - (c) persons appointed after consultation with the local health authorities in the said area;
  - (d) persons appointed after consultation with such other organisations as appear to the Secretary of State to be concerned; and
  - (e) such other persons as the Secretary of State may think fit;
- and the original members of the Board shall also include persons appointed after consultation with such organisations as the Secretary of State may recognise as representative of voluntary hospitals in the said area. Before making appointments to fill vacancies the Secretary of State shall also consult the Board.

At least two of the members of the Board shall be persons with experience in mental health services.

#### PART II.

##### *Constitution of Medical Education Committees.*

The Medical Education Committee for any area shall consist of such number of members as the Secretary of State thinks fit, and of those members—

- (a) not less than one-third shall be appointed by any university with which the provision of hospital and specialist services in the area is associated;
- (b) a number equal to the number appointed under the last foregoing sub-paragraph shall be appointed by the Regional Hospital Board for the area;
- (c) any other members shall be appointed in such manner as may be provided in the order constituting the Committee.

The Committee shall appoint one of their number to be chairman.

#### PART III.

##### *Constitution of Boards of Management.*

A Board of Management shall consist of members appointed in accordance with the scheme under section eleven of this Act for the time being in force, and the members, of whom at least one half shall be persons other than medical practitioners, shall include—

- (a) persons appointed after consultation with any local health authority whose area comprises the area or any part of the area served by the hospital or group;
- (b) persons appointed after consultation with any Executive Council (constituted under Part IV of this Act) whose area comprises the area or any part of the area served by the hospital or group;

4TH SCH.  
—cont.

- (c) persons appointed after consultation with the senior medical and dental staff employed at the hospital or the hospitals of the group, as the case may be;
- (d) persons appointed after consultation with such other organisations as appear to the Regional Hospital Board to be concerned;
- (e) such other persons as the Regional Hospital Board may think fit; and
- (f) in the case of a hospital providing facilities for under-graduate or post-graduate clinical teaching, persons, not exceeding in number one-fifth of the total number of members, nominated by any university with which those facilities are associated.

In the case of a hospital providing such facilities as aforesaid the persons appointed under sub-paragraph (c) of this paragraph shall include persons, not exceeding in number one-fifth of the total number of members, nominated by the medical and dental teaching staff employed at the hospital or the hospitals of the group as the case may be.

In the case of a Board of Management appointed before the appointed day for a voluntary hospital or for a group comprising any voluntary hospital, the original members of the Board shall also include persons appointed after consultation with the governing body of any voluntary hospital concerned. Before making appointments to fill vacancies the Regional Hospital Board shall also consult the Board of Management. The Board shall appoint one of their number to be chairman.

## PART IV.

*Supplementary provisions.*

1. Regional Hospital Boards and Boards of Management shall be bodies corporate.
2. Regulations may make provision—
  - (a) with respect to the appointment, tenure of office and vacation of office of the members of the bodies constituted under the foregoing provisions of this Schedule;
  - (b) with respect to the appointment of committees consisting wholly or partly of members of those bodies and the delegation of functions to such committees;
  - (c) for the making of payments to members of those bodies or committees in respect of any loss of remunerative time or, if the special circumstances of the body or committee concerned appear to the Secretary of State to justify it, in respect of any travelling or subsistence expenses; and
  - (d) with respect to the procedure of those bodies or committees.
3. The proceedings of any body constituted under the foregoing provisions of this Schedule shall not be invalidated by any vacancy in the membership of the body or by any defect in the appointment or qualification of any member thereof.
4. It is hereby declared, for the avoidance of doubt, that a member or officer of any such body or of a committee thereof is not, by reason of his membership or office, rendered incapable of being elected, or of sitting and voting, as a Member of the House of Commons.

## FIFTH SCHEDULE.

Section 20.

PROVISIONS AS TO HEALTH COMMITTEES OF LOCAL HEALTH  
AUTHORITIES.

1. Every local health authority shall prepare and submit to the Secretary of State an administrative scheme for the discharge of their functions. Any such scheme shall provide for the constitution of a health committee and the provisions of subsections (8) to (10) of section fourteen of the Local Government (Scotland) Act, 1929, shall, with the substitution for the date therein mentioned of such date as the Secretary of State may fix and with any other necessary modifications, apply in relation to such schemes in like manner as those provisions apply in relation to the schemes therein mentioned.

2. Subject to the next following paragraph, all matters relating to the discharge of the functions of a local health authority shall stand referred to the health committee, and the authority, before exercising any such functions, shall consider a report of the health committee with respect thereto:

Provided that an authority may dispense with such a report if, in their opinion, the matter is urgent.

3. The last foregoing paragraph shall not prevent the council of a county or burgh from referring to any committee appointed by them any matter arising out of, and incidental to, their functions as local health authority which, by reason that it relates also to a general service of the council, ought, in the opinion of the council, to be so referred, and the last foregoing paragraph shall not apply to any matter which is so referred:

Provided that, before deciding on a proposal for a reference under this paragraph, the council shall receive and consider a report of the health committee on the proposal.

4. A local health authority may authorise the health committee to exercise on their behalf any of their functions except the power to borrow money or to levy a rate.

5. At least two-thirds of the members of the health committee shall be members of the local health authority, and any other members shall be persons who have special knowledge or experience in regard to the functions of a local health authority.

6. The minutes of proceedings of the health committee shall be open to the inspection of any local government elector for the area of the local health authority on payment of a fee not exceeding one shilling and any such local government elector may make a copy thereof or extract therefrom.

7. The health committee may, subject to any restrictions imposed by the local health authority, establish such sub-committees as the health committee may determine, and any sub-committee established under this paragraph shall be constituted in such manner as may, subject to any restrictions imposed by the local health authority, be determined by the health committee, and at least two-thirds of the

5TH SCH.  
—cont.

members of every sub-committee shall be members of the local health authority:

Provided that a person who is not a member of the local health authority or of the health committee shall not be appointed to any sub-committee except with the consent of the local health authority.

8. The health committee may, subject to any restrictions imposed by the local health authority, authorise any sub-committee to exercise on their behalf any functions of the health committee.

Section 32.

SIXTH SCHEDULE.

## EXECUTIVE COUNCILS.

*Constitution of Executive Councils.*

1. An Executive Council shall consist of a chairman appointed by the Secretary of State and twenty-four other members of whom—

- (a) eight members shall be appointed by the local health authority for the area of the Executive Council or, where that area comprises in whole or in part the areas of more than one local health authority, by those authorities in such proportions as the Secretary of State may by order direct;
- (b) four members shall be appointed by the Secretary of State;
- (c) seven members shall be appointed by the Local Medical Committee;
- (d) three members shall be appointed by the Local Dental Committee;
- (e) two members shall be appointed by the Local Pharmaceutical Committee.

*Supplementary Provisions.*

- 2. Every Executive Council shall be a body corporate.
- 3. An Executive Council shall not acquire land except with the consent of the Secretary of State.
- 4. The Secretary of State may make regulations—
  - (a) with respect to the appointment, tenure of office and vacation of office of the members of an Executive Council;
  - (b) with respect to the appointment of committees consisting wholly or partly of members of the Council and the delegation of functions to such committees;
  - (c) for the making of payments to members of the Council or any such committee in respect of any loss of remunerative time or, if the special circumstances of the area of the Council appear to the Secretary of State to justify it, in respect of any travelling or subsistence expenses;
  - (d) with respect to the appointment of officers of the Council;



- (e) for payment by an Executive Council of sums, not exceeding such sums as may be prescribed, as subscriptions to the funds of any association of Executive Councils whose objects are approved by the Secretary of State, and for the payment at the prescribed rates of any expenses reasonably incurred by representatives in attending meetings of any such association;
- (f) with respect to the procedure of the Council or any such committee.

6TH SCH.  
—cont.

5. If the Local Medical Committee, the Local Dental Committee or the Local Pharmaceutical Committee fail within such period as the Secretary of State may determine to appoint any member of the Executive Council whom they are required to appoint, the appointment shall be made by the Secretary of State.

6. The proceedings of an Executive Council or of any committee of such a Council shall not be invalidated by any vacancy in the membership of the Council or committee or by any defect in the appointment or qualification of any member thereof.

7. It is hereby declared, for the avoidance of doubt, that a member or officer of any such Council or committee is not, by reason of his membership or office, rendered incapable of being elected, or of sitting and voting, as a Member of the House of Commons.

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SEVENTH SCHEDULE.

Section 35.

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SCOTTISH MEDICAL PRACTICES COMMITTEE.

1. The Scottish Medical Practices Committee shall consist of a chairman, who shall be a medical practitioner, and five other members of whom three shall be medical practitioners actively engaged in medical practice.

2. The chairman and members shall be appointed by the Secretary of State after consultation with such organisations as the Secretary of State may recognise as representative of the medical profession.

3. The Secretary of State may make regulations—

- (a) with respect to the appointment, tenure of office and vacation of office of the members of the Committee;
- (b) for the payment to members of the Committee of remuneration or travelling and subsistence allowances.

4. The Secretary of State may provide the services of such officers as the Committee may require.

5. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment or qualification of any member thereof.

Section 43.

EIGHTH SCHEDULE.

CONSTITUTION OF TRIBUNAL.

1. The Tribunal shall consist of a chairman and two other members.
2. The chairman shall be a practising advocate or solicitor of not less than ten years' standing appointed by the Lord President of the Court of Session.
3. One of the other members shall be a person appointed by the Secretary of State after consultation with such associations of Executive Councils as the Secretary of State may recognise as representative of Executive Councils.
4. The other member (hereinafter referred to as the "practitioner member") shall be one of a panel of six persons appointed by the Secretary of State, after consultation with such organisations as the Secretary of State may recognise as representative of the several professions concerned, and consisting of a medical practitioner, a dental practitioner, a registered pharmacist, a medical practitioner practising as an oculist, an ophthalmic optician and a dispensing optician engaged in dispensing, and the practitioner member shall, for the purpose of the investigation of the case of any person, be such one of the six persons aforesaid as belongs to the same profession as the person whose case is being investigated.
5. If any of the members of the Tribunal is unable to act in any case, a deputy may be appointed in like manner and after the like consultations as in the case of the appointment of the member in question and, if the member was required to possess professional qualifications, the deputy shall possess the like qualifications.

*Supplementary Provisions.*

6. Regulations may make provision—
  - (a) with respect to the appointment, tenure of office and vacation of office of members of the Tribunal;
  - (b) for the payment to members of the Tribunal of remuneration or subsistence allowances and travelling allowances.
  - (c) with respect to the appointment of officers of the Tribunal.

Section 30.

NINTH SCHEDULE.

AMENDMENT AND REPEAL OF ENACTMENTS RELATING TO LUNATICS AND MENTAL DEFECTIVES.

PART I.

AMENDMENTS.

*General Amendments.*

In all enactments relating to lunatics or mental defectives and in any documents issued thereunder references to a public asylum or to a district asylum shall be construed as references to a hospital vested in the Secretary of State and designated by him as a public mental hospital.

In all enactments relating to mental defectives, for references to parish councils there shall be substituted references to local health authorities; references to institutions shall be construed as including references to hospitals vested in the Secretary of State and designated

by him as mental deficiency institutions; and references to the managers in relation to an institution vested in the Secretary of State shall be construed as references to the Board of Management of the institution or, in the case of an institution for defectives of dangerous or violent propensities, to the General Board.

9TH SCH.  
—cont.

*The Lunacy (Scotland) Act, 1857.*

20 & 21 Vict. c. 71.

In section three in the definition of the expression "private asylum" the words from "and kept for" to "lunatic therein" shall be omitted.

In section eight the words from "and the paid Commissioners" to the end of the section shall be omitted.

In section twenty-eight the following proviso shall be added at the end of the section:—

" Provided also that this section, so far as relating to the said duty of ten shillings or to sums payable to the Board shall not apply in the case of a licence to be granted in respect of a private mental hospital not carried on for profit."

In section thirty-two the words "and for orders of admission" shall be omitted and for the words from "paid to and divided" to "surplus arises" there shall be substituted the words "paid into the Exchequer".

Section forty-two in so far as it authorises transfer of a lunatic to a house or mental hospital other than a public mental hospital or relates to the expense of maintenance of a lunatic shall cease to have effect.

In section seventy-one, before the word "asylum" where first occurring there shall be inserted the word "private".

In section ninety-four for the reference to the clerk to the Board there shall be substituted a reference to the secretary of the Board.

In section ninety-seven, for the words "the party or parish by whom this expense of maintenance of the lunatic is defrayed" there shall be substituted the words "any party (other than the Secretary of State) who is making any payment towards the maintenance of the lunatic".

For section one hundred and twelve, the following section shall be substituted:—

Arrangements  
to secure  
necessary action  
regarding  
persons of  
unsound mind.

" 112. (1).—It shall be the duty of the local health authority to make such arrangements as are necessary to secure that, when an officer authorised for the purposes of this section (hereinafter referred to as an authorised officer) has reason to believe that there is within their area a person of unsound mind in respect of whom action should be taken with a view to his detention in a mental hospital, a licensed house, or a private dwelling and that no relative or friend of such person is willing and able to take such action, the officer will—

(a) present a petition to the sheriff under section fourteen of the Lunacy (Scotland) Act, 1862; or

9TH SCH.  
—cont.

(b) present an application to the sheriff under section fifteen of the said Act; or

(c) arrange for the reception of the person into a private house under section thirteen of the Lunacy (Scotland) Act, 1866,

whichever of these courses shall seem to the officer most appropriate in the circumstances.

(2) Where an authorised officer takes any action under subsection (1) of this section, he shall within seven days thereafter inform the Board of such action giving particulars as to the person in relation to whom it is taken.

(3) Where a lunatic is detained in consequence of action taken under this section by an authorised officer, any provision in any Act requiring notice to be served on the person at whose instance an order for the detention of a lunatic was obtained, or authorising such a person to take steps for the transfer or release of the lunatic, shall not apply as regards the authorised officer.

(4) It shall be lawful for a local health authority to make payments to medical persons for the conduct of examinations with a view to furnishing certificates for the purposes of this section.

(5) In this section the expression "local health authority" has the like meaning as in the National Health Service (Scotland) Act, 1947."

*The Lunacy (Scotland) Act, 1862.*

25 & 26 Vict. c. 54.

In section one in the definition of the expression "superintendent" after the word "mean" there shall be inserted the words "in relation to a public mental hospital, the officer designated in that behalf by the Board of Management constituted under the National Health Service (Scotland) Act, 1947, and in relation to any other mental hospital" and for the words "any asylum" there shall be substituted the words "the mental hospital".

In section fifteen for references to an inspector of poor and to a parish there shall be respectively substituted references to an authorised officer under section one hundred and twelve of the Lunacy (Scotland) Act, 1857, and to the area of a local health authority; and the words from "and shall also grant" to "maintenance of such lunatic" and from "but the parish so decerned against" to the end of the section shall be omitted.

In section sixteen after the words "such lunatic" where they first occur there shall be inserted the words "or of the superintendent of the mental hospital or house in which he is detained".

For section eighteen the following section shall be substituted:—

Board may act  
if authorised  
officer fails to  
take action  
regarding person  
of unsound  
mind.

“ 18. If any authorised officer under section one hundred and twelve of the first recited Act shall after requisition by the Board, refuse or neglect for twenty-one days to take action under the said section with regard to a person of unsound mind, the Board may take such measures as are necessary for the removal of the person to a mental hospital or house, and may recover the expense of so doing from the local health authority within the meaning of the National Health Service (Scotland) Act, 1947, of the area in which the person was found.”

9TH SCH.  
—cont.

*The Lunacy (Scotland) Act, 1866.*

29 & 30 Vict. c. 51.

For section nine the following section shall be substituted:—

Discharge of  
Lunatics.

“ 9.—(1) Subject to the provisions of section ninety-three of the Lunacy (Scotland) Act, 1857, or of section twelve of this Act or of subsection (2) of this section—

(a) the Board of Management of any public mental hospital may direct that any lunatic detained therein be discharged;

(b) a lunatic detained in any mental hospital or house shall be discharged therefrom on the written request

(i) of the person at whose instance he is detained; or

(ii) if that person is dead or unable by reason of mental incapacity, absence from the United Kingdom or other cause to sign a request for discharge, of the husband or wife of the lunatic, or

(iii) if there is no husband or wife, or the husband or wife is unable as aforesaid, of the father of the lunatic, or

(iv) if there is no father or he is unable as aforesaid, of the mother of the lunatic; or

(v) if there is no mother, or she is unable as aforesaid, of any one or more of the next of kin.

(2) Where the discharge of a lunatic is directed or requested under the last foregoing subsection—

(a) the superintendent of the mental hospital or house may represent to the Board that the lunatic is not a fit person to be discharged, and in that event the lunatic shall not be discharged without the sanction of the Board;

9TH SCH.  
-cont.

(b) the superintendent of the mental hospital or house shall send to the local health authority within whose area the place to which the lunatic is to be discharged is situated notice of the proposed discharge giving such particulars with regard to the mental condition of the lunatic, the person, if any, who has requested the discharge and such other matters as may be prescribed by the Secretary of State, and the lunatic shall not in any event be discharged before the expiry of ten days from the date when such notice is given, and, if within that period, a duly authorised officer of the local health authority represents that adequate arrangements have not been made for the welfare of the lunatic in the event of his discharge, he shall not be discharged without the sanction of the Board.

(3) In this section the expressions 'Board of Management,' and 'local health authority' have the like meaning as in the National Health Service (Scotland) Act, 1947."

After section thirteen there shall be inserted the following section—

Payments by  
Secretary  
of State  
towards main-  
tenance of  
lunatics in  
house or liber-  
ated on trial or  
probation.

" 13A.—(1) Where a lunatic is detained in any house it shall be lawful for the Secretary of State, if he considers it reasonable so to do, to make, on such conditions as he may determine, payments to the person responsible for the maintenance of the lunatic at such rate as the Secretary of State may think fit.

(2) Where a lunatic is liberated on trial or probation from any mental hospital or house it shall be lawful for the Secretary of State to make such payments as aforesaid to the lunatic or to the person responsible for his maintenance.

(3) Regulations or schemes under section twelve of the National Health Service (Scotland) Act, 1947, may provide for the exercise of the functions of the Secretary of State under this section as if those functions formed part of the hospital and specialist services under the said Act."

*The Criminal and Dangerous Lunatics (Scotland)  
Amendment Act, 1871.*

34 & 35 Vict. c. 55.

In section six, for the words "lunatic asylum" there shall be substituted the words "public mental hospital".

*The Mental Deficiency and Lunacy (Scotland) Act, 1913.*

3 & 4 Geo. 5. c. 38.

In section twenty-five, paragraph (c) of subsection (1) shall, except in so far as it relates to inspection, not apply to hospitals vested in

the Secretary of State; and for paragraph (e) of the said subsection the following paragraph shall be substituted:—

“(e) undertake the management of institutions established under section twenty-eight of this Act or under Part II of the National Health Service (Scotland) Act, 1947, for defectives of dangerous or violent propensities.”

9TH SCH.  
—cont

For section twenty-six there shall be substituted the following section:—

Expense of  
guardianship  
of defectives.

“ 26.—(1) It shall be the duty of the local authority concerned under this Act to defray the expenditure incurred in the maintenance and guardianship of defectives placed under guardianship in pursuance of an order under this Act or by the authority with the consent of the parents or guardians of the defectives, and the local authority concerned may if they think fit defray in whole or in part the expenditure incurred in the guardianship of any defectives other than as aforesaid.

(2) Expenditure incurred by an education authority under this section shall be defrayed in like manner as expenditure under the Education (Scotland) Act, 1946.”

In section twenty-nine, the following subsection shall be added at the end of the section:—

“(4) Nothing in this section shall apply to any premises vested in the Secretary of State”.

In section thirty-one, paragraphs (a), (b) and (c), paragraph (d) (except as regards reports as to patients) and paragraph (j) (except as regards the deaths of patients) shall not apply to institutions vested in the Secretary of State, and for paragraph (g) there shall be substituted the following paragraph:—

“(g) the transfer of patients from one institution to another.”

For section thirty-three there shall be substituted the following section:—

Ascertainment  
of local  
authority  
responsible for  
defective  
placed under  
guardianship.

“ 33.—(1) Where a defective is ordered to be placed under guardianship, the local authority concerned shall be the education authority or the local health authority within the meaning of the National Health Service (Scotland) Act, 1947, as the case may be for the area (to be specified in the order) in which the defective resided.

(2) An order that a defective be placed under guardianship shall not, where any such authority as aforesaid will by virtue of this Act incur liabilities on account of the defective, be made unless that authority have been given an opportunity of being heard or, if the order is made by the Secretary of State, of making representations to him.”

In section fifty-seven for the words “ shall give decree for ” there shall be substituted the words “ may make such order as he shall think fit with regard to ” and the words from “ and also ” to the end of the section shall be omitted.

CH. 27.

*National Health Service  
(Scotland) Act, 1947.*

10 & 11 GEO. 6.

9TH SCH.  
—cont.

*The Mental Deficiency (Scotland) Act, 1940.*

3 & 4 Geo. 6. c. 8.

Sections one, two and three shall, in their application to any case where a defective is detained in an institution, have effect as if references to the local authority concerned were omitted.

PART II.

REPEALS OF ENACTMENTS RELATING TO LUNATICS AND MENTAL DEFECTIVES.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 83. 20 & 21 Vict. c. 71.	The Poor Law (Scotland) Act, 1845. The Lunacy (Scotland) Act, 1857.	Section fifty-nine.  In section three the definitions of the expressions "public asylum", "district asylum", "superintendent", "burgh", "magistrates of burghs" and "landward part of a county"; section five (except in so far as it relates to the quorum); in section nine the word "public", the word "district", the word "inspectors", the words "clerk officers and servants appointed under the authority of this Act", and the second proviso; in section seventeen the words "and of the medical inspectors hereinafter appointed under this Act"; section nineteen; section twenty-four so far as relating to clerks or medical or district inspectors; section twenty-six; in section twenty-eight the words "not being a pauper, and the sum of two shillings and sixpence and no more for every patient being a pauper" and the words from "in proportion" to "two shillings and sixpence"; section thirty-one; in section forty-seven the words from "or when such patient" to "maintain such patient"; sections forty-nine to seventy; in section seventy-one the second proviso; in section seventy-two, the words from the beginning of the section to "respectively, or"; sections seventy-three to eighty; section eighty-six; in section ninety the words "or persons in pauper or reduced circumstances alleged to be lunatics" and the words "a lunatic or"; in section ninety-one the words "either in his own or in some adjoining



Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Vict. c. 71. —cont.	The Lunacy (Scotland) Act, 1857—cont.	county" and the words from "and the expenses" to the end of the section; in section ninety-two the words from "and, in the case" to "was defrayed"; section ninety-five; in section ninety-seven the words "or parish"; in section one hundred and two the words "public" and "district"; section one hundred and three; section one hundred and seven from the words "and the penalties" to the end of the section; in Schedule (B) the words from "whereof" to "paupers"; in Schedule (C), paragraph 17; and Schedules (H) and (K).
25 & 26 Vict. c. 54.	The Lunacy (Scotland) Act, 1862.	In section one, the definitions of the expressions "lunatic wards of a poor-house" and "pauper lunatic"; in the definition of "superintendent" the words from "and also" to "are kept"; sections three and four; in section five the words from "in the case" to "any other case"; sections eight to ten and twelve and thirteen; in section fourteen the words "lunatic ward of a poorhouse" and "lunatic ward"; in section sixteen the words from "and in the case" to "is defrayed"; in section seventeen the words from "and in the case" to "defrayed".
29 & 30 Vict. c. 51.	The Lunacy (Scotland) Act, 1866.	In section four, the words "not a pauper lunatic"; in section eight, the word "pauper", and the words from "and it shall not" to the end of the section; sections ten and eleven; in section twelve, the words "not being a pauper"; in section thirteen the words from "Provided always" to "medical certificate"; sections twenty-two and twenty-five to twenty-seven.
34 & 35 Vict. c. 55.	The Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871.	In section four, the words from "or to any chartered" to the end of the section; in section six, the words from "and if the asylum" to the end of the section; section eight.
50 & 51 Vict. c. 39.	The Lunacy Districts (Scotland) Act, 1887.	The whole Act.

9TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. 38.	The Mental Deficiency and Lunacy (Scotland) Act, 1913.	In section four in subsection (1) the words from "and he shall not be so placed by a school board" to the end of the subsection; section fourteen; in section fifteen, in subsection (3) the words from "but shall" to the end of the subsection; section twenty-three; in section twenty-five, in subsection (1), paragraphs (b) and (h) and the words "or inspectors" in paragraph (d), and in subsection (2) the words "or inspectors"; section twenty-seven; in section twenty-eight subsection (2); section thirty; in section thirty-one, in paragraph (b) the words from "the number of private patients" to "district board"; section thirty-five; in section thirty-nine, in subsection (2) paragraph (c) of the proviso; sections forty-one and forty-two; section forty-nine; section fifty-one, except as regards private mental hospitals; sections fifty-two and fifty-three; in section fifty-five, in subsection (1), the words "to the lunatic wards of a poorhouse or"; subsections (3) and (4); section fifty-eight; section sixty-three; in section sixty-four subsection (4); section sixty-eight; in section seventy from the beginning to the words "district asylums and," the words "that or" and the word "other"; in section seventy-one subsection (1); section seventy-two.
9 & 10 Geo. 5. c. 85.	The Mental Deficiency and Lunacy Amendment Act, 1919.	The whole Act so far as unrepealed.
26 Geo. 5. & 1 Edw. 8. c. 31.	The Old Age Pensions Act, 1936.	In section thirteen, in paragraph (c) of subsection (1) the words "the expression 'mental hospital' means 'asylum'".
26 Geo. 5. & 1 Edw. 8. c. 33.	The Widows' Orphans' and Old Age Contributory Pensions Act, 1936.	In section forty-four in paragraph (3) the words "the expression 'mental hospital' means 'asylum'".

TENTH SCHEDULE.

Section 69

PROVISIONS AS TO INQUIRIES.

1. The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.

2. Notification shall be sent to any persons appearing to the Secretary of State or the person appointed to hold the inquiry to be interested, of the time when and the place where the inquiry is to be held.

3. The person appointed to hold the inquiry may by notice require any person—

(a) to attend at the time and place set forth in the notice, to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or

(b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the person appointed to hold the inquiry may think fit and as the person so required is able to furnish:

Provided that—

(i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him; and

(ii) nothing in this paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

4. The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept in lieu of evidence on oath by any person a statement in writing by that person.

5. Any person who refuses or wilfully neglects to attend in obedience to a notice under paragraph 3 of this Schedule, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice or who refuses or wilfully neglects to furnish any information which he is required to furnish under sub-paragraph (b) of paragraph 3 of this Schedule shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months.

6. The expenses incurred by the Secretary of State in relation to any inquiry held under this Act (including such reasonable sum not exceeding five guineas a day for the services of any officer engaged in the inquiry) shall be paid by such of the parties to the inquiry in such proportions as the Secretary of State may order.

7. The Secretary of State may make orders as to the expenses incurred by the parties appearing at any such inquiry and as to the parties by whom such expenses shall be paid.

8. Any order by the Secretary of State under paragraph 6 or paragraph 7 of this Schedule may be enforced in like manner as a recorded decree arbitral.

Section 74.

## ELEVENTH SCHEDULE.

## CONSEQUENTIAL AMENDMENTS AND REPEALS.

## PART I.

## AMENDMENTS.

*The Infectious Disease (Notification) Act, 1889.*

52 &amp; 53 Vict. c. 72.

In section seventeen, for the definition of "local authority" there shall be substituted the following definition—

"The expression 'local authority' shall mean the local health authority as defined in the National Health Service (Scotland) Act, 1947."

*The Public Health (Scotland) Act, 1897.*

60 &amp; 61 Vict. c. 38.

For the purposes of the following sections, namely sections forty-five to fifty-one, fifty-three to fifty-seven, fifty-nine, sixty-two to sixty-four, sixty-six, sixty-nine (so far as relating to infectious diseases), seventy, ninety-six and ninety-seven, the local health authority shall be the local authority, and any functions exercised under any of the said sections by the medical officer or any other officer of the local authority shall be deemed to be exercised by an officer of the local health authority.

In section fifty-four for any reference to the superintending body of a hospital, there shall be substituted a reference to the Board of Management of the hospital; the words "and at the cost" shall be omitted; for the words from "to any hospital" to "of the combined district" there shall be substituted the words "to any hospital vested in the Secretary of State"; and after subsection (2) the following subsection shall be added:—

"(3) A sheriff, magistrate or justice may order that a person removed to a hospital under this section be transferred to any other hospital vested in the Secretary of State, and any person so transferred may be detained in that other hospital so long as he continues in an infected condition. The provisions of subsection (2) of this section shall apply to any such order in like manner as they apply to an order under subsection (1) of this section."

In section fifty-five, the words "at the cost of the local authority" shall be omitted; and after subsection (2) the following subsection shall be added:—

"(3) A person detained in a hospital under this section may if a sheriff, magistrate or justice so directs be removed to any other hospital vested in the Secretary of State, and may be detained therein during the time limited or enlarged under subsection (1) of this section. The provisions of subsection (2) of this section shall apply to any such direction in like manner as they apply to a direction under subsection (1) of this section."

In section fifty-nine, after the words "provided or approved" there shall be inserted the words "by the Secretary of State or".

In section ninety-six for the words from "or infirmary" to "from the local authority" there shall be substituted the words "vested in the Secretary of State with the consent of the Board of Management thereof".

*The Notification of Births Act, 1907.*

11TH SCH.  
—cont.

7 Edw. 7. c. 40.

In section four in paragraph (3) for the reference to the local authority under the Public Health (Scotland) Act, 1897, there shall be substituted a reference to the local health authority.

*The Midwives (Scotland) Act, 1915.*

5 & 6 Geo. 5. c. 91.

For any reference to the district of a local supervising authority there shall be substituted a reference to the area of a local health authority.

In section sixteen for the words from "The local authority" to "such district" there shall be substituted the words "The local health authority within the meaning of the National Health Service (Scotland) Act, 1947, shall be the local supervising authority over "midwives in their area."

*The Local Government (Emergency Provisions) Act, 1916.*

6 & 7 Geo. 5. c. 12.

In section five in paragraph (b) for the words "local authority" there shall be substituted the words "the local health authority within the meaning of the National Health Service (Scotland) Act, 1947."

*The Local Government (Scotland) Act, 1929.*

19 & 20 Geo. 5. c. 25.

In section fourteen for the second paragraph of subsection (4) the following paragraph shall be substituted:—

"The assistance to which this subsection applies shall be the arrangements made for the care of expectant and nursing mothers and children who are not attending a school under the management of an education authority and who have not attained, or are deemed under section thirty-three of the Education (Scotland) Act, 1946 not to have attained, the age of five years, or of blind persons, or the feeding, clothing and treatment of pupils attending schools, junior colleges and other educational establishments, or the care and after care under section twenty-seven of the National Health Service (Scotland) Act, 1947, of persons suffering from illness or mental deficiency, or the maintenance and guardianship of mental defectives placed under guardianship."

In section twenty-nine, the reference to a county council or to the town council of a large burgh shall include a reference to such a council in their capacity as a local health authority.

Section sixty-eight shall apply in like manner as it applies to the contributions therein mentioned to contributions under subsection (3) of section twenty-two, subsection (3) of section twenty-seven, or subsection (3) of section fifty-one of this Act with the substitution for references to the councils therein mentioned of references to local health authorities, and for any reference to the General Exchequer Grant of a reference to the grant payable under section fifty-three of this Act.

CH. 27. *National Health Service (Scotland) Act, 1947.* 10 & 11 GEO. 6.

11TH SCH.  
—cont.

*The Road Traffic Acts, 1930 and 1934.*

23 & 24 Geo. 5. c. 53; 24 & 25 Geo. 5. c. 50.

Subsection (2) of section thirty-six of the Road Traffic Act, 1930, and section sixteen of the Road Traffic Act, 1934, shall have effect as if any requirement therein for the payment of money to a hospital were construed in the case of a hospital vested in the Secretary of State as requiring the payment to be made to the Secretary of State or on his behalf to any Regional Hospital Board or Board of Management authorised by him for the purpose, and section seventeen of the last-mentioned Act shall have effect accordingly.

*The Pharmacy and Poisons Act, 1933.*

23 & 24 Geo. 5. c. 25.

In section nineteen, in proviso (a) to subsection (3), for the words "Acts relating to national health insurance" there shall be substituted the words "National Health Service (Scotland) Act, 1947."

*The Maternity Services (Scotland) Act, 1937.*

1 Edw. 8 & 1 Geo. 6. c. 30.

In section six, for subsection (2) there shall be substituted the following subsection:—

"(2) The Secretary of State may by order apply this section to the area of any local authority when he is satisfied that proposals approved by him for carrying out the duties of the local authority in their capacity as local health authority under subsection (2) of section twenty-three of the National Health Service (Scotland) Act, 1947, are in full operation".

In section nine, for the definition of "local authority" there shall be substituted the following definition:—

"'local authority' means the local health authority as defined in the National Health Service (Scotland) Act, 1947."

*The Public Health (Scotland) Act, 1945.*

9 & 10 Geo. 6. c. 15.

In section one in subsection (8) there shall be added at the end of the definition of local authority the following words:—

"and includes any such council in their capacity as a local health authority within the meaning of the National Health Service (Scotland) Act, 1947."

*The Education (Scotland) Act, 1946.*

9 & 10 Geo. 6. c. 72.

In sections fifty-six, fifty-seven and fifty-eight for any reference to the local authority for the purposes of the Mental Deficiency Acts there shall be substituted a reference to the local health authority. In section one hundred and forty after the word "sections," where it first occurs there shall be inserted the words "fifty-four, fifty-five."

PART II.  
REPEALS.

11TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	Sections fifty-nine and sixty-six ; in section sixty-seven, the words from "public infirmary" to "asylum or" ; in section sixty-nine the words "medicines, medical attendance".
26 & 27 Vict. c. 108.	The Vaccination (Scotland) Act, 1863.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	Section sixty-six (except so far as relating to houses of reception for persons who have been exposed to infection) ; sections sixty-seven and seventy-seven ; in section one hundred and forty-one the words "permanent hospitals" ; sections one hundred and seventy-nine and one hundred and eighty.
7 Edw. 7. c. 40.	The Notification of Births Act, 1907.	In section one, paragraph (6).
7 Edw. 7. c. 49.	The Vaccination (Scotland) Act, 1907.	The whole Act.
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Section sixty-four.
3 & 4 Geo. 5. c. 26.	The Highlands and Islands (Medical Service) Grant Act, 1913.	The whole Act.
5 & 6 Geo. 5. c. 64.	The Notification of Births (Extension) Act, 1915.	Section two ; in section three paragraph (b) of subsection (1).
5 & 6 Geo. 5. c. 91.	The Midwives (Scotland) Act, 1915.	In section twenty-two, subsection (4) ; in section twenty-eight the definitions of "local authority," and "district".
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section sixteen.
8 & 9 Geo. 5. c. 29.	The Maternity and Child Welfare Act, 1918.	In section four, the words "paragraph (b) of subsection (1) and" ; in section five in subsection (2) the words "Scotland or".
15 & 16 Geo. 5. c. 75.	The Public Health (Scotland) Amendment Act, 1925.	The whole Act.
17 & 18 Geo. 5. c. 17.	The Midwives (Scotland) Act, 1927.	In section four, subsection (3) ; section five ; in section sixteen subsection (2).

11TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section eleven, subsection (8) ; in section fourteen, subsection (1) so far as relating to public health and lunacy and mental deficiency ; in section eighteen, subsection (3) ; sections twenty-seven and twenty-eight ; in section sixty-four, paragraph (b) ; in the First Schedule the references to the following Acts :— the Infectious Disease (Notification) Act, 1889 ; the Public Health (Scotland) Act, 1897 (so far as relating to functions vested by this Act in the Secretary of State or in local health authorities) ; the Notification of Births Acts, 1907 and 1915 ; the Midwives (Scotland) Act, 1915 ; the Local Government (Emergency Provisions) Act, 1916 ; the Maternity and Child Welfare Act, 1918 ; the Public Health (Scotland) Amendment Act, 1925 ; the Midwives (Scotland) Act, 1927.
20 & 21 Geo. 5. c. 13.	The Highlands and Islands (Medical Service) Additional Grant Act, 1929.	The whole Act.
24 & 25 Geo. 5. c. 29.	The Unemployment Assistance Act, 1934.	In section fifty-three, in subsection (2) the words "to medical needs or" and "to mental or bodily health or" ; in section fifty-four, in subsection (1), the definitions of "Medical needs" and "Medical or Surgical" and in Part II of the Eighth Schedule, proviso (iii) to paragraph 1, and in paragraph 3 the words "not being relief in respect of medical needs" in both places where they occur.
1 Edw. 8. & 1 Geo. 6. c. 30.	The Maternity Services (Scotland) Act, 1937.	Sections one to three and five ; the First Schedule.



Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 6. c. 11.	The Blind Persons Act, 1938.	In section two, in subsection (2) the word "either" in the second place where it occurs and the words "or medical assistance".
1 & 2 Geo. 6. c. 32.	The Prevention and Treatment of Blindness (Scotland) Act, 1938.	The whole Act.
2 & 3 Geo. 6. c. 13.	The Cancer Act, 1939	Sections one and two; in section seven, paragraphs (a), (c), (d) and (e).
3 & 4 Geo. 6. c. 13.	The Old Age and Widows' Pensions Act, 1940.	In Part III of the Eighth Schedule to the Unemployment Assistance Act, 1934, as applied with modifications by the Second Schedule to the Old Age and Widows' Pensions Act, 1940, proviso (ii) to paragraph 1 and in paragraph 2 the words "not being relief in respect of medical needs" in both places where they occur.
6 & 7 Geo. 6. c. 33.	The Nurses (Scotland) Act, 1943.	In section two, subsection (3).
8 & 9 Geo. 6. c. 37.	The Education (Scotland) Act, 1945.	The Fourth Schedule in so far as it relates to subsection (4) of section fourteen of the Local Government (Scotland) Act, 1929.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act, 1946.	In section nine, in paragraph (i) of subsection (7), the words "section three of the Highlands and Islands (Medical Service) Grant Act, 1913".
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	Section nineteen.

CH. 27.

*National Health Service  
(Scotland) Act, 1947.*

IO & II GEO. 6.

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