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SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

PART I

AMENDMENTS OF THE NATIONAL HEALTH SERVICE (SCOTLAND) ACTS 1947 TO 1968

The National Health Service (Scotland) Act 1947

- 1 In section 1 (duty of Secretary of State), the following amendments shall be made:—
- (a) in subsection (1), for the words " following provisions of this Act" there shall be substituted the words " provisions of the National Health Service (Scotland) Acts 1947 to 1972 ";
 - (b) in subsection (2), for the words " this Act" there shall be substituted the words " those Acts ".
- 2 In section 3 (charges and expenses), the following amendments shall be made:—
- (a) in subsection (3), at the end there shall be added the words " This subsection does not extend to appliances to which section 45 of this Act relates. ";
 - (b) in subsection (4), for the words " hospital and specialist services" there shall be substituted the words " any service under the National Health Service (Scotland) Acts 1947 to 1972 ".
- 3 In section 34(1) (general medical services), for the words " Executive Council" there shall be substituted the words " Health Board ".
- 4 In section 35 (distribution of medical practitioners), the following amendments shall be made:—
- (a) for the words " Executive Councils ", " Executive Council ", " an Executive Council" and " Council ", wherever they occur, there shall be substituted respectively the words " Health Boards " , "Health Board", "a Health Board" and " Board ".
 - (b) in subsection (3), for the words from " a Local Medical Committee" to " Committee" there shall be substituted the words " an area medical committee has been formed for the area of the Board and recognised under section 16 of the National Health Service (Scotland) Act 1972, consult that committee ".
- 5 In section 36(1) (prohibition of sale of medical practice), in the proviso, for the words from " in the area " to " been entered " there shall be substituted the words " in an area for which he has never been on any list of medical practitioners undertaking to provide general medical services ".
- 6 In section 39 (general dental services), the following amendments shall be made:—

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- (a) in subsection (1), for the words " Executive Council" there shall be substituted the words " Health Board ";
 - (b) in paragraph (e) of subsection (2), for the words "an Executive Council" there shall be substituted the words " a Health Board " and for the words " the Sixth Schedule to this Act" there shall be substituted the words " Schedule 1 to the National Health Service (Scotland) Act 1972 ".
- 7 In section 40(1) (pharmaceutical services), for the words " Executive Council" there shall be substituted the words " Health Board ".
- 8 In section 41(1) (provision of pharmaceutical services), for the words " the Executive Council" there shall be substituted the words " a Health Board ".
- 9 In section 42(1) (general ophthalmic services), for the words " Executive Council" there shall be substituted the words " Health Board ".
- 10 In section 43 (disqualification of persons providing services), the following amendments shall be made—
- (a) for the words " Executive Council", " an Executive Council " and " Councils ", wherever they occur, there shall be substituted respectively the words " Health Board ", " a Health Board " and " Boards " ;
 - (b) for subsection (8) there shall be substituted the following subsection—
 - “(8) Where immediately before the appointed day any person is disqualified under this section from inclusion in any list kept by an Executive Council under Part IV of this Act, he 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.”;
 - (c) at the end there shall be added the following subsection—
 - “(9) The references in subsections (1), (3) and (5) above to a Health Board shall include a reference to such committee or joint committee as may be prescribed.”
- 11 In section 44 (powers of Secretary of State where services inadequate), for the words " Executive Council", in both places where they occur, there shall be substituted the words " Health Board ".
- 12 In section 56 (default powers of Secretary of State), the following amendments shall be made:—
- (a) in subsection (1), for the words from " any Regional" to" health authority " there shall be substituted the words " any Health Board ", and for the words " this Act " there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972 ";
 - (b) in subsection (2), for the words from " Except" to " health authority " there shall be substituted the words " When such an order is made ", and for the words " this Act" there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972 ";
 - (c) subsection (3) shall cease to have effect.
- 13 In section 69(1) (inquiries), for the words "this Act" there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972 ".
- 14 In section 70 (protection of certain bodies and officers), for the words from "a Regional" to " Council" there shall be substituted the words " a Health Board and

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the Common Services Agency for the Scottish Health Service ", and for the words " this Act, and " there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972 ".

- 15 In section 72(c) (proof of resolutions), for the words from " local " to " this Act" there shall be substituted the words " any bodies constituted under the National Health Service (Scotland) Acts 1947 to 1972 ".
- 16 In section 77 (arbitration), for the words " this Act" there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972 ".
- 17 In Schedule 3 (acquisition of moveable property), for the head-note and paragraph 1 there shall be substituted the following head-note and paragraph—

“Acquisition of Property other than Land

1 Where under the National Health Service (Scotland) Acts 1947 to 1972, in connection with the acquisition of any premises, the Secretary of State proposes to acquire any equipment, furniture or other moveable property used in or in connection with the premises, he may, at any time after the acquisition of the premises (in the case of acquisition by agreement) or at any time after the service of a notice to treat (in the case of a compulsory acquisition of premises), serve a notice on the owner of the premises 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”.

- 18 In Schedule 8 (tribunal), in paragraph 3, for the words from " associations " onwards there shall be substituted the words " body as the Secretary of State may recognise as being representative of Health Boards ".
- 19 In Schedule 10 (inquiries), in paragraph 6, for the words from " such reasonable " to " day " there shall be substituted the words " a reasonable sum ".

The National Health Service (Amendment) Act 1949

- 20 In section 8 (removal of doubts regarding section 35), after " Council" there shall be inserted the words " or a Health Board ".
- 21 In section 23(1) (transfer of property by voluntary organisations), for the words " a local health authority " and for the words " the authority ", where subsequently occurring, there shall be substituted the words " the Secretary of State ".
- 22 In section 28 (recovery of expenses), for the words " hospital and specialist services " there shall be substituted the words " services under the National Health Service (Scotland) Acts 1947 to 1972 ".

The National Health Service Act 1951

- 23 In section 1 (charges for appliances), the following amendments shall be made:—
- (a) in subsection (1), for the words " Part II or Part IV of those Acts respectively" there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972 ";
 - (b) in subsection (3)(a), for the words " said Part II" (where first occurring) there shall be substituted the words " National Health Service (Scotland) Acts 1947 to 1972, otherwise than under the said Part IV ", and for the

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words " the said Part II" (where second occurring) there shall be substituted the words " those Acts ";

- (c) in subsection (4), for the words "an Executive Council" there shall be substituted the words " a Health Board ".

- 24 In the Schedule, in the definition of " current specified cost", for the words "Part II of those Acts respectively" there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972, otherwise than under Part IV of the said Act of 1947 ".

The National Health Service Act 1952

- 25 In section 1(1) (charges), for the words from " as part" to " Part II" there shall be substituted the words " under the National Health Service Acts, otherwise than under Part IV ".

- 26 In section 7 (regulations as to charges), the following amendments shall be made—

- (a) in subsection (4), for the words from the beginning to " education authorities " there shall be substituted the words " For the purposes of section 6(2) of the National Health Service (Scotland) Act 1972 (which requires the Secretary of State ";
- (b) in subsection (6), for the words from "Regional" to " Council" there shall be substituted the words " Health Board ".

- 27 In section 8(1) (interpretation), for the word " 1951 " (where second occurring) there shall be substituted the word " 1972 ".

The National Health Service Act 1961

- 28 In section 1(4) (charges), for the words " of the Act of 1947 " there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972 ".

- 29 In section 3(1) (interpretation), in paragraph (a) of the definition of " the relevant time ", for the words " of the Act of 1947 " there shall be substituted the words " the National Health Service (Scotland) Acts 1947 to 1972, otherwise than under Part IV of the Act of 1947 ", and for the words "Part II or Part IV thereof" there shall be substituted the words " those Acts ", and, in paragraph (b) of that definition, for the words " either of the said Acts " there shall be substituted the words " the Act of 1947 ".

The Health Services and Public Health Act 1968

- 30 In section 1(1) (accommodation for private patients), for the words " providing hospital and specialist services" there shall be substituted the words " vested in him ".

- 31 In section 2(1) (accommodation and treatment of non-resident private patients), for the words "providing hospital and specialist services " there shall be substituted the words " vested in him ".

- 32 In section 29(3) (regulation of financial arrangements of certain bodies), after the words " as if—" there shall be inserted the following paragraph— " (aa) in subsection (1) there were substituted for the words from " Regional" to " 1946 Act" the words " Health Boards, the Common Services Agency for the Scottish Health Service " ; " and paragraphs (b) and (d) shall be omitted.

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- 33 In section 30(1) (certificates for exemption from prescription charges), for the words " section 38(3) of the 1946 Act" there shall be substituted the words " section 40(3) of the 1947 Act " and for the words " as part of hospital and specialist services under Part II of the 1946 Act" there shall be substituted the words " under the National Health Service (Scotland) Acts 1947 to 1972, otherwise than under Part IV of the 1947 Act ".
- 34 In section 31 (power to make services available), the following amendments shall be made—
- (a) for the words " hospital and specialist services " (where first occurring) there shall be substituted the words " services under the National Health Service (Scotland) Acts 1947 to 1972 ";
 - (b) for the words " hospital and specialist services" (where second occurring) there shall be substituted the words " services under those Acts ".
- 35 In section 32 (power to dispose of and produce goods), the following amendments shall be made—
- (a) in subsection (1), for the words "hospital and specialist services " there shall be substituted the words " any service under the National Health Service (Scotland) Acts 1947 to 1972 ";
 - (b) in subsection (2), for the words " 1947 Act" there shall be substituted the words " National Health Service (Scotland) Acts 1947 to 1972 ".
- 36 In section 40(1) (accommodation for persons displaced in course of development), for the words " of hospital" there shall be substituted the words " or the National Health Service (Scotland) Act 1972 of ".