



# National Health Service Reorganisation Act 1973 (repealed 28.6.1995)

## 1973 CHAPTER 32

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

40 <sup>F1</sup> .....

##### **Textual Amendments**

**F1** Ss. 2–13, 21, 22, 28, 31–39, 40 repealed by National Health Service Act 1977 (c. 49), s. 129, **Sch. 16**

41 <sup>F2</sup> .....

##### **Textual Amendments**

**F2** S. 41 repealed by Nursing Homes Act 1975 (c. 37), s. 22(2)(3), **Sch. 3**

42, 43. <sup>F3</sup> .....

##### **Textual Amendments**

**F3** Ss. 42, 43, 45–48, 50–53, 54(1)(5) repealed by National Health Service Act 1977 (c. 49), s. 129, **Sch. 16**

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#### **44 Provision for early retirement in lieu of compensation for loss of office.**

- (1) In order to facilitate the early retirement of certain persons who might otherwise suffer, in consequence of this Act, loss of employment or loss or diminution of emoluments, any person who—
- (a) is in any such employment as may be prescribed for the purposes of this subsection; and
  - (b) attains or has attained the age of fifty on or before a prescribed date; and
  - (c) fulfils such other conditions as may be prescribed;
- may by notice given before a prescribed date and in the prescribed manner elect that this section shall apply to him.
- (2) Where any person has made an election under the preceding subsection, then, unless within a prescribed period notice of objection to the election is given to him by a prescribed person, this section shall apply to him on his retirement within a prescribed period and before attaining the normal retiring age and compensation on his retirement shall not be payable to or in respect of him in pursuance of section 24 of the <sup>M1</sup>Superannuation Act 1972 (which among other things relates to compensation for loss of office).
- (3) Subject to the following subsection, the Secretary of State shall by regulations provide for the payment by him to or in respect of a person to whom this section applies of benefits corresponding, as near as may be, to those which would have been paid to or in respect of that person under the relevant superannuation scheme if—
- (a) at the date of his retirement he had attained the normal retiring age; and
  - (b) the actual period of his reckonable service were increased by such period as may be prescribed, not exceeding the period beginning on the date of his retirement and ending on the date on which he would attain the normal retiring age.
- (4) Regulations in pursuance of the preceding subsection shall be so framed as to secure that the sums which would otherwise be payable under the regulations in accordance with that subsection to or in respect of any person are reduced to take account of any benefits payable to or in respect of him under the relevant superannuation scheme.
- (5) Any sums payable under regulations made in pursuance of subsection (3) of this section shall be treated for the purposes of section 73 of the <sup>M2</sup>Finance Act 1972 (under which compensation for loss of office or employment is chargeable to tax as a payment made on retirement or removal from office or employment) in like manner as compensation paid in pursuance of the said section 24.
- (6) In this section—
- “normal retiring age” means—
- (a) in relation to any person to whom an age of compulsory retirement applies by virtue of the relevant superannuation scheme, that age; and
  - (b) in relation to any other person, the age of sixty-five in the case of a man and sixty in the case of a woman or, in either case, such other age as may be prescribed;
- “reckonable service”, in relation to any person, means service in respect of which benefits are payable under the relevant superannuation scheme; and
- “relevant superannuation scheme”, in relation to any person, means the instrument which is applicable in the case of his employment and which makes provision with respect to the pensions, allowances or gratuities which, subject

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to the fulfilment of certain requirements and conditions, are to be, or may be, paid to or in respect of persons in that employment.

**Marginal Citations**

- M1 1972 c. 11.
- M2 1972 c. 41.

45, 46. <sup>F4</sup> .....

**Textual Amendments**

- F4 Ss. 42, 43, 45–48, 50–53, 54(1)(5) repealed by National Health Service Act 1977 (c. 49), s. 129, Sch. 16

*Financial Provisions*

47, 48. <sup>F5</sup> .....

**Textual Amendments**

- F5 Ss. 42, 43, 45–48, 50–53, 54(1)(5) repealed by National Health Service Act 1977 (c. 49), s. 129, Sch. 16

49 **Stamp duty.**

Nothing in section 12 of the <sup>M3</sup>Finance Act 1895 (which requires certain Acts and certain instruments relating to the vesting of property by virtue of an Act to be stamped as conveyances on sale) shall apply to this Act or an order made in pursuance of this Act; and stamp duty shall not be payable on such an order.

**Marginal Citations**

- M3 1895 c. 16.

50— <sup>F6</sup> .....  
52.

**Textual Amendments**

- F6 Ss. 42, 43, 45–48, 50–53, 54(1)(5) repealed by National Health Service Act 1977 (c. 49), s. 129, Sch. 16

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*Supplemental*

53 F7 .....

**Textual Amendments**  
F7 Ss. 42, 43, 45–48, 50–53, 54(1)(5) repealed by National Health Service Act 1977 (c. 49), s. 129, Sch. 16

**54 General ancillary provisions.**

- (1) ..... F8
- (2) The Secretary of State may by order make such incidental, supplemental, transitional or consequential provision (including provision making modifications of enactments) as he considers appropriate for any of the purposes of this Act or in consequence of or for giving full effect to any provision of this Act; and nothing in the following subsection or any other provision of this Act shall be construed as prejudicing the generality of the power conferred by this subsection.
- (3) An order made by virtue of the preceding subsection may include provision—
  - (a) for any thing duly done by a body in the exercise of functions which by virtue of this Act become functions of another body to be deemed to have been duly done by the other body; and
  - (b) without prejudice to the generality of the preceding paragraph, for any instrument, in so far as it was made in the exercise of such functions, to continue in force until varied or revoked by the other body.
- (4) In so far as—
  - (a) any apportionment, agreement, order or regulation made by virtue of an enactment repealed by this Act; or
  - (b) any approval, consent, direction or notice given by virtue of such an enactment; or
  - (c) any proceedings begun or thing done by virtue of such an enactment,
 could, if a corresponding enactment which is contained in this Act had been in force at the relevant time, have been made, given, begun or done by virtue of the corresponding enactment, it shall, if effective immediately before the relevant corresponding enactment comes into force, continue to have effect thereafter as if made, given, begun or done by virtue of that corresponding enactment.
- (5) ..... F8

**Textual Amendments**  
F8 Ss. 42, 43, 45–48, 50–53, 54(1)(5) repealed by National Health Service Act 1977 (c. 49), s. 129, Sch. 16

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## 55 Interpretation etc.

(1) Except where the contrary intention appears, in this Act the following expressions have the following meanings—

“the appointed day” means such day as the Secretary of State may by order appoint;

“Board of Governors” means a body constituted in pursuance of section 11 of the principal Act as the Board of Governors of a teaching hospital;

“functions” includes powers and duties;

“the health service” means the health service established in pursuance of section 1 of the principal Act;

“the Health Service Acts” means the National Health Service Acts 1946 to 1968 and this Act;

“local health authority” includes a joint board constituted in pursuance of section 19 of the principal Act and a body exercising delegated functions of such an authority in pursuance of section 46 of the <sup>M4</sup>Local Government Act 1958;

“modifications” includes additions, omissions and amendments;

“prescribed” means prescribed by regulations;

“preserved Board” has the meaning assigned to it by section 15(6) of this Act;

“the principal Act” means the <sup>M5</sup>National Health Service Act 1946;

“regulations” means, subject to subsection (2) of the following section, regulations made by the Secretary of State;

<sup>F9</sup>

and any other expression to which a meaning is assigned by Part IV or section 79(1) of the principal Act has that meaning in this Act.

(2) . . . . . <sup>F10</sup> it is hereby declared that in this Act “property” includes land.

(3) Any reference in this Act to any enactment is a reference to it as amended or applied by or under any other enactment including this Act.

### Textual Amendments

**F9** Definitions repealed by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 16](#)

**F10** Words repealed by [Interpretation Act 1978 \(c. 30\)](#), [Sch. 3](#)

### Marginal Citations

**M4** 1958 c. 55.

**M5** 1946 c. 81.

## 56 Orders and regulations etc.

(1) Any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument; and

(a) a statutory instrument made by virtue of this subsection, except an instrument containing only such orders as are mentioned in the following paragraph, . . .

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- <sup>F11</sup> shall be subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) a statutory instrument containing only orders made by virtue of section 14(2), 24(2) or (3) or 54 of this Act or orders appointing a day in pursuance of this Act shall be laid before Parliament after being made.
- (2) Any power to make regulations conferred on the Secretary of State by this Act shall, if the Treasury so directs, be exercisable by the Treasury and the Secretary of State acting jointly.
- (3) Any power to make an order conferred by this Act, except sections 15(2)(d), . . . <sup>F11</sup> and 24(2) and (3), includes power to vary or revoke the order by a subsequent order made in the exercise of that power; but provisions of an order which appoint a day or provide for an enactment to come into force on a specified day shall not by virtue of this subsection be revoked or varied on or after that day.
- (4) Any power conferred by the Health Service Acts . . . <sup>F12</sup> to make orders, regulations or schemes, <sup>F11</sup> may unless the contrary intention appears be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
  - (b) so as to make, as respects the cases in relation to which it is exercised,—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
    - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes of those Acts or that section;
    - (iii) any such provision either unconditionally or subject to any specified condition,
- and includes power to make such incidental or supplemental provision in the orders, regulations, schemes or directions as the persons making or giving them consider appropriate.
- (5) Any directions given in pursuance of any provision of this Act . . . <sup>F11</sup> may be varied or revoked by subsequent directions given in pursuance of that provision.

**Textual Amendments**

**F11** Words repealed by [Health Services Act 1980 \(c. 53\)](#), [Sch. 7](#)

**F12** Words repealed by [Nursing Homes Act 1975 \(c. 37\)](#), [s. 22\(2\)\(3\)](#), [Sch. 3](#)

**57 Minor and consequential amendments, and repeals.**

- (1) . . . . . <sup>F13</sup>
- (2) The enactments and Order in Council mentioned in the first and second columns of Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) An order bringing any provision of the said Schedule 4 or Schedule 5 into force in pursuance of subsection (3) of the following section may, without prejudice to the generality of that subsection or subsection (4) of the preceding section, provide that

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the enactment or Order in Council amended or repealed by that provision shall, in such cases and for such periods as are specified in the order, continue to have effect as if the provision were not in force.

- (4) An order bringing any provision of the said Schedule 5 into force as mentioned in the preceding subsection may, without prejudice as therein mentioned, provide that any orders, regulations or other instruments in force by virtue of that provision shall continue in force; and an instrument continued in force in pursuance of this subsection may be varied or revoked by regulations.
- (5) The Secretary of State may by order repeal or amend any provision of any local Act passed before this Act (including an Act confirming a provisional order) or of any order or other instrument made under an Act so passed if it appears to him that the provision is inconsistent with, or has become unnecessary or requires alteration in consequence of, any provision of this Act or corresponds to any provision repealed by this Act.
- (6) . . . . . F14

**Textual Amendments**

- F13** Ss. 57(1) repealed with saving by [National Health Service Act 1977 \(c. 49\)](#), s. 129, Sch. 14 para. 13(i), [Sch. 16](#)
- F14** Ss. 57(6), 58(6), Schs. 1, 3 repealed by [National Health Service Act 1977 \(c. 49\)](#), s. 129, [Sch. 16](#)

**Modifications etc. (not altering text)**

- C1** The text of s. 57(2), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**58 Citation, commencement and extent.**

- (1) This Act may be cited as the National Health Service Reorganisation Act 1973,—
  - (a) . . . . . F15
  - (b) this Act so far as it extends to Scotland and the National Health Service (Scotland) Acts 1947 to 1972 may be cited together as the National Health Service (Scotland) Acts 1947 to 1973.
- (2) The following provisions of this Act shall come into force on the passing of this Act, namely sections 1, 5 to 10, 14 to 21, 23 to 26, 29, 30, 41 (so far as it is applied by sections 16 and 18), 44, 47 to 49, 51 to 57 and this section, Schedules 1 and 2, paragraphs 22, 79, 133, 141, 151 and 152 of Schedule 4 and the entry in Schedule 5 relating to section 36(3)(c) of the principal Act.
- (3) The provisions of this Act which do not come into force in pursuance of the preceding subsection shall come into force on such day as the Secretary of State may by order appoint; and, without prejudice to the generality of section 56(4) of this Act, different days may be appointed in pursuance of this subsection for different provisions of this Act and for different purposes of the same provision of this Act.
- (4) The Secretary of State may by order provide that this Act shall extend to the Isles of Scilly with such modifications, if any, as are specified in the order; and except as provided in pursuance of this subsection this Act shall not extend to the Isles of Scilly.

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(5) The following provisions only of this Act shall extend to Scotland, namely, this subsection and subsections (1) to (3) of this section, sections 32(4) to (7), 36, 37(5), section 39(1) so far as it relates to those sections, sections 50, 51 and 57, paragraphs 41, 42, 43, 49, 58(2), 59(1), 67, 77 to 82, 96, 102, 104, 106, 109, 123, 128, 130, 133 to 135 and 138 to 150 of Schedule 4, the entries in Schedule 5 relating to the <sup>M6</sup>National Health Service (Scotland) Act 1947, the <sup>M7</sup>Dentists Act 1957, the <sup>M8</sup>Opticians Act 1958, the <sup>M9</sup>Radioactive Substances Act 1960, the <sup>M10</sup>Health Visiting and Social Working Training Act 1962, the <sup>M11</sup>Redundancy Payments Act 1965, (excluding the reference to paragraph 6), the <sup>M12</sup>Ministry of Social Security Act 1966 and the <sup>M13</sup>National Health Service (Scotland) Act 1972, and section 56 so far as it relates to subsection (3) of this section, sections 32(6) and 50 and paragraphs 138 and 139 of Schedule 4.

(6) ..... F16

#### Textual Amendments

**F15** Word “and” and s. 58(1)(a) repealed by [National Health Service Act 1977 \(c. 49\)](#), s. 129, **Sch. 16**

**F16** Ss. 57(6), 58(6), Schs. 1, 3 repealed by [National Health Service Act 1977 \(c. 49\)](#), s. 129, **Sch. 16**

#### Marginal Citations

**M6** 1947 c. 27.

**M7** 1957 c. 28.

**M8** 1958 c. 32.

**M9** 1960 c. 34.

**M10** 1962 c. 33.

**M11** 1965 c. 62.

**M12** 1966 c. 20.

**M13** 1972 c. 58.



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