



# National Health Service Act 1977

## 1977 CHAPTER 49

### PART IV

#### PROPERTY AND FINANCE

##### *Miscellaneous provisions as to remuneration, allowances and superannuation*

#### **102 Allowances and remuneration for members of certain bodies**

- (1) The Secretary of State may pay such travelling and other allowances, including compensation for loss of remunerative time, as he may, with the approval of the Minister for the Civil Service, determine—
- (a) to members of any of the following bodies constituted under this Act—
    - (i) the Central Council, any standing advisory committee constituted under section 6 above to advise the Secretary of State and that Council, any committee appointed by that Council under paragraph 4 of Schedule 4 to this Act and any sub-committee appointed by any such standing advisory committee under that paragraph;
    - (ii) the Medical Practices Committee;
    - (iii) any body on which functions are conferred by regulations under section 32 above;
    - (iv) the Dental Estimates Board ;
    - (v) the Tribunal constituted under section 46 above;
  - (b) to members of any other body being a body specified in an order made by the Secretary of State as being a body recognised by him to have been formed for the purpose of performing a function connected with the provision of services under this Act.
- (2) The Secretary of State may pay to members of any of the following bodies such remuneration as he may, with the approval of the Minister for the Civil Service, determine—
- (a) the Medical Practices Committee;

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*Status: This is the original version (as it was originally enacted).*

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- (b) any body on which functions are conferred by regulations under section 32 above;
  - (c) the Dental Estimates Board ;
  - (d) the Tribunal constituted under section 46 above;
  - (e) any other body constituted under Part II of this Act, being a body specified in an order made for the purposes of this subsection, with the approval of the Minister for the Civil Service, by the Secretary of State.
- (3) Allowances shall not be paid under subsection (1) above except in connection with the exercise or performance of such powers or duties, in such circumstances, as may, with the approval of the Minister for the Civil Service, be determined by the Secretary of State.
- (4) Any payments under this section shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.

### **103 Special arrangement as to payment of remuneration**

- (1) If the Secretary of State—
- (a) considers it appropriate for remuneration in respect of services provided by any person in pursuance of Part II of this Act to be paid by a particular body, and
  - (b) apart from this section the functions of the body do not include the function of paying the remuneration,
- the Secretary of State may by order confer that function on the body.
- (2) Any sums required to enable any body having that function to pay remuneration in respect of such services shall, if apart from this section there is no provision authorising the payment of the sums by the Secretary of State or out of money provided by Parliament, be paid by him.

### **104 Superannuation of officers of certain hospitals**

- (1) The Secretary of State may enter into an agreement with the governing body of any hospital to which this section applies—
- (a) for admitting officers of the hospital of such classes as may be provided in the agreement to participate, on such terms and conditions as may be so provided, in the superannuation benefits provided under regulations made under section 10 of the Superannuation Act 1972 in like manner as officers of Area Health Authorities ; and
  - (b) those regulations shall apply accordingly in relation to the officers so admitted subject to such modifications as may be provided in the agreement.
- (2) The governing body of any hospital to which this section applies shall have all such powers as may be necessary for the purpose of giving effect to any terms and conditions on which their officers are admitted to participate in those superannuation benefits.
- (3) This section applies to any hospital (not vested in the Secretary of State) which is used, in pursuance of arrangements made by the governing body of the hospital with the Secretary of State, for the provision of services under this Act.

## **105 Payments for certain medical examinations**

- (1) Where a medical practitioner carries out a medical examination of any person with a view to an application for his admission to hospital for observation or treatment being made under Part IV of the Mental Health Act 1959 the council which is the local authority for the purposes of the Local Authority Social Services Act 1970 for the area where the person examined resides shall, subject to the following provisions of this section, pay to that medical practitioner—
  - (a) reasonable remuneration in respect of that examination and in respect of any recommendation or report made by him with regard to the person examined; and
  - (b) the amount of any expenses reasonably incurred by him in connection with the examination or the making of any such recommendation or report.
- (2) No payment shall be made under this section to a medical practitioner—
  - (a) in respect of an examination carried out as part of his duty to provide general medical services for the person examined; or
  - (b) in respect of an examination carried out or any recommendation or report made as part of his duty as an officer of a health authority.
- (3) This section shall only apply in a case where it is intended, when the medical examination of the person in question is carried out, that if he is admitted to hospital in pursuance of any such application as mentioned in subsection (1) above, the whole cost of his maintenance and treatment will be defrayed out of moneys provided by Parliament under this Act or the Mental Health Act 1959.