



# Health Services Act 1980

## 1980 CHAPTER 53

An Act to make further provision with respect to the health services in England, Wales and Scotland and their use by private patients and with respect to hospitals and nursing homes outside those services; to dissolve or make further provision with respect to certain bodies connected with or with persons providing services within those health services; and for connected purposes. [8th August 1980]

BE IT ENACTED by the Queen'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

#### THE NATIONAL HEALTH SERVICE

##### *Local administration of the health service in England and Wales*

#### **1 Power to make changes in the local administration of the health service in England and Wales**

- (1) For the purposes of the administration of the health service in England and Wales after the passing of this Act—
- (a) regions in England need not consist wholly of areas having Area Health Authorities or Area Health Authorities (Teaching); and
  - (b) Wales need not consist wholly of areas having such authorities,
- and the Secretary of State may, by order under section 8(1) of the National Health Service Act 1977 (in this Act referred to as "the Act of 1977"), establish authorities for districts in English regions or in Wales in accordance with that section and may, by order under subsection (2) of that section, vary a district whether or not the variation entails the determination of a new or the abolition of an existing district.

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- (2) The power to determine districts under that section may be exercised so that a district corresponds with an existing area and the power under that section to establish authorities for districts may be exercised by constituting the existing authority for an area the authority for a district (and re-naming it accordingly) without otherwise affecting its corporate status.
- (3) The authority for a district shall, according as is provided in the order establishing the authority, be called either—
  - (a) a District Health Authority, or
  - (b) a District Health Authority (Teaching), or
  - (c) by a special name indicating its connection with the district or any place in the district, with or without the word " Teaching ".
- (4) The authority for a district may have, or cease to have, the word " Teaching " incorporated in its name in the same circumstances as, under section 9 of the Act of 1977, the authority for an area may have, or cease to have, the word " Teaching " incorporated in its name and that section shall apply in relation to the authority for a district as it applies in relation to the authority for an area.
- (5) In this Act and the Act of 1977, except where the context requires otherwise, " District Health Authority" and " Area Health Authority " mean respectively the authority for a district and the authority for an area whether or not the name of the authority incorporates the word "Teaching" or, in the case of the authority for a district, the word "District".
- (6) Subject to section 2 below, a District Health Authority shall have in relation to its district the same functions as an Area Health Authority has in relation to its area and may perform functions outside its district on behalf of the Secretary of State to the same extent as an Area Health Authority can do so.
- (7) In consequence of the foregoing provisions of this section the enactments specified in Part I of Schedule 1 to this Act shall have effect subject to the amendments provided for in that Part of that Schedule (which also includes certain minor corrections of the Act of 1977).
- (8) The Secretary of State may by order under this subsection make such repeals in or other modifications of the Act of 1977, this Act or any other enactment or instrument referring to Area Health Authorities as appear to him to be necessary having regard to the replacement of Area Health Authorities by District Health Authorities by virtue of this section.
- (9) The power to make an order under subsection (8) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Expressions used in this section and the Act of 1977 have the same meaning in this section as they have in that Act.

## **2 Family Practitioner Committees for several areas or districts**

- (1) If directed to do so by the Secretary of State an Area Health Authority or a District Health Authority shall, instead of establishing a Family Practitioner Committee for its area or district in pursuance of section 10 of the Act of 1977, join with such other Area Health Authorities or such other District Health Authorities as are specified in

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- the direction in establishing a Family Practitioner Committee for their combined areas or their combined districts in accordance with Part II of Schedule 5 to the Act of 1977.
- (2) Where two or more District Health Authorities are established for districts which together correspond with the area of an existing Area Health Authority those Authorities shall, if directed to do so by the Secretary of State when he makes the order establishing them, instead of each establishing a Family Practitioner Committee for its district in pursuance of section 10 of the Act of 1977, join in adopting the Family Practitioner Committee established by the Area Health Authority, and that Committee shall, for that purpose, continue in existence notwithstanding the dissolution of the Area Health Authority which established it.
  - (3) The power to give directions under subsection (1) or (2) above shall be exercisable by an instrument in writing and includes power to make such incidental or supplemental provision as the Secretary of State considers appropriate.
  - (4) Where a Family Practitioner Committee is, under subsection (1) or (2) above, established by two or more Area Health Authorities or by two or more District Health Authorities or is adopted by two or more District Health Authorities then, subject to subsection (6) below—
    - (a) it is the duty of those authorities jointly, in accordance with regulations, to arrange for the provision under Part II of the Act of 1977 of general medical services, general dental services, general ophthalmic services and pharmaceutical services and jointly to perform any other functions relating to such Committees conferred or imposed on Area Health Authorities or District Health Authorities by that Act; and
    - (b) it is the duty of the Committee, in accordance with regulations, to administer on behalf of those authorities, the arrangements so made and to perform such other functions relating to those services as may be prescribed.
  - (5) In consequence of the foregoing provisions of this section the enactments specified in Part II of Schedule 1 to this Act shall have effect subject to the amendments provided for in that Part of that Schedule and references in Part II of the Act of 1977 to the area or district or persons in the area or district of an authority shall be read, in the case of authorities acting jointly under this section, as references to the combined areas or the combined districts or persons in the combined areas or the combined districts of those authorities.
  - (6) The Secretary of State may direct by which of the Area Health Authorities or District Health Authorities which have jointly established or adopted a Family Practitioner Committee under subsection (1) or (2) above, or in what manner, any joint function of theirs under the Act of 1977 relating to that Committee is to be performed.
  - (7) Sections 126 and 127 of the Act of 1977 (exercise of, and Parliamentary control over, powers to make subordinate instruments) shall apply as if this section were contained in that Act.
  - (8) Expressions used in this section and the Act of 1977 have the same meaning in this section as they have in that Act.

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*Financial provisions relating to the health services in England, Wales and Scotland*

**3 Extension of the powers to make services available to local authorities etc. under s. 26 of the Act of 1977 and s. 15 of the Scottish Act of 1978**

(1) At the end of section 26 of the Act of 1977 (which confers functions on the Secretary of State for the supply of goods and services to local authorities and others) there shall be added the following subsection—

“(4) The Secretary of State may arrange to make available to local authorities the services of persons of the following descriptions, that is to say—

- (a) persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services, and
- (b) persons providing health authorities with services of a kind provided as part of the health service,

so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.”

(2) In section 15 of the Scottish Act of 1978 (which empowers the Secretary of State, Health Boards and the Agency to supply goods and services to local authorities and others), in subsection (1), in paragraph (c), after the word " by " there shall be inserted the words " or having contracts with ".

**4 Power to make grants towards expenditure on services of common concern to health authorities etc. and local authorities**

(1) After section 28 of the Act of 1977 there shall be inserted the following section—

**“28A Power to make grants towards expenditure on services of common concern to health authorities and local authorities.**

(1) An Area Health Authority or District Health Authority may, if they think fit, make grants subject to and in accordance with the provisions of this section to the following local authorities towards expenditure to be incurred by them in connection with the performance of the following functions, that is to say—

- (a) to any local social services authority, in respect of expenditure in connection with the performance of any function which, by virtue of section 2(1) or (2) of the Local Authority Social Services Act 1970, is to be performed through the social services committee of the authority ;
- (b) to any district council in respect of expenditure in connection with the performance by the council of any function of theirs under section 8 of the Residential Homes Act 1980 or the corresponding enactment repealed by that Act (meals and recreation for old people).

(2) A grant under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.

(3) No grant shall be made under subsection (1) above in respect of any expenditure unless—

- (a) the expenditure has been recommended for a grant under this section by the joint consultative committee on which, in accordance

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- with section 22 above, the health authority and the local authority concerned are represented and the conditions subject to which the grant is to be made accord with the advice given by that committee in making the recommendation; and
- (b) the conditions subject to which it is to be made conform with the conditions prescribed for grants of that description by the Secretary of State in directions under this paragraph.
- (4) Where expenditure which has been recommended in pursuance of the said section 22 for a grant under this section is expenditure in connection with the provision of services to be provided by a voluntary organisation then, subject to subsection (5) below—
- (a) the Area Health Authority or District Health Authority may, instead of or in addition to making grants under subsection (1) above to the local authority concerned in the provision of the services, make grants to the voluntary organisation towards the expenditure to be incurred by the organisation in connection with the provision of those services; or
- (b) the local authority may, out of the sums payable to the authority under subsection (1) above, make grants to the voluntary organisation towards expenditure to be incurred by the organisation in connection with the provision of those services.
- (5) No grant shall be made under subsection (4) above in respect of any expenditure except subject to conditions which conform with the conditions prescribed for grants of that description by the Secretary of State under subsection (3)(b) above and which accord with the advice given by the joint consultative committee in recommending the expenditure for a grant under this section.
- (6) In subsection (1)(a) above the reference to functions which, by virtue of section 2(1) of the Act of 1970, are to be performed through the social services committee of a local authority does not include a reference to the functions of a local authority under section 3 of the Disabled Persons (Employment) Act 1958 (facilities for enabling disabled persons to be employed or work under special conditions).”.
- (2) After section 16 of the Scottish Act of 1978 there shall be inserted the following section—

**“16A Power to make grants towards expenditure on services of common concern to Health Boards and local authorities.**

- (1) A Health Board may, if they think fit, make grants subject to and in accordance with the provisions of this section to any regional or islands council towards expenditure to be incurred by them in connection with the performance of the following functions, that is to say—
- (a) any function relating to a matter which, by virtue of section 2(2) of the Social Work (Scotland) Act 1968 or any other enactment, stands referred to the social work committee of the council;
- (b) any function of the council under—
- (i) Part III of the National Assistance Act 1948;
- (ii) section 10 of the Mental Health Act 1959;

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- (iii) section 1 or 2 of the Chronically Sick and Disabled Persons Act 1970;
  - (iv) section 23 or 297 of the Criminal Procedure (Scotland) Act 1975 ;
  - (v) Schedule 5 to the Supplementary Benefits Act 1976.
- (2) A grant under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (3) No grant shall be made under subsection (1) in respect of any expenditure unless the conditions subject to which it is to be made conform with the conditions prescribed for grants of that description by the Secretary of State in directions under this subsection.
- (4) Where a voluntary organisation provides services which are similar to the functions referred to in subsection (1), then—
- (a) the Health Board may, instead of or in addition to making grants under that subsection to the council performing those functions, make grants to the voluntary organisation towards the expenditure to be incurred by the organisation in connection with the provision of those services;
  - (b) the council may, out of the sums payable to them under subsection (1), make grants to the voluntary organisation towards expenditure to be incurred by the organisation in connection with the provision of those services;
- but no grant shall be made under paragraph (a) or (b) except subject to conditions which conform with the conditions prescribed for grants of that description by the Secretary of State under subsection (3).
- (5) In subsection (1)(a) the reference to functions relating to matters which, by virtue of section 2(2) of the Social Work (Scotland) Act 1968 or any other enactment, stand referred to the social work committee of a regional or islands council does not include a reference to the functions of such a council under section 3 of the Disabled Persons Employment Act 1958 (facilities for enabling disabled persons to be employed or work under special conditions).’.

## **5 Power of health authorities, etc. to raise money etc. by appeals, collections, etc.**

- (1) After section 96 of the Act of 1977 there shall be inserted the following section—

**“96A Power of health authorities, etc. to raise money, etc., by appeals, collections, etc.**

- (1) A health authority shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist the authority in providing or improving any services or any facilities or accommodation which is or are or is or are to be provided as part of the health service or to assist them in connection with their functions with respect to research.
- (2) A Board of Governors of a teaching hospital shall, so long as it is a preserved Board by virtue of section 15 of the National Health Service Reorganisation Act 1973, have the like power in relation to services, facilities

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or accommodation provided or to be provided at or by the hospital or their functions with respect to research.

- (3) Subject to any directions of the Secretary of State excluding specified descriptions of activity, the activities authorised by this section include public appeals or collections and competitions, entertainments, bazaars, sales of produce or other goods and other similar activities and the activities may involve the use of land, premises or other property held by or for the benefit of the health authority or Board exercising the power subject however to any restrictions on the purposes for which trust property may be used.
- (4) Subject to the following provisions of this section, the health authority or Board at whose instance property is given in pursuance of this section shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply the property on trust for or for the purpose for which it was given.
- (5) Where property is given in pursuance of this section to or on trust for any purposes of a hospital for which special trustees have been appointed, the property may be held, administered and applied by the special trustees instead of by the Area or District Health Authority exercising functions on behalf of the Secretary of State in respect of the hospital if the special trustees and the Authority agree.
- (6) Property given in pursuance of this section on trust may be transferred to another health authority or to special trustees by order of the Secretary of State under section 92 above in the same circumstances as other trust property may be transferred under that section, and sections 94 and 96 above shall apply as they apply to other trust property transferred under the said section 92.
- (7) Where property held by a health authority or Board under this section is more than sufficient to enable the purpose for which it was given to be fulfilled the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the authority or Board as the authority or Board think fit.
- (8) Where property held by a health authority or Board under this section is insufficient to enable the purpose for which it was given to be fulfilled then—
  - (a) the authority or Board may apply so much of the capital or income at their disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purpose for which the trust property may be applied and, in the case of money paid or payable by the Secretary of State or by a Regional Health Authority under section 97 below, to any directions he or that Authority may give; but
  - (b) where the capital or income applicable under paragraph (a) above is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the health authority or Board shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the authority or Board as the authority or Board think fit.
- (9) Where under subsection (7) or (8) above property becomes applicable for purposes other than that for which it was given the authority or Board shall

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have regard to the desirability of applying the property for a purpose similar to that for which it was given.

(10) In this section " special trustees " has the same meaning as in section 95 above and references to the purposes for which trust property may be used or applied are to be taken, in the case of trust property which has been transferred under section 92 above, to include references to those purposes as enlarged by section 94 above.”.

(2) After section 84 of the Scottish Act of 1978 there shall be inserted the following section—

**“84A Power to raise money, etc., by appeals, collections, etc.**

- (1) A Health Board shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist them in providing or improving any services or any facilities or accommodation which is or are or is or are to be provided as part of the health service or to assist them in connection with their functions with respect to research.
- (2) A local health council shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist them in carrying out any function conferred upon them by or under any enactment.
- (3) Subject to any directions of the Secretary of State excluding specified descriptions of activity, the activities authorised by this section include public appeals or collections and competitions, entertainments, bazaars, sales of produce or other goods and other similar activities and the activities may involve the use of land, premises or other property held by or for the benefit of the Board or local health council exercising the power subject however to any restrictions on the purposes for which trust property may be used.
- (4) Subject to subsections (5) and (6), the Health Board or local health council at whose instance property is given in pursuance of this section shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply the property on trust for or for the purpose for which it was given.
- (5) Where property held by a Health Board or local health council under this section is more than sufficient to enable the purpose for which it was given to be fulfilled, the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the Board or council as the Board or council think fit.
- (6) Where property held by a Health Board or local health council under this section is insufficient to enable the purpose for which it was given to be fulfilled then—
  - (a) the Board or the council may apply so much of the capital or income at their disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purposes for which the trust property may be applied, and in



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the case of money paid or payable by the Secretary of State under section 85(1), to any directions he may give; but

- (b) where the capital or income applicable under paragraph (a) is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the Board or the council shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the Board or council as the Board or council think fit.

- (7) Where under subsections (5) or (6) property becomes applicable for purposes other than that for which it was given, the Health Board or local health council shall have regard to the desirability of applying the property for a purpose similar to that for which it was given.”.

## **6 Provision of public money for, and financial duties of, health authorities, Health Boards, etc.**

- (1) For section 97 of the Act of 1977 (under which the Secretary of State and Regional Health Authorities are required to pay to other health authorities the sums needed to defray their approved expenditure or, in the case of special health authorities, sums equal to their expenses) there shall be substituted the following sections—

### **“97 Means of meeting expenditure of health authorities out of public funds.**

- (1) It is the Secretary of State's duty to pay in respect of each financial year—
  - (a) to each Regional Health Authority or, in Wales, to each Area Health Authority and each District Health Authority sums not exceeding the amount allotted or further allotted by him to the Authority for that year towards meeting the expenditure attributable to the performance by the Authority of their functions in that year;
  - (b) to each Family Practitioner Committee sums equal to the expenditure which he determines is attributable to the performance by the Committee in that year of their functions under this Act;
  - (c) to each special health authority sums not exceeding the amount allotted or further allotted by him to the authority for that year towards meeting the expenditure attributable to the performance by the authority in that year of their functions under this Act.
- (2) Subject to subsection (3) below, it is the duty of every Regional Health Authority to pay in respect of each financial year to each Area Health Authority and each District Health Authority whose area or district is included in the region sums not exceeding the amount allotted or further allotted by the Regional Health Authority to the Area or District Health Authority for that year towards meeting the expenditure attributable to the performance by the Authority of their functions in that year.
- (3) The Secretary of State may give directions to a Regional Health Authority or an Area Health Authority or District Health Authority whose area or district is in Wales with respect to the application of the sums paid to them under subsection (1) above.

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- (4) Where directions have been given under subsection (3) above to a Regional Health Authority with respect to the application of the sums paid to the Authority under subsection (1) above, the Regional Health Authority may give directions to an Area Health Authority or District Health Authority whose area or district is in the region with respect to the application of any sums paid out of those sums to the Area Health Authority or District Health Authority under subsection (2) above.
- (5) It shall be the duty of any health authority to whom directions have been given under subsection (3) or (4) above to comply with the directions.
- (6) Where an order establishing a special health authority provides for any expenditure of the authority to be met by a Regional, Area or District Health Authority or by two or more such Authorities in portions determined by or in accordance with the order, it is the duty of each Authority in question to pay to the special health authority sums equal to, or to the appropriate portion of, that expenditure.
- (7) Sums falling to be paid under this section shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.

#### **97A Financial duties of health authorities.**

- (1) It is the duty of every Regional Health Authority, in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance by the Regional Health Authority and the Area Health Authorities and District Health Authorities whose areas or districts are in the region of their functions in that year does not exceed the aggregate of—
  - (a) the amounts allotted to the Regional Health Authority for that year under section 97(1) above;
  - (b) any other sums received under this Act in that year by the Regional Health Authority or the Area Health Authorities or District Health Authorities whose areas or districts are in the region; and
  - (c) any sums received otherwise than under this Act in that year by any of those Authorities for the purpose of enabling the Authority to defray any such expenditure.
- (2) It is the duty of every Area Health Authority and every District Health Authority, in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of their functions in that year does not exceed the aggregate of—
  - (a) the amounts allotted to the Authority for that year under section 97(1) or (2) above ;
  - (b) any other sums received by the Authority under this Act in that year; and
  - (c) any sums received otherwise than under this Act in that year by the Authority for the purpose of enabling the Authority to defray any such expenditure.
- (3) It is the duty of every special health authority, in respect of each financial year, so to perform their functions under this Act as to secure that the expenditure

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attributable to the performance of their functions in that year does not exceed the aggregate of—

- (a) the amounts allotted to the authority for that year under section 97(1) above ;
- (b) any other sums received by the Authority under this Act in that year; and
- (c) any sums received otherwise than under this Act in that year by the authority for the purpose of enabling the authority to defray any such expenditure.

- (4) The Secretary of State may give such directions to a health authority as appear to him to be requisite to secure that the authority comply with the duty imposed on them by subsection (1), (2) or (3) above and it shall be the duty of the authority to comply with the directions.

Directions under this subsection may be specific in character.

- (5) To the extent to which—
- (a) any expenditure is defrayed by a health authority as trustee or on a health authority's behalf by special trustees; or
  - (b) any sums are received by a health authority as trustee or under section 96A above,

that expenditure and, subject to subsection (6) below, those sums shall be disregarded for the purposes of this section and, for those purposes, sums which, in the hands of an authority, cease to be trust funds and become applicable by the authority otherwise than as trustee shall be treated, on their becoming so applicable, as having been received by the authority otherwise than as trustee.

- (6) Of the sums received by a health authority under section 96A above so much only as accrues to the authority after defraying any expenses incurred in obtaining them shall be disregarded under subsection (5) above.

- (7) Subject to subsection (5) above, the Secretary of State may, by directions, determine—

- (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by an authority of a description so specified ;
- (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable to the performance of functions by an authority of a description so specified; or
- (c) the extent to which and the circumstances in which sums received but not yet spent by an authority under section 97(1) or (2) above are to be treated for the purposes of this section as part of the expenditure of the authority and to which financial year's expenditure they are to be attributed.”.

- (2) For the purposes of section 15(3) of the National Health Service Reorganisation Act 1973 (which relates to a preserved Board of Governors) the sections 97 and 97A substituted for section 97 of the Act of 1977 by subsection (1) above shall be treated as if they were enactments repealed by that Act which applied to preserved Boards and

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may be modified accordingly in their application to such Boards by an order under the said section 15(3).

(3) For subsections (1) and (2) of section 85 of the Scottish Act of 1978 there shall be substituted the following subsections—

“(1) Subject to subsection (2), there shall, in respect of each financial year, be paid by the Secretary of State sums not exceeding the amount allotted or further allotted by him for that year to each of the following bodies towards meeting the expenditure attributable to the performance by that body of their functions in that year—

- (a) the Planning Council;
- (b) every Health Board ;
- (c) the Agency;
- (d) the Medical Practices Committee ;
- (e) the Dental Estimates Board ;
- (f) the Tribunal;
- (g) every local health council.

(2) Subsection (1) does not apply in respect of the expenditure of a Health Board which is attributable to the performance of their functions under Part II, but in that respect there shall, in respect of each financial year, be paid by the Secretary of State sums equal to the expenditure which he determines is attributable to the performance of those functions in that year.

(2A) The Secretary of State may give directions to a body referred to in subsection (1) with respect to the application of the sums paid to them under that subsection and it shall be the duty of any body to whom directions have been given under this subsection to comply with the directions.”.

(4) After the said section 85 there shall be inserted the following section—

**“85A Financial duties of bodies referred to in section 85.**

(1) It is the duty of each such body as is referred to in section 85(1), in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of their functions in that year does not exceed the aggregate of—

- (a) the amounts allotted to that body for that year under section 85(1);
- (b) any other sums received under this Act in that year by that body ; and
- (c) any sums received otherwise than under this Act in that year by that body for the purposes of enabling them to defray any such expenditure.

(2) Subsection (3) of section 85 shall apply for the purposes of this section as it applies for the purposes of that section.

(3) The Secretary of State may give such directions to a body referred to in section 85(1) as appear to him to be requisite to secure that the body comply with the duty imposed on them by subsection (1) and it shall be the duty of the body to comply with the directions.

Directions under this subsection may be specific in character.

- (4) To the extent to which—
- (a) any expenditure of a Health Board or a local health council is defrayed by that body as trustee; or
  - (b) any sums are received by such a body as trustee or under section 84A, that expenditure and, subject to subsection (5), those sums shall be disregarded for the purposes of this section, and, for those purposes, sums which, in the hands of such a body, cease to be trust funds and become applicable by the body otherwise than as trustee shall be treated, on their becoming so applicable, as having been received by the body otherwise than as trustee.
- (5) Of the sums received by a body under section 84A so much only as accrues to the body after defraying any expenses incurred in obtaining them shall be disregarded under subsection (4).
- (6) Subject to subsection (4), the Secretary of State may, by directions, determine—
- (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by a body of a description so specified;
  - (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable to the performance of functions by a body of a description so specified; or
  - (c) the extent to which and the circumstances in which sums received but not yet spent by a body under section 85(1) are to be treated for the purposes of this section as part of the expenditure of the body and to which financial year's expenditure they are to be attributed.”.
- (5) The foregoing provisions of this section shall have effect in relation to the financial year 1980 to 1981 and subsequent years.

## **7 Services provided by relatives of doctors providing general medical services**

The following subsection shall be added at the end of section 29 of the Act of 1977 (arrangements and regulations for general medical services) as subsection (5) of that section and at the end of section 19 of the Scottish Act of 1978 (which makes corresponding provision for Scotland) as subsection (4) of that section: —

“Regulations shall—

- (a) include provision for the making to a medical practitioner providing general medical services of payments in respect of qualifying services provided by a spouse or other relative of his ; and
- (b) provide that the rates and conditions of payment and the qualifying services in respect of which the payments may be made shall be such as may be determined by the Secretary of State after consultation with such bodies as he may recognise as representing such medical practitioners.”

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

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### *Dissolution of the Central Health Services Council*

#### **8 Dissolution of the Central Health Services Council**

- (1) On the passing of this Act the Central Health Services Council (which under section 6(1) of the Act of 1977 advises the Secretary of State on general matters relating to the health service) shall cease to exist.
- (2) The standing advisory committees constituted under subsection (3) of that section shall continue in being but shall consist wholly of members appointed by the Secretary of State after consultation with such representative organisations as he recognises for the purpose and the persons who, immediately before the passing of this Act, were members of those committees but not of the Council shall be deemed to have been appointed under this subsection.
- (3) In consequence of the foregoing provisions of this section so much of section 6 of and Schedule 4 to the Act of 1977 as relates to the Council shall cease to have effect and the following amendments shall be made in that section, that is to say—
  - (a) at the end of subsection (3), there shall be added the words " and the provisions of Schedule 4 to this Act shall have effect in relation to such committees "; and
  - (b) for subsection (4), there shall be substituted the following—
 

“(4) Any committee so constituted shall consist of persons appointed by the Secretary of State after consultation with such representative organisations as he recognises for the purpose.”.

## **PART II**

### PRIVATE PRACTICE

#### *Pay beds and Health Services Board, etc.*

#### **9 Repeal of provisions relating to withdrawal of pay beds and dissolution of Board, etc.**

- (1) On the commencement date—
  - (a) sections 67 to 71 of the Act of 1977 and sections 59 to 63 of the Scottish Act of 1978 (withdrawal of pay beds) shall cease to have effect; and
  - (b) the Health Services Board established under section 1 of the Health Services Act 1976 (in this Act referred to as " the Act of 1976 ") and the Scottish and Welsh Committees constituted in accordance with Part II of Schedule 1 to that Act shall cease to exist.
- (2) Subject to subsection (1)(a) above, all functions of that Board or either of those Committees shall be transferred, as from the commencement date, to the Secretary of State or, if they relate to a hearing afforded or to be afforded to an applicant for an authorisation under Part III of the Act of 1976, such person or persons as the Secretary of State may appoint.
- (3) All property, rights and liabilities to which the Board or either Committee is entitled or subject immediately before the commencement date shall be transferred, as from that date, to the Secretary of State.

- (4) This section shall not affect the validity of anything done by or in relation to the Board or either Committee before the commencement date; and anything which at that date is in the process of being done by or in relation to the Board or either Committee (including any legal proceedings to which any of them is a party) may be continued by or in relation to the Secretary of State or, as the case may require, such person or persons as he may appoint.
- (5) In consequence of the foregoing provisions of this section—
- (a) section 1 of and Schedule 1 to the Act of 1976, sections 73 to 76 of the Act of 1977 and sections 65 to 68 of the Scottish Act of 1978 shall cease to have effect;
  - (b) the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments provided for in that Schedule; and
  - (c) any instrument or document made before the commencement date shall have effect as if any reference to the Board or either Committee were a reference to the Secretary of State or, as the case may require, such person or persons as he may appoint.
- (6) In this section " commencement date " means the date of the passing of this Act.

*Treatment of private patients in national health service hospitals*

**10 General power to make accommodation and services available**

- (1) For section 58 of the Act of 1977 (additional powers as to accommodation and services) there shall be substituted the following section—

**“58 Power as to accommodation and services.**

- (1) Subject to subsection (2) and section 62 below, the Secretary of State may allow persons to make use (on such terms, including terms as to the payment of charges, as he thinks fit) of any accommodation or services provided under this Act and may provide the accommodation or services in question to an extent greater than that necessary apart from this section if he thinks it expedient to do so in order to allow persons to make use of them.
- (2) The Secretary of State shall exercise the power conferred by this section only if and to the extent that he is satisfied that anything which he proposes to allow under that power could not be authorised or allowed under section 65 or 66 below.”.

- (2) For section 50 of the Scottish Act of 1978 (additional powers as to accommodation and services) there shall be substituted the following section—

**“50 Power as to accommodation and services.**

- (1) Subject to subsection (2) and section 54, the Secretary of State may allow persons to make use (on such terms, including terms as to the payment of charges, as he thinks fit) of any accommodation or services provided under this Act and may provide the accommodation or services in question to an extent greater than that necessary apart from this section if he thinks it expedient to do so in order to allow persons to make use of them.

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

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- (2) The Secretary of State shall exercise the power conferred by this section only if and to the extent that he is satisfied that anything which he proposes to allow under that power could not be authorised or allowed under section 57 or 58.”.
- (3) The following provisions, namely—
- (a) sections 59 and 60 of the Act of 1977 (which are superseded by subsection (1) above); and
  - (b) sections 51 and 52 of the Scottish Act of 1978 (which are superseded by subsection (2) above),
- shall cease to have effect.

## **11 Powers to make accommodation and services available for private patients**

- (1) In subsection (1) of section 65 of the Act of 1977 (accommodation and services for private resident patients) and subsection (1) of section 66 of that Act (accommodation and services for private non-resident patients) for the words " Subject to section 71 " there shall be substituted the words " Subject to section 66A " and after the said section 66 there shall be inserted the following section—

### **“66A Restriction of powers under ss. 65 and 66.**

- (1) Section 62 above shall apply in relation to the exercise of the powers conferred on the Secretary of State by sections 65 and 66 above as it applies in relation to the exercise of the powers conferred on him by sections 25, 58 and 61 above.
  - (2) The Secretary of State shall revoke an authorisation under section 65 or 66 above only if and to the extent that he is satisfied that sufficient accommodation and facilities for the private practice of medicine and dentistry are otherwise reasonably available (whether privately or at health service hospitals) to meet the reasonable demand for them in the area or areas served by the hospital or hospitals in question.”.
- (2) In subsection (1) of section 57 of the Scottish Act of 1978 (accommodation and services for private resident patients) and subsection (1) of section 58 of that Act (accommodation and services for private non-resident patients) for the words " Subject to section 63 " there shall be substituted the words " Subject to section 58A " and after the said section 58 there shall be inserted the following section—

### **“58A Restriction of powers under ss. 57 and 58.**

- (1) Section 54 shall apply in relation to the exercise of the powers conferred on the Secretary of State by sections 57 and 58 as it applies in relation to the exercise of the powers conferred on him by sections 44, 50 and 53.
  - (2) The Secretary of State shall revoke an authorisation under section 57 or 58 only if and to the extent that he is satisfied that sufficient accommodation and facilities for the private practice of medicine and dentistry are otherwise reasonably available (whether privately or at health service hospitals) to meet the reasonable demand for them in the area or areas served by the hospital or hospitals in question.”.
- (3) The following provisions, namely—



- (a) subsection (6) of the said section 65 and subsection (3) of the said section 66 (which are superseded by subsection (1) above); and
  - (b) subsection (6) of the said section 57 and subsection (3) of the said section 58 (which are superseded by subsection (2) above),
- shall cease to have effect.

*Control of hospitals outside the national health service*

**12 Meaning of " controlled premises "**

(1) In subsection (2) of section 12 of the Act of 1976 (control of construction and extension of controlled premises)—

- (a) for the definition of " controlled premises " there shall be substituted the following definition—

“ controlled premises ' means hospital premises which provide or will provide beds for the use of patients, being hospital premises—

- (a) in the case of which the number of beds which are or will be so provided is one hundred and twenty or more; or
- (b) which are or are to be situated in an area designated by the Secretary of State under subsection (2A) below ;”;

- (b) after the definition of " controlled works " there shall be inserted the following definitions—

“ hospital premises ' means premises at which there are or are to be facilities for the provision of hospital services;

' hospital services ' means all or any of the following services, namely—

- (a) the carrying out of surgical procedures under general anaesthesia;
- (b) obstetrics;
- (c) radiotherapy;
- (d) haemodialysis or peritoneal dialysis ;
- (e) pathology or diagnostic radiology;

' relevant hospital premises ' means hospital premises occupied otherwise than by or on behalf of the Crown or for the purposes of a visiting force.”.

(2) After the said subsection (2) there shall be inserted the following subsections—

“(2A) If, on an application by a health authority, the Secretary of State is satisfied that relevant hospital premises in the whole or any part of their area or district provide or will provide, if taken together, one hundred and twenty or more beds for the use of patients, he may, after consulting with such persons and representative bodies as appear to him to be concerned, by regulations designate the whole or, as the case may be, that part of the authority's area or district as an area in which all hospital premises which provide or will provide beds for the use of patients shall be controlled premises; and regulations under this subsection—

- (a) may contain such transitional provisions as appear to the Secretary of State to be necessary or expedient ; and
- (b) shall have effect for such period not exceeding five years as may be prescribed.

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- (2B) In determining for the purposes of subsection (2A) above how many beds relevant hospital premises will provide, the Secretary of State shall not take into account the proposed execution of any works unless—
- (a) an authorisation for the execution of those works has been granted ; or
  - (b) a contract for the execution of those works has been entered into.
- (2C) The Secretary of State shall not exercise the power conferred by subsection (2A) above unless, having regard to the matters mentioned in subsection (3)(a) of section 13 below, he considers that the execution of works which, if the power were exercised, would be controlled works would be likely to interfere as mentioned in paragraph (a) or operate as mentioned in paragraph (b) of subsection (2) of that section.”.

### 13 Exemptions from control

- (1) In subsection (1) of section 12 of the Act of 1976 (control of construction and extension of controlled premises) for the words " Subject to subsection (3)" there shall be substituted the words " Subject to subsections (3) and (4) ".
- (2) After subsection (3) of that section there shall be inserted the following subsections—
  - “(4) Subsection (1) above does not apply in the case of works for the construction of a controlled extension of controlled premises if—
    - (a) the premises are situated elsewhere than in an area designated by the Secretary of State under subsection (2A) above; and
    - (b) the premises were constructed as controlled premises, or were converted into controlled premises, whether before or after the coming into force of this Part of this Act; and
    - (c) where the works will enable additional beds to be provided, the aggregate number of additional beds which will then have been provided at the premises since the beginning of the current three year period (or, if later, the time when the premises were constructed or converted) will not exceed the permitted number.
  - (5) In subsection (4) above—
 

' permitted number ', in relation to a three year period, means one fifth of the number of beds provided at the premises in question at the beginning of that period or, if later, the time when the premises were constructed or converted;

' three year period ' means the period of three years beginning with the passing of the Health Services Act 1980 and each successive period of three years.”.

### 14 Notice of notifiable changes

- (1) In subsection (1) of section 14 of the Act of 1976 (notice of notifiable works)—
  - (a) for the words " an application for planning permission for any notifiable works " there shall be substituted the following paragraphs—
    - “(a) an application for planning permission for any notifiable works; or
    - (b) a notifiable change,”;

- (b) after the words " the application " and " the proposed application" there shall be inserted the words " or change "; and
  - (c) the reference to the coming into force of Part III of that Act shall be construed, so far as it relates to the making of notifiable changes, as a reference to the coming into force of this section.
- (2) In subsection (2) of that section—
- (a) in paragraph (a) there shall be inserted after the words " applied for " the words " or the notifiable change " ; and
  - (b) in paragraph (b) there shall be inserted at the beginning the words " in the case of notifiable works, ".
- (3) For subsection (6) of that section there shall be substituted the following subsection—
- “(6) Subsection (1) above—
- (a) does not apply in the case of works that are to be executed or a change that is to be made by or on behalf of the Crown or for the purposes of a visiting force; but
  - (b) in the case of works that are to be executed or a change that is to be made otherwise than as aforesaid, shall apply notwithstanding any interest of the Crown in the land on which, or in any premises in connection with which, the works are to be executed or the change is to be made.”.
- (4) In subsection (7) of that section for the definition of " hospital premises" there shall be substituted the following definition—
- “‘ notifiable change ' means—
- (a) any change in the nature or extent of the hospital services provided at controlled premises ; or
  - (b) any change in the facilities or the number of beds provided at any premises which results in their becoming controlled premises ;”.

## **15 Minor and consequential amendments of the Act of 1976**

The Act of 1976 shall have effect subject to the amendments provided for in Schedule 3 to this Act, being minor amendments and amendments consequential on the amendments made by sections 12 to 14 above.

*Nursing homes and mental nursing homes, etc.*

## **16 Nursing homes and mental nursing homes, etc.**

The enactments specified in Schedule 4 to this Act (which relate to the registration of nursing homes, mental nursing homes and private hospitals within the meaning of the Mental Health (Scotland) Act 1960) shall have effect subject to the amendments provided for in that Schedule.

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## PART III

### MISCELLANEOUS

#### *The General Practice Finance Corporation*

#### **17 Powers of the General Practice Finance Corporation in relation to premises and land**

Section 2 of the National Health Service Act 1966 (which enables the General Practice Finance Corporation to make loans to medical practitioners providing general medical services for the provision of premises and to acquire and lease to such practitioners sites required for such services) shall be amended—

- (a) by substituting, in subsection (2), for the words " land as is mentioned in paragraph (c) of " the words " premises or other land as is mentioned in "; and
- (b) by inserting, in subsection (3), after the word " to " the words " premises or other ".

#### **18 Increase in borrowing powers of the General Practice Finance Corporation**

In section 6(3) of the National Health Service Act 1966 (which limits the aggregate amount which may be outstanding in respect of the principal of money borrowed by the General Practice Finance Corporation to £10 million or such greater amount not exceeding £25 million as the Secretary of State may by order specify) for the words " ten million pounds " and " twenty-five million pounds " there shall be substituted respectively the words " £40 million " and " £100 million ".

#### **19 Remuneration etc. of members of the General Practice Finance Corporation**

- (1) In the Schedule to the National Health Service Act 1966 there shall be substituted for paragraph 7 (which provides for the payment of remuneration and allowances to members of the General Practice Finance Corporation out of money provided by Parliament) the following paragraph, that is to say—

“7. The Corporation may pay to its members such remuneration and such reasonable allowances in respect of expenses incurred by them in the performance of their duties as it may determine subject to any directions given by the Minister and the Secretary of State acting jointly with the approval of the Minister for the Civil Service.”.

- (2) The amendment made by subsection (1) above has effect in relation to the financial year of the Corporation beginning 1st April 1980 and subsequent years.

#### *Pharmaceutical services*

#### **20 Extension of pharmaceutical services in connection with dental treatment provided by health authorities, etc.**

- (1) Section 41 of the Act of 1977 (which imposes a duty on health authorities to arrange for the supply of proper and sufficient drugs and medicines ordered by medical practitioners and of listed drugs and medicines ordered by dental practitioners) shall be amended by substituting for paragraph (b) the following paragraphs, that is to say—

- “(b) proper and sufficient drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by that Authority of dental services; and
  - (c) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by him of general dental services.”.
- (2) Section 27(1) of the Scottish Act of 1978 (which imposes a corresponding duty on Health Boards) shall be amended by substituting for paragraph (b) the following paragraphs, that is to say—
- “(b) proper and sufficient drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by that Board of dental services; and
  - (c) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by him of general dental services.”.

## **21 Regulation of right to provide pharmaceutical services**

- (1) In section 42(6) of the Act of 1977 (under which persons who so wish are entitled to be included in the list of persons undertaking to provide pharmaceutical services subject to the provisions of Part II of that Act relating to disqualification), after the words " subject to " there shall be inserted the words " any provision made by or under the regulations and to the provisions of ".
- (2) In section 43(1) and (2) of the Act of 1977 (which contains restrictions, to which regulations may provide exceptions, as to the persons who may be authorised to provide pharmaceutical services), after the words " provided by ", there shall be inserted the words " or under ".

### *Miscellaneous and supplementary*

## **22 Amendment of the Act of 1977 in respect of membership of Regional Health Authorities**

In Schedule 5 to the Act of 1977, Part I, paragraph 1(2) (c), after the words " medical practitioners ", there shall be inserted the words " including medical practitioners qualified in homoeopathy ".

## **23 Correction of meaning of " local authority " in Part IV of the National Assistance Act 1948**

Section 195 of the Local Government Act 1972 (which amends existing enactments conferring social services functions, including the National Assistance Act 1948, so as to vest those functions in the authorities which are local authorities for the purposes of the Local Authority Social Services Act 1970) shall have effect, and be deemed always to have had effect, as if at the end of the section there were added the following subsection—

- “(7) In section 64(1) of the National Assistance Act 1948 (interpretation), in the definition of " local authority ", the words " county borough " shall be omitted

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and, after the word " district " , there shall be inserted the words " or London borough or the Common Council of the City of London."

## **24 Expenses and receipts of the Secretary of State, etc.**

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State for the purposes of this Act, and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided,

and any sums received by the Secretary of State by virtue of this Act shall be paid into the Consolidated Fund.

## **25 Interpretation and minor amendments and repeals**

(1) In this Act—

- " the Act of 1976 " means the Health Services Act 1976 ;
- " the Act of 1977 " means the National Health Service Act 1977; and
- " the Scottish Act of 1978 " means the National Health Service (Scotland) Act 1978.

(2) Schedule 12 to the Act of 1977 and Schedule 11 to the Scottish Act of 1978 (additional provisions as to regulations for the making and recovery of charges) shall be amended as provided in Parts I and II respectively of Schedule 5 to this Act.

(3) The minor amendments specified in Schedule 6 to this Act shall have effect.

(4) The enactments specified in Schedule 7 to this Act (which include enactments that are spent or unnecessary) are hereby repealed to the extent specified in the third column of that Schedule.

## **26 Short title, commencement and extent**

(1) This Act may be cited as the Health Services Act 1980.

(2) The following provisions of this Act, namely—

- (a) section 14 ;
- (b) section 16 and Schedule 4 ;
- (c) section 21 ;
- (d) section 25(2) and Schedule 5 ; and
- (e) in Schedule 7, the repeals in the Nursing Homes Registration (Scotland) Act 1938, the Nursing Homes Act 1975 and the Nurses, Midwives and Health Visitors Act 1979 (and section 25(4) so far as it relates to those repeals),

shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument and different days may be appointed under this subsection for different provisions.

(3) With the exception of the provisions specified in subsection (2) above, this Act shall come into force on its passing.

(4) This Act does not extend to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

#### AMENDMENTS CONSEQUENTIAL ON CHANGES IN THE LOCAL ADMINISTRATION OF THE HEALTH SERVICE

#### PART I

##### AMENDMENTS RELATING TO DISTRICT HEALTH AUTHORITIES

###### *The Public Health Act 1936*

- 1 In section 143(3) of the Public Health Act 1936 after the words " Area Health Authorities" there shall be inserted the words " District Health Authorities ".
- 2 In section 169(1) of the Public Health Act 1936, between the words " Area" and " Health Authority" there shall be inserted the words " or District ".
- 3 In section 244(1) of the Public Health Act 1936, between the words " Area " and " Health Authority " there shall be inserted the words " or District ".

###### *The Polish Resettlement Act 1947*

- 4 In section 4(1) of the Polish Resettlement Act 1947, after the words " Area Health Authorities " there shall be inserted the words " District Health Authorities ".

###### *The National Assistance Act 1948*

- 5 In section 21(7)(c) of the National Assistance Act 1948, after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".

###### *The Recall of Army and Air Force Pensioners Act 1948*

- 6 In the Schedule to the Recall of Army and Air Force Pensioners Act 1948, in paragraph 2, after the word " Wales " there shall be inserted the words " of a District Health Authority of which the district is in Wales ".

###### *The Shops Act 1950*

- 7 In section 22(1) of the Shops Act 1950, in proviso (v), between the words " Area " and " Health Authority ", there shall be inserted the words " or District ".
- 8 In Schedule 5 to the Shops Act 1950, in paragraph 1(g), between the words " Area " and " Health Authority ", there shall be inserted the words " or District ".

*The Midwives Act 1951*

- 9 (1) The Midwives Act 1951 shall be amended as provided in this paragraph.
- (2) In section 23(2) for the words " of which the areas ", there shall be substituted the words " and District Health Authorities of which the areas or districts ".
- (3) In section 29(2), for the words from " Regional" to the end there shall be substituted the words "following authority for the region, area or district, as the case may be, in which the prosecution takes place, that is to say—
- (a) where the prosecution takes place in England, the Regional Health Authority for the region in which the prosecution takes place ; and
  - (b) where the prosecution takes place in Wales, the Area Health Authority for the area or the District Health Authority for the district in which the prosecution takes place."
- (4) For section 31 there shall be substituted the following—
- “**31** The following health authorities shall be the local supervising authority over certified midwives, that is to say—
- (a) for midwives within a region in England, the Regional Health Authority for the region ; and
  - (b) for midwives within an area or district in Wales, the Area Health Authority or District Health Authority for the area or district.”.

*The Landlord and Tenant Act 1954*

- 10 In section 57(6) of the Landlord and Tenant Act 1954, after the words " Area Health Authority", there shall be inserted the words " District Health Authority ".

*The Nurses Act 1957*

- 11 (1) The Nurses Act 1957 shall be amended as provided in this paragraph.
- (2) In section 11(2)(c), after the words " Area Health Authorities ", there shall be inserted the words " and District Health Authorities ".
- (3) In section 13(1), after the words "Area Health Authority", there shall be inserted the words " District Health Authority ".
- (4) In section 14, after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".
- (5) In section 16, after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".
- (6) In Schedule 2, in paragraph 1(b), after the words " the areas ", there shall be inserted the words " and District Health Authorities of which the districts ".

*The Public Records Act 1958*

- 12 In Schedule 1 to the Public Records Act 1958, in the entries in the Table relating to National health service hospitals, for the words from " Regional" to " Area " (in both places) there shall be substituted the words " Regional, Area or District ".



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*The Mental Health Act 1959*

- 13 (1) The Mental Health Act 1959 shall be amended as provided in this paragraph.
- (2) In section 37(2), after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".
- (3) In section 41(3), after the word "Minister", there shall be inserted the words " for the purposes of his functions ".
- (4) In section 47(3), after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".
- (5) In section 56(3), after the words " Area Health Authorities ", there shall be inserted the words " District Health Authorities ".
- (6) In section 59(1), in the definition of the managers of a hospital, for the words " under the National Health Service Act 1946 " there shall be substituted the words " for the purposes of his functions under the National Health Service Act 1977 " and after the words "Area Health Authority", there shall be inserted the words " District Health Authority ".
- (7) In section 132, between the words "Area" and "Health Authority ", there shall be inserted the words " and every District " and for the words " or area " there shall be substituted the words " , area or district ".
- (8) In section 147(1), in the definition of "hospital", for the words "under the National Health Service Act 1946" there shall be substituted the words " for the purposes of his functions under the National Health Service Act 1977 ".

*The Radioactive Substances Act 1960*

- 14 In section 14(1) of the Radioactive Substances Act 1960, after the words " Area Health Authority " (in both places), there shall be inserted the words " District Health Authority ".

*The Public Bodies (Admission to Meetings) Act 1960*

- 15 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, in paragraph 1(f), after the words "Area Health Authorities", there shall be inserted the words " District Health Authorities ".

*The Parliamentary Commissioner Act 1967*

- 16 In Schedule 3 to the Parliamentary Commissioner Act 1967, in paragraph 8, after the words " Area Health Authority ", there shall be inserted the words " a District Health Authority ".

*The Abortion Act 1967*

- 17 (1) In section 1(3) of the Abortion Act 1967, for the words from " the Minister " to the end there shall be substituted the words " the Secretary of State for the purposes of his functions under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 or in a place approved for the purposes of this section by the Secretary of State ".

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- (2) In section 3(1) of the Abortion Act 1967, for the words from " a Minister" to " Acts" there shall be substituted the words " the Secretary of State ".

*The Leasehold Reform Act 1967*

- 18 In section 28 of the Leasehold Reform Act 1967, in subsection (5)(d), after the words " Area Health Authority", there shall be inserted the words " any District Health Authority " and, in subsection (6)(c), after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".

*The Health Services and Public Health Act 1968*

- 19 (1) The Health Services and Public Health Act 1968 shall be amended as provided in this paragraph.
- (2) In section 48(2), in paragraph (a), after the words "whose area" there shall be inserted the words " or the District Health Authority within whose district " and, in paragraph (b), after the words " for the area ", there shall be substituted the words " or the District Health Authority for the district ".
- (3) In section 63, in subsection (1)(a) and in subsection (2)(b), after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".
- (4) In section 64, in subsection (3)(b). after the words "Area Health Authority ", there shall be inserted the words " or District Health Authority ".
- (5) In section 70(1), after the words " whose area ", there shall be inserted the words " or the District Health Authority within whose district ".

*The Post Office Act 1969*

- 20 In section 86(1) of the Post Office Act 1969, in the definition of " national health service authority ", in relation to England and Wales, after the words " Area Health Authority", there shall be inserted the words " District Health Authority ".

*The Road Traffic Act 1972*

- 21 In section 156(1)(a) of the Road Traffic Act 1972, after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".

*The Local Government Act 1972*

- 22 In section 113(1 A) of the Local Government Act 1972, after the words " Area Health Authority ", where first appearing, there shall be inserted the words " District Health Authority " and for the words " or Area ", in paragraphs (a) and (b), there shall be substituted the words " Area or District ".

*The National Health Service Reorganisation Act 1973*

- 23 (1) The National Health Service Reorganisation Act 1973 shall be amended as provided in this paragraph.

- (2) In section 14(2), in paragraph (a), between the words " Area " and "Health Authorities" there shall be inserted the words " or District " and in paragraph (b), for the figure " (3) " (in both places), there shall be substituted the figure " (2) ".
- (3) In section 18(7), in the definition of "new health authority", between the words " Area " and " Health Authority " there shall be inserted the words " or District ".
- (4) In section 24(1), in column 2 of the Table, after the words " Area Health Authorities " in the second paragraph, there shall be inserted the words " District Health Authorities " and between the words " Area " and " Health Authority " in the third paragraph, there shall be inserted the words " or District ".

*The Health and Safety at Work, etc. Act 1974*

- 24 In section 60(1) of the Health and Safety at Work, etc. Act 1974, after the words " Area Health Authority", there shall be inserted the words " and each District Health Authority ".

*The Trade Union and Labour Relations Act 1974*

- 25 In section 30(2) of the Trade Union and Labour Relations Act 1974, after the words "Area Health Authority" in paragraphs (a) and (b), there shall be inserted the words " District Health Authority ".

*The House of Commons Disqualification Act 1975*

- 26 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975, in the entry relating to a Chairman in receipt of remuneration of any Regional Health Authority, Area Health Authority or special health authority, for the words " or Area Health Authority (Teaching) or of any " there shall be substituted the words " District Health Authority or " and at the end there shall be added the words " (within the meaning of the National Health Service Act 1977) ".

*The Nursing Homes Act 1975*

- 27 In section 2(3)(a) of the Nursing Homes Act 1975, for the words " by virtue of " there shall be substituted the words " for the purposes of his functions under ".

*The National Health Service Act 1977*

- 28 Section 8 of the Act of 1977 shall be amended as follows—
- (a) for subsection (1) there shall be substituted the following subsections—
- “(1) It is the Secretary of State's duty to establish by order in accordance with Part I of Schedule 5 to this Act-
- (a) authorities for such regions in England as he may by order determine ; and
- (b) authorities for such areas or districts in Wales or those regions in England as he may by order determine, and orders determining regions, areas or districts in pursuance of this subsection shall be separate from orders establishing authorities for the regions, areas or districts.

(1A) The authorities established by order under subsection (1) above shall be named as follows—

- (a) an authority established for a region shall be called a Regional Health Authority ;
- (b) an authority established for an area shall, according as is provided in the order, be called an Area Health Authority with or without the word " Teaching " ; and
- (c) an authority for a district shall, according as is provided in the order, be called either a District Health Authority with or without the word " Teaching " or by a special name indicating the authority's connection with the district or a place in the district, with or without the word " Teaching " ;

but in the following provisions of this Act, except where the context otherwise requires, "Area Health Authority" and " District Health Authority" mean respectively the authority for an area and the authority for a district whether or not the name of the authority incorporates the word " Teaching" or, in the case of an authority for a district, the word " District."";

- (b) in subsection (2), after the word " area " (in both places) there shall be inserted the words " or district " and between the words " Area" and " Health Authority " the words " or District " ; and
- (c) in subsection (3), after the words " areas " and " area " there shall be inserted the words " or districts " and " or district " respectively.

29 For section 9 of the Act of 1977 there shall be substituted the following—

**“9 Special provisions for teaching authorities.**

- (1) An order under section 8(1) above establishing an authority for an area or district may provide for its name to incorporate the word " Teaching " if and only if the Secretary of State is satisfied that the authority is to provide for a university or universities substantial facilities for undergraduate or post-graduate clinical teaching.
- (2) Where the Secretary of State is satisfied that an Area or District Health Authority is to provide, or is providing such facilities, he may provide by order for the Authority's name to incorporate the word " Teaching" and, where he is satisfied that an Area or District Health Authority whose name incorporates the word " Teaching " no longer provides such facilities, he may provide by order for the Authority's name to cease to incorporate that word.
- (3) It is the Secretary of State's duty, before providing that an Authority's name shall incorporate or cease to incorporate the word "Teaching", to consult the university or universities concerned with the facilities in question.”

30 In section 10 of the Act of 1977 after the word " Authority " there shall be inserted the words " and of each District Health Authority "and after the word " area" there shall be inserted the words " or district " and for the words " described in " there shall be substituted the words " imposed by ".

31 In section 11(1) of the Act of 1977 between the words " Area " and "Health Authority" there shall be inserted the words " or District ".

- 32 In section 12(a) of the Act of 1977 the word " and " shall be omitted and after the words " Area Health Authorities " there shall be inserted the words " and District Health Authorities ".
- 33 In section 13(1) of the Act of 1977, after the word "Wales" there shall be inserted the words " a District Health Authority of which the district is in Wales ".
- 34 In section 14(1) and (2) of the Act of 1977 between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District " and in subsection (1) after the word " area " there shall be inserted the words " or district ".
- 35 In section 15 of the Act of 1977, in subsection (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the word " area " the words " or district" and in subsection (2), between the words " Area" and " Health Authority " there shall be inserted the words " or District ".
- 36 Section 16 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), between the words "Area" and "Health Authority ", wherever occurring, there shall be inserted the words " or District "; and
  - (b) in subsection (2), for the words " or Area " there shall be substituted the words " Health Authority, an Area Health Authority, a District " and after the words " same name " there shall be inserted the words " an Area Health Authority and a District Health Authority are equivalent to each other ".
- 37 Section 17 of the Act of 1977 shall be amended as follows—
- (a) between the words " Area" and " Health Authority" wherever occurring there shall be inserted the words " or District "; and
  - (b) after the word " area " in paragraph (a) there shall be inserted the words " or district ".
- 38 In section 18(3) of the Act of 1977 between the words " Area " and " Health Authority" there shall be inserted the words " or District ".
- 39 In section 19(3) of the Act of 1977 after the word " Authority " there shall be inserted the words " or for the district of a District Health Authority and, in the paragraph beginning " A committee ", there shall be inserted, after the words " called the Area " , the words "or the District" and after the words "for the area" the words " or district ".
- 40 Section 20 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), after the word "Authority" there shall be inserted the words " and a council for the district of each District Health Authority " and after the word " areas " there shall be inserted the words " or districts ";
  - (b) in subsection (2)(a), after the word " Authorities", there shall be inserted the words " or for a district which includes the districts or parts of the districts of two or more District Health Authorities "; and
  - (c) in subsection (2)(6), after the word " Authority " there shall be inserted the words " or of the district of a District Health Authority ".
- 41 Section 22 of the Act of 1977 shall be amended as follows—
- (a) in subsection (2), after the word " Authorities " there shall be inserted the words " and District Health Authorities "and, in the Table, in column 1, between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District " and, in column 2, after the

- word " area " (wherever occurring) there shall be inserted the words " or district ";
- (b) in subsection (3), between the words " Area " and " Health Authority" (in both places) there shall be inserted the words " or District ";
- (c) in subsection (4)(6), between the words " Area" and " Health Authority " (in both places) there shall be inserted the words " or District " and after the words " the area " there shall be inserted the words " or district ".
- 42 Section 29 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), after the word "duty" there shall be inserted the words " and every District Health Authority's duty " and after the words " their area " and " the area " there shall be inserted the words " or district ";
- (b) in subsection (2)(e), after the word " area " (in both places), there shall be inserted the words " or district ".
- 43 Section 30 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District ",  
 after the words " Authority's area " there shall be inserted the words " or district ",  
 the words " (except as mentioned in subsection (2) below " shall be omitted and immediately before the words " be entitled " there shall be inserted the words " subject to the provisions of this Part of this Act relating to the disqualification of practitioners "; and
- (b) subsection (2) shall be omitted.
- 44 In section 31(1)(b) of the Act of 1977 between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the words " its area " and " that area " there shall be inserted the words " or district ".
- 45 In section 32(3)(a) of the Act of 1977, after the word " areas " there shall be inserted the words " or districts ".
- 46 Section 33 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), between the words " Area " and " Health Authority ", there shall be inserted the words " or District " and after the words " the area " and " that area " the words " or district " ;
- (b) in subsection (2), for the words " area or part", there shall be substituted the words " area or district or part of an area or district ";
- (c) in subsection (3), between the words "Area" and "Health Authority " there shall be inserted the words " or District " and after the words " Authority's area" the words " or district" ;
- (d) in subsection (4), after the words " parts of the area " there shall be inserted the words " or district " and between the words " Area " and " Health Authority " the words " or District" ;
- (e) in subsection (8)(a), for the words " area or part of an area " there shall be substituted the words " area or district or in the part of the area or district ".
- 47 In section 34 of the Act of 1977, in paragraph (a), between the words " Area" and " Health Authorities", there shall be inserted the words " and District " and after the words " their areas " and " those areas " the words " or districts " and in paragraph (b) between the words " Area " and " Health Authorities " there shall be inserted the words " or District ".

- 48 In section 35(1) of the Act of 1977 after the word " duty" there shall be inserted the words " and every District Health Authority's duty " and after the word " area " (in both places) there shall be inserted the words " or district ".
- 49 In section 36(d) of the Act of 1977 after the word " area " (in both places), there shall be inserted the words " or district ".
- 50 In section 37(6) of the Act of 1977 between the words " Area " and "Health Authority" there shall be inserted the words " or District ";
- 51 In section 38 of the Act of 1977 after the word "duty" there shall be inserted the words " and every District Health Authority's duty " and after the word "area" there shall be inserted the words " or district ".
- 52 In section 39 of the Act of 1977, in paragraph (b), after the words " the provisions of this " there shall be inserted the words " Part of this ", in paragraph (c), for the word "wishes" there shall be substituted the word " is ", and, in paragraph (d), after the word "area" (in both places), there shall be inserted the words " or district ".
- 53 In section 41 of the Act of 1977 after the word " duty " there shall be inserted the words " and every District Health Authority's duty "and after the word " area" (in both places) there shall be inserted the words " or district ".
- 54 In section 42(c) of the Act of 1977 after the word "area" (in both places), there shall be inserted the words " or district ".
- 55 In section 43(1) of the Act of 1977, between the words " Area " and "Health Authority" there shall be inserted the words " or District ".
- 56 In section 44(1) of the Act of 1977 after the words "Area Health Authority" there shall be inserted the words " or for the district of any District Health Authority " and after the word "area" (wherever occurring) there shall be inserted the words " or district ".
- 57 Section 45 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), after the words " Area Health Authority ", there shall be inserted the words " or for the district of a District Health Authority "; and
  - (b) in subsection (2), after the word " area" there shall be inserted the words " or district ".
- 58 In section 46(1), (2) and (4) of the Act of 1977 between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District ".
- 59 In section 54(2) and (3) of the Act of 1977 between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the word " area " (wherever occurring) the words " or district".
- 60 In section 55 of the Act of 1977 between the words "Area" and " Health Authority" there shall be inserted the words " or District ".
- 61 In section 56 of the Act of 1977 after the words " Area Health Authority " where first occurring there shall be inserted the words " or any district or part of a district of a District Health Authority ", for the words "that area or part" there shall be substituted the words " that area or district or in that part of that area or district ", after the words " such area " there shall be inserted the word " district " and between the words " Area " and " Health Authority " (in (i)) there shall be inserted the words " or District ".

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- 62 In section 65(1) of the Act of 1977, after the word " area ", there shall be inserted the words " or district ".
- 63 In section 66(1) of the Act of 1977, after the word " area ", there shall be inserted the words " or district ".
- 64 In section 83(a) and (b) of the Act of 1977 after the words " Area Health Authority" there shall be inserted the words " a District Health Authority ".
- 65 In section 85(1) of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
     “(bb) any District Health Authority ;”
- 66 In section 88 of the Act of 1977, in subsection (1) for the words " so vests" there shall be substituted the words " is so vested " and in subsection (2) for the words " section 6 of the Act of 1946 " there shall be substituted the words " the exercise of the power hereby conferred ".
- 67 In section 91(3)(b) of the Act of 1977, between the words "Area" and "Health" there shall be inserted the words " or District ".
- 68 In section 95(1) of the Act of 1977 for the word " and " (where first occurring) there shall be substituted the word " or ".
- 69 Section 98 of the Act of 1977 shall be amended as follows—  
     (a) in subsection (1) after paragraph (b) there shall be inserted the following paragraph—  
         “(bb) every District Health Authority ;”; and  
     (b) in subsection (2), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and at the end there shall be added the words " or district ".
- 70 In section 99(1) of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
     “(bb) District Health Authorities ;”.
- 71 In section 104(1)(a) of the Act of 1977, between the words " Area " and " Health Authorities ", there shall be inserted the words " or District ".
- 72 In section 109 of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
     “(bb) District Health Authorities ;”.
- 73 In section 110 of the Act of 1977, after paragraph (a), there shall be inserted the following paragraph—  
     “(ad) a District Health Authority of which the district is in Wales;”;  
     and, in paragraph (b), for the words " by such an Authority " there shall be substituted the words " or adopted by an Area or District Health Authority of which the area or district is in Wales ".
- 74 In section 119(1) of the Act of 1977, in paragraphs (d), (e) and (f), between the words " Area " and " Health Authority ", there shall be inserted the words " or District " and, in paragraphs (d) and (e), after the word " area " there shall be inserted the words " or district ".
- 75 Section 124 of the Act of 1977 shall be amended as follows—



- (a) in subsection (2), between the words " Area " and " Health Authority ", mere shall be inserted the words " or District " and after the word " area" (in both places) there shall be inserted the words " or district ";
- (b) in subsection (4), between the words " Area " and " Health Authority ", there shall be inserted the words " or District " and after the words " the area " the words " or district " ;
- (c) in subsection (5), between the words " Area " and " Health Authority" (in both places) there shall be inserted the words " or District "and after the words " their area " there shall be inserted the words " or district " ; and
- (d) in subsection (6), between the words " Area " and " Health Authority " there shall be inserted the words " or District ".
- 76 In section 125 of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
“(bb) a District Health Authority ;”.
- 77 Section 128(1) of the Act of 1977 shall be amended as follows—
- (a) in the appropriate place in alphabetical order there shall be inserted the following definition—  
“" Area Health Authority " and "District Health Authority " mean respectively the authority for an area and the authority for a district, whether or not the name of the authority incorporates the word " Teaching " or, in the case of an authority for a district, the word " District " ;”
- (b) in the definition of " health authority ", for the words " or Area", there shall be substituted the words " Area or District ";
- (c) in the definition of " the health service ", after the words " in pursuance of ", there shall be inserted the words " section 1 of the National Health Service Act 1946 and continued under ";
- (d) in the definition of " health service hospital", after the word " State ", there shall be inserted the words " for the purposes of his functions " ; and
- (e) for the definition of " voluntary ", there shall be substituted the following definition—  
“" voluntary organisation " means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority ;”.
- 78 (1) In Schedule 5 to the Act of 1977, the title of the Schedule shall be amended by substituting for the words " AND AREA " the words " AREA AND DISTRICT " and Part I shall be amended as provided in this paragraph.
- (2) In the tide to the Part the same amendment shall be made as is made by sub-paragraph (1) above in the tide of the Schedule.
- (3) In paragraph 2, in sub-paragraph (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the words " for an area" there shall be inserted the words " or district " and in sub-paragraph (2) after the words " in the area" there shall be inserted the words " or district " and between the words " Area " and " Health Authority " (in (a) and (c)) there shall be inserted the words " or District ".

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- (4) In paragraph 3, between the words " Area" and " Health Authority" there shall be inserted the words " or District " and after the words " for an area" there shall be inserted the words " or district "
- (5) In paragraph 4, between the words " Area" and " Health Authority" there shall be inserted the words " or District " and after the words " the area" (in (a) and (6)) there shall be inserted the words " or district " .
- (6) In paragraph 5, in sub-paragraph (1)(a), after the words " metropolitan district" there shall be inserted the words " a non-metropolitan district " ,  
in sub-paragraph (1)(b), for the words " the area of the Area" there shall be substituted the words " the area or district of the Area or District " ,  
in sub-paragraph (1)(c), after the words "establishing the Area" there shall be inserted the words " or District " and, for the words from " it to be called " to " (Teaching) " there shall be substituted the words " its name to incorporate the word " Teaching " " and, in sub-paragraph (2)(a), after the words " establishing an Area " , there shall be inserted the words " or District " and, for the words from " it to be called " to " (Teaching) " , there shall be substituted the words " its name to incorporate or cease to incorporate the word " Teaching " ."
- 79 (1) In Schedule 5 to the Act of 1977, Part II shall be amended as provided in this paragraph.
- (2) In paragraph 6, in sub-paragraph (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the word " area " (in (c), (d), (e) and (f)) there shall be inserted the words " or district " and, in sub-paragraph (2), between the words " Area " and " Health Authority " there shall be inserted the words " or District " .
- (3) In paragraph 7, in sub-paragraph (1) after the words "Area Health Authority " there shall be inserted the words " or the district of a District Health Authority " .
- 80 (1) In Schedule 5 to the Act of 1977, Part III shall be amended as provided in this paragraph.
- (2) In paragraph 8, after the words "Area Health Authority", there shall be inserted the words " District Health Authority " .
- (3) In paragraph 10(3)(b) and (d), between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District " and after the word " area " there shall be inserted the words " or district " .
- 81 (1) Schedule 6 to the Act of 1977 shall be amended as provided in this paragraph.
- (2) In paragraph 1(1), for the words "area of an Area " there shall be substituted the words " area or district of an Area or District " .
- (3) In paragraph 4, for the words " area of an Area " there shall be substituted the words " area or district of an Area or District " .
- (4) At the end of paragraph 5 there shall be added the following sub-paragraph—  
“(d) in relation to the district of a District Health Authority, that District Health Authority”.
- 82 (1) Schedule 7 to the Act of 1977 shall be amended as provided in this paragraph.

- (2) In paragraph 2, between the words " Area" and " Health Authorities " (in (d), (e), (f) and (g)), there shall be inserted the words " or District ".
- (3) In paragraph 3(d), between the words " Area" and " Health Authority " there shall be inserted the words " or District ".
- (4) In paragraph 7, in the definition of " district", for the words after " Authority", there shall be substituted the words " or the district or part of the district of a District Health Authority or for such an area or district or part thereof together with the areas or parts of the areas of other Area Health Authorities or the districts or parts of districts of other District Health Authorities ".
- 83 In Schedule 15 to the Act of 1977, in paragraph 46(c), for the words " (a)(xvii) add " (xviii) ", there shall be substituted the words " (a)(xviii) add " (xix) " and in paragraph 47(c), for the words " (b) (xviii) add " (xix) ", there shall be substituted the words " (b)(xix) add " (xx) ".

*The Employment Protection (Consolidation) Act 1978*

- 84 In section 29 of the Employment Protection (Consolidation) Act 1978, in subsection (1)(d), for the words " or Area ", there shall be substituted the words " an Area Health Authority or a District " and, in subsection (2)(b), the word " and " where first appearing shall be omitted and after the words " Area Health Authority " there shall be inserted the words " and District Health Authority ".
- 85 In Schedule 5 to the Employment Protection (Consolidation) Act 1978, in paragraph 1, after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".

*The Nurses, Midwives and Health Visitors Act 1979*

- 86 In section 16(1) of the Nurses, Midwives and Health Visitors Act 1979, at the end of paragraph (b) there shall be added the words " and District Health Authorities ".

**PART II**

AMENDMENTS RELATING TO SHARED FAMILY PRACTITIONER COMMITTEES

*The Tribunals and Inquiries Act 1971*

- 87 In Schedule 1 to the Tribunals and Inquiries Act 1971, at the end of paragraph 11(a), there shall be added the words " or established or adopted in pursuance of section 2 of the Health Services Act 1980 ".

*The National Health Service Act 1977*

- 88 In section 10 of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 ".
- 89 In section 2(b) of the Act of 1977, at the end, there shall be added the words " or under section 2 of the Health Services Act 1980 ".
- 90 In section 15(1) of the Act of 1977, at the end, there shall be added the following paragraph—

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“This subsection does not apply in relation to Family Practitioner Committees established or adopted under section 2 of the Health Services Act 1980 by two or more Area or District Health Authorities.”.

91 In section 17 of the Act of 1977, after paragraph (b), there shall be inserted the following paragraph—

“(c) Area or District Health Authorities may jointly give directions with respect to the exercise by the Family Practitioner Committee established or adopted by them under section 2 of the Health Services Act 1980 of any functions which are exercisable by the Committee by virtue of the said section 2 and are prescribed for the purposes of this paragraph.”.

92 In section 18(3) of the Act of 1977, at the end, there shall be added the words " nor shall Area or District Health Authorities as respects the Family Practitioner Committee which they have jointly established or adopted. " .

93 In section 29(1) of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

94 In section 35(1) of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

95 In section 38 of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

96 In section 41 of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

97 In section 98(2) of the Act of 1977, in the paragraph beginning " The accounts ", after the word " established " there shall be inserted the words " or adopted " .

98 In section 119(1) of the Act of 1977, in paragraph (f), after the word " Authority " there shall be inserted the words " or Authorities " and after the word " established " there shall be inserted the words " or adopted " .

99 (1) In Schedule 5 to the Act of 1977 Part II shall be amended as provided in this paragraph.

(2) In paragraph 6(1), for the words "Subject to paragraph 7" there shall be substituted the words " Subject to paragraphs 6A and 7 " .

(3) After paragraph 6 there shall be inserted the following paragraph—

“6A (1) Paragraph 6 above shall have effect, in a case where a Family Practitioner Committee is established by two or more Area Health Authorities or two or more District Health Authorities jointly under section 2 of the Health Services Act 1980, subject to the modifications provided for in this paragraph.

(2) Eleven members shall be appointed by or for the Area Health Authorities or District Health Authorities jointly responsible for establishing the Committee as follows, that is to say—

(a) each Authority shall appoint one member, who shall be a member of the Authority;

(b) the remaining members (if any) shall be appointed by the Authorities jointly or, in default of agreement, in accordance

with directions given by the Secretary of State and at least one of them shall not be a member of any of the Authorities.

- (3) Paragraph 6 above shall also have effect subject to the modifications provided for in this paragraph where, by reason of the occurrence of vacancies, appointments need to be made to a Family Practitioner Committee which has been adopted by two or more District Health Authorities under section 2 of the Health Services Act 1980.”
- (4) In paragraph 7, after sub-paragraph (1), there shall be inserted the following sub-paragraph—

“(1A) Sub-paragraph (1) above applies in relation to the combined areas or the combined districts of two or more Area Health Authorities or District Health Authorities who have jointly established or adopted a Family Practitioner Committee as it applies in relation to the area or district of an Area or District Health Authority but with the substitution, for the reference to paragraph 6, of a reference to that paragraph as modified by paragraph 6A.”;

and, in sub-paragraph (2), after the words " paragraph 6 " there shall be inserted the words " or 6 and 6A, as the case may be ".

## SCHEDULE 2

Section 9.

### AMENDMENTS CONSEQUENTIAL ON THE DISSOLUTION OF THE HEALTH SERVICES BOARD ETC.

#### *The Health Services Act 1976*

- 1 In sections 12(1), 13(2) and (4), 14(1) and (3), 16(1)(a) and (b) and 17(6) and (7) of the Act of 1976 for the words " the Board ". wherever they occur, there shall be substituted the words " the Secretary of State ".
- 2 In section 13 of that Act—
- (a) in subsection (1) for the words from " the Board ", in the first place where they occur, onwards there shall be substituted the words " the Secretary of State "; and
  - (b) in subsection (2) for the word " it " there shall be substituted the word " he ".
- 3 In section 14 of that Act—
- (a) in subsection (1) for the word " it " there shall be substituted the word " him "; and
  - (b) subsection (5) shall be omitted.
- 4 In section 16 of that Act—
- (a) for paragraphs (d) and (e) of subsection (1) there shall be substituted the following paragraphs—
    - “(d) for enabling the Secretary of State to require such person or persons as he may appoint to afford the applicant for an authorisation a hearing and to report thereon to the Secretary of State ;

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- (e) for determining the locality of, and entitling persons other than the applicant to appear and be heard at, such a hearing ;”;
  - (b) subsection (2) shall be omitted ; and
  - (c) in subsection (4) for the words "under the direction of the Board" there shall be substituted the words " under his direction ".
- 5 In section 17 of that Act—
- (a) in subsection (1) for the words " the Board ", in the first place where they occur, there shall be substituted the words " the Secretary of State " and for the words " the Board ", in the second and third places where they occur, there shall be substituted the words " a person or persons appointed by the Secretary of State ";
  - (b) in subsections (1) and (3) for the words " the Board's " there shall be substituted the words " the Secretary of State's ";
  - (c) in subsection (4) for the words " The Board and the Secretary of State " there shall be substituted the words " The Secretary of State " ; and
  - (d) in subsection (7), for the word " it " there shall be substituted the word " he ".
- 6 In section 22(2) of that Act paragraph (a) and the words "under paragraph 10 of Schedule 1 to this Act or" shall be omitted.

*The National Health Service Act 1977*

- 7 In section 109 of the Act of 1977, there shall be inserted at the end of paragraph (e) the word " and " and paragraph (g) and the word " and " immediately preceding that paragraph shall be omitted.
- 8 In section 110 of that Act, there shall be inserted at the end of paragraph (b) the word " or " and paragraph (d) and the word " or " immediately preceding that paragraph shall be omitted.
- 9 In section 119 of that Act—
- (a) in subsection (1) the words from " but paragraph (d)" onwards shall be omitted;
  - (b) in subsection (3) paragraph (a) and, in paragraph (b), the words "in relation to any other investigation" shall be omitted; and
  - (c) in subsection (4) paragraph (a) and, in paragraph (b), the word "other", in the first place where it occurs, shall be omitted.
- 10 In section 128(1) of that Act the definitions of " Health Services Board" and "Welsh Committee" shall be omitted.

*The National Health Service (Scotland) Act 1978*

- 11 In the Scottish Act of 1978—
- (a) section 93(1)(c);
  - (b) in section 96(1)(d). the words " subject to subsection (2) ";
  - (c) section 96(2);
  - (d) in section 96(4), paragraph (a) and, in paragraph (b), the words from the beginning to " investigation " ;
  - (e) in section 96(5), the words from " (other than " to " Committee) ";

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- (f) in section 96(6) the words from " shall" to " and " and the words " other " and " said " ; and
  - (g) in section 108(1), the definitions of " Health Services Board " and " Scottish Committee ",
- shall be omitted.

### SCHEDULE 3

Section 15.

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1976

- 1 In this Schedule references to sections are references to sections of the Act of 1976.
- 2 (1) In subsection (2) of section 13 (authorisations to construct or extend controlled premises) for the words "the National Health Service Acts " and " those Acts " (in both cases as originally enacted) there shall be substituted the words " the principal Act " and " that Act" respectively.
- (2) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) The matters referred to in subsection (2) above are—
- (a) how much accommodation and what facilities are or will be provided at, and what are or will be the staffing requirements of, relevant hospital premises in the area or areas served by the health service hospital or hospitals concerned;
  - (b) how much accommodation or additional accommodation the works would provide ;
  - (c) what facilities or additional facilities the works would enable to be provided ; and
  - (d) what staffing requirements or additional staffing requirements the works would give rise to.”.

(3) In subsection (4) of that section after the words " as to " there shall be inserted the words " the use of the premises, ".

3 In subsection (4) of section 16 (regulations in connection with the provisions of Part III) after the words " notifiable works " there shall be inserted the words " or a notifiable change ".

4 In subsection (2)(a) of section 18 (offences) after the words " notifiable works" there shall be inserted the words " or the making of any notifiable change ".

5 (1) Section 20 (interpretation of Part III) shall be amended as provided in this paragraph.

(2) After the definition of " controlled works" there shall be inserted the following definition—

“ health authority ' means, for England and Wales, an Area Health Authority or a District Health Authority or, for Scotland, a Health Board ;”.

(3) In the definition of " hospital premises " for the words " has the meaning given by section 14(7)" there shall be substituted the words " and ' hospital services' have the meanings given by section 12(2) ".

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

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- (4) In the definition of "notifiable works" for the words "has the meaning" there shall be substituted the words "and 'notifiable change' have the meanings".
- (5) After the definition of "prescribed" there shall be inserted the following definition—  
 “relevant hospital premises” has the meaning given by section 12(2) above;”.
- 6 (1) In subsection (1) of section 23 (general interpretation, amendments and repeals) for the definition of "the principal Act" there shall be substituted the following definition—  
 “the principal Act” means, for England and Wales, the National Health Service Act 1977 or, for Scotland, the National Health Service (Scotland) Act 1978;”.
- (2) After subsection (2) there shall be inserted the following subsection—  
 “(2A) 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 may be so provided this Act does not extend to the Isles of Scilly.”.

## SCHEDULE 4

Section 16.

### NURSING HOMES AND MENTAL NURSING HOMES, ETC.

#### PART I

##### ENGLAND AND WALES

###### *Preliminary*

- 1 In this Part of this Schedule references to sections are, where not further identified, references to sections of the Nursing Homes Act 1975.

###### *Meaning of "nursing home"*

- 2 (1) For section 1 (meaning of "nursing home") there shall be substituted the following section—

**“1 Meaning of nursing home.**

- (1) In this Act "nursing home" means, subject to subsection (2) below—
- (a) any premises used, or intended to be used, for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity;
  - (b) any premises used, or intended to be used, for the reception of pregnant women, or of women immediately after childbirth (in this Act referred to as a "maternity home"); and



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- (c) any premises not falling within either of the preceding paragraphs which are used, or intended to be used, for the provision of all or any of the following services, namely—
    - (i) the carrying out of surgical procedures under anaesthesia;
    - (ii) the termination of pregnancies ;
    - (iii) endoscopy ;
    - (iv) haemodialysis or peritoneal dialysis.
- (2) The definition in subsection (1) above does not include—
- (a) any hospital or other premises maintained or controlled by a government department or local authority or any other authority or body instituted by special Act of Parliament or incorporated by Royal Charter ;
  - (b) any mental nursing home as defined in section 2 below;
  - (c) any sanatorium provided at a school or educational establishment and used or intended to be used solely by persons in attendance at, or members of the staff of, that school or establishment or members of their families ;
  - (d) any first aid or treatment room provided at factory premises, at premises to which the Offices, Shops and Railway Premises Act 1963 applies or at a sports ground, show ground or place of public entertainment;
  - (e) any premises used, or intended to be used, wholly or mainly—
    - (i) by a medical practitioner for the purpose of consultations with his patients ;
    - (ii) by a dental practitioner or chiropodist for the purpose of treating his patients; or
    - (iii) for the provision of occupational health facilities;
  - (f) any premises used, or intended to be used, wholly or mainly as a private dwelling; or
  - (g) any other premises excepted from that definition by regulations made by the Secretary of State.”.
- (2) In section 20(1) (interpretation) in the definition of " maternity home" for the words " section 1(2)" there shall be substituted the words " section 1(1) " –

*Grounds for refusal of registration*

- 3 (1) Section 4 (refusal of registration) shall be renumbered as subsection (1) of that section ; and in that provision as so renumbered—
- (a) after paragraph (cc) there shall be inserted the following paragraph—
    - “(cd) that the use of the home or any premises used in connection therewith is in contravention of any term contained in an authorisation under section 13 of the said Act of 1976 ;”;and
  - (b) for paragraphs (d) and (e) there shall be substituted the following paragraphs—
    - “(d) that the home is not, or will not be, in the charge of a person who is either a registered medical practitioner or

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- a qualified nurse or, in the case of a maternity home, a certified midwife ; or
- (e) that the condition mentioned in subsection (3) below is not, or will not be, fulfilled in relation to the home.”.
- (2) After that provision as so re-numbered there shall be inserted the following subsections—
- “(2) In subsection (1) above ' qualified nurse ', in relation to a home, means a nurse possessing such qualifications as may be specified in a notice served by the Secretary of State on the person carrying on or proposing to carry on the home.
- (3) The condition referred to in subsection (1) above is that such number of nurses possessing such qualifications and, in the case of a maternity home, such number of certified midwives as may be specified in a notice served by the Secretary of State on the person carrying on or proposing to carry on the home are on duty in the home at such times as may be so specified.
- (4) In preparing any notice under subsection (2) or (3) above, the Secretary of State shall have regard to the class and, in the case of a notice under subsection (3) above, the number of patients for whom nursing care is or is to be provided in the home.”.
- (3) Where a person's registration in respect of a home is in force immediately before the coming into force of this paragraph, the Secretary of State shall not cancel the registration on any ground mentioned in paragraph (d) or (e) of subsection (1) of section 4 before the expiration of the period of three months beginning with the day on which the relevant notice is served by him under subsection (2) or (3) of that section.
- (4) In section 20 (interpretation) subsection (2) and the definitions of " pupil midwife " and " qualified nurse " in subsection (1) shall be omitted.
- (5) In Schedule 7 to the Nurses, Midwives and Health Visitors Act 1979 paragraphs 24 and 25 shall be omitted and for paragraph 23 there shall be substituted the following paragraph—
- “23        In section 4(1)(d) and (3) of the Nursing Homes Act 1975 for ' certified' substitute ' registered '.”.

*Registration conditions*

- 4    (1) In subsection (1) of section 8 (additional registration conditions for mental nursing homes) immediately before the words " a mental nursing home " there shall be inserted the words " a nursing home or ".
- (2) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) The Secretary of State may make regulations as to the manner in which conditions imposed by or under subsection (1) or (2) above may be varied.”.
- (3) Section 5(2) (which is superseded by sub-paragraph (1) above) shall be omitted.

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### *Regulations*

- 5 In section 19(3) (regulations) for the words from " under section 5 above " to " contrary intention appears " there shall be substituted the word " may ".

## **PART II**

### SCOTLAND

- 6 In this Part of this Schedule references to sections are, where not further identified, references to sections of the Nursing Homes Registration (Scotland) Act 1938.

- 7 In section 1 (registration of nursing homes)—

- (a) after subsection (1) there shall be inserted the following subsection—

“(1A) If any person carries on a nursing home in contravention of a condition of his registration in respect of that home he shall be guilty of an offence against this Act.”;

- (b) after paragraph (bb) of the proviso to subsection (3), there shall be inserted the following—

“; or

- (bc) that the use of the home or any premises used in connection therewith is in contravention of any term contained in an authorisation under section 13 of the said Act of 1976 ; or”;

- (c) for paragraphs (c) and (d) of the said proviso there shall be substituted the following paragraphs—

- “(c) in the case of a nursing home other than a maternity home—

(i) that the home is not, or will not be, in the charge of a person who is either a registered medical practitioner or a qualified nurse ; or

(ii) that the condition mentioned in subsection (3B) below is not, or will not be, fulfilled in relation to the home ; or

- (d) in the case of a maternity home—

(i) that the home is not, or will not be, in the charge of a person who is either a registered medical practitioner or a certified midwife and qualified nurse; or

(ii) that the condition mentioned in subsection (3B) below is not, or will not be, fulfilled in relation to the home”;

- (d) after subsection (3) there shall be inserted the following subsections—

“(3A) In the proviso to subsection (3) above " qualified nurse", in relation to a home, means a nurse possessing such qualifications as may be specified in a notice served by the Board on the person carrying on or proposing to carry on the home.

(3B) The condition referred to in the proviso to subsection (3) above is that such number of nurses possessing such qualifications and, in

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the case of a maternity home, such number of certified midwives as may be specified in a notice served by the Health Board on the person carrying on or proposing to carry on the home are on duty in the home at such times as may be so specified.

(3C) In preparing any notice under subsection (3A) or (3B) above, the Health Board shall have regard to the class and, in the case of a notice under subsection (3B) above, the number of patients for whom nursing care is or is to be provided in the home.

(3D) It shall be a condition of the registration of any person in respect of a nursing home that the number of persons kept at any one time in the home (excluding persons carrying on, or employed in, the home, together with their families) does not exceed such number as may be specified in the certificate of registration.

(3E) Without prejudice to subsection (3D) above, any such registration may be effected subject to such conditions (to be specified in the certificate of registration) as the Health Board may consider appropriate for regulating the age, sex or other category of persons who may be received into the home in question.

(3F) The Health Board may, upon application in writing made to them by the person registered in respect of a nursing home, vary any condition of the registration of that person in respect of that nursing home imposed by or under subsection (3D) or (3E) above.

(3G) A variation under subsection (3F) above may be for a definite or indefinite period.”.

8 In section 2(1) (cancellation of registration)—

- (a) before the proviso there shall be inserted the words " or on the ground that any condition imposed by or under section 1(3D) to (3G) of this Act has not been complied with "; and
- (b) in the proviso, after the words " Provided that" there shall be inserted the following words—

“(a) where a person's registration in respect of a home is in force immediately before the coming into force of paragraph 8 of Schedule 4 to the Health Services Act 1980, the Health Board shall not cancel the registration on any ground mentioned in paragraph (c) or (d) of the proviso to subsection (3) of section 1 of this Act before the expiration of the period of three months beginning with the day on which the relevant notice is served by them under subsection (3A) or (3B) of that section ; and

(b)”.

9 After section 3 there shall be inserted the following section—

**“3A Conduct and inspection of nursing homes.**

The Secretary of State may make regulations—

- (a) as to the conduct of nursing homes;

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- (b) with respect to entry into and the inspection of premises used or reasonably believed to be used as a nursing home ;
  - (c) with respect to the production and inspection of records required to be kept under this Act,and regulations made under paragraph (a) above may include provision as to the facilities and services to be provided in nursing homes.”.
- 10 In section 4 (regulations) for subsection (2) there shall be substituted the following subsection—
  - “(2) Any regulations under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- 11 Section 5 shall be omitted.
- 12 In section 7 (power to exempt Christian Science Homes), in subsection (1), for the words from " any requirement" to the end there shall be substituted the words " the provisions of this Act. ".
- 13 In section 10—
  - (a) the definition of " pupil midwife" and " qualified nurse" shall be omitted;
  - (b) for the definition of " nursing home " there shall be substituted the following—
    - “ nursing home' has the meaning given by subsection (2) below ;”;
    - and
  - (c) in the definition of "certified midwife", for the word " 1915 " there shall be substituted the word " 1951 ".
- 14 The said section 10 shall be renumbered as subsection (1) of that section, and after that subsection there shall be inserted the following subsections—
  - “(2) In this Act' nursing home' means, subject to subsection (3) below—
    - (a) any premises used, or intended to be used, for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity;
    - (b) any maternity home ; and
    - (c) any premises not falling within either of the preceding paragraphs which are used, or intended to be used, for the provision of all or any of the following services, namely—
      - (i) the carrying out of surgical procedures under anaesthesia;
      - (ii) the termination of pregnancies ;
      - (iii) endoscopy;
      - (iv) haemodialysis or peritoneal dialysis.
  - (3) The definition in subsection (2) above does not include—
    - (a) any hospital or other premises maintained or controlled by a government department or local authority or any other authority or body established or incorporated by or under any local Act or by Royal Charter ;
    - (b) any private hospital within the meaning of the Mental Health (Scotland) Act 1960;

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- (c) any sanatorium provided at a school or educational establishment and used or intended to be used solely by persons in attendance at, or members of the staff of, that school or establishment or members of their families ;
  - (d) any first aid or treatment room provided at factory premises, at premises to which the Offices, Shops and Railway Premises Act 1963 applies or at a sports ground, show ground or place of public entertainment;
  - (e) any premises used, or intended to be used, wholly or mainly—
    - (i) by a medical practitioner for the purpose of consultations with his patients;
    - (ii) by a dental practitioner or chiropodist for the purpose of treating his patients ; or
    - (iii) for the provision of occupational health facilities;
  - (f) any premises used, or intended to be used, wholly or mainly as a private dwelling ; or
  - (g) any other premises excepted from that definition by regulations made by the Secretary of State.”.
- 15 In section 16(1) of the Mental Health (Scotland) Act 1960 (prerequisites of registration of private hospital) after paragraph (bb) there shall be inserted the following paragraph—
- “(bc) that the use of the hospital or any premises used in connection therewith is in contravention of any term contained in an authorisation under section 13 of the said Act of 1976;”.
- 16 In Schedule 7 to the Nurses, Midwives and Health Visitors Act 1979—
- (a) in paragraph 1, the words from " and ", where it first occurs, to the end and paragraphs 2 and 3(b) shall be omitted ; and
  - (b) in paragraph 3(a), for the words "definitions of 'qualified nurse' and " there shall be substituted the words " definition of ".

## SCHEDULE 5

Section 25(2).

AMENDMENTS OF THE ACT OF 1977 AND THE SCOTTISH ACT OF 1978 RELATING  
TO EXEMPTIONS FROM CHARGES FOR CERTAIN SERVICES AND APPLIANCES

## PART I

## AMENDMENTS OF THE ACT OF 1977

*Exemption from charges for appliances*

- 1 In paragraph 1(1)(c) of Schedule 12 to the Act of 1977, for the words " or is undergoing full-time education in a school, or ", there shall be substituted the words " or is under 19 years of age and receiving qualifying full-time education, or ".

*Exemption from charges for dental or optical appliances*

- 2 (1) Paragraph 2 of the said Schedule 12 shall be amended as provided in this paragraph.
- (2) In sub-paragraph (1), under the heading "Glasses other than children's glasses", the sub-heading in the first column beginning "The lenses" shall be numbered "(i)" and the word "Frames" shall become a sub-heading numbered "(ii)" and in the definition of "children's glasses", for the words after "person", there shall be substituted the words "who, at the time of the testing of sight leading to the supply of the glasses or of the first such testing, was under 16 years of age or was under 19 years of age and receiving qualifying full-time education ; and ".
- (3) For sub-paragraph (4)(a), there shall be substituted—  
“(a) was under 16 years of age or was under 19 years of age and receiving qualifying full-time education; or”.
- (4) For sub-paragraph (5)(a), there shall be substituted—  
“(a) the person for whom the glasses are supplied was at the relevant time of the age of 10 years or more and either under 16 years of age or under 19 years of age and receiving qualifying full-time education ; and”.
- (5) In sub-paragraph (8), after the word "replacement", where it first occurs, there shall be inserted the words " and, in the case of dentures, to their being relined or adjusted or having additions made to them, ".

*Exemptions from charges for dental treatment*

- 3 (1) Paragraph 3 of the said Schedule 12 shall be amended as provided in this paragraph.
- (2) In sub-paragraph (4), for the words from "(a) was under 21 years " to " in a school," there shall be substituted—  
“(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or”;  
and the words from " if " to the end shall be omitted.
- (3) In sub-paragraph (5), for the words from " under section 79(1) " to " to a denture " there shall be substituted the words " made with respect to any exemption under sub-paragraph (4) above ".

*Interpretation*

- 4 For paragraph 7 of the said Schedule 12, there shall be substituted the following paragraph—  
“7 References in this Schedule to qualifying full-time education mean full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Secretary of State, and for the purposes of such references—  
(a) " recognised educational establishment" means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university; and  
(b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.”

## PART II

### AMENDMENTS OF THE SCOTTISH ACT OF 1978

#### *Exemption from charges for appliances*

- 5        In paragraph 1(1)(c) of Schedule 11 to the Scottish Act of 1978, for the words "or is undergoing full-time education in a school, or" there shall be substituted the words " or is under 19 years of age and receiving qualifying full-time education, or ".

#### *Exemption from charges for dental or optical appliances*

- 6        (1) Paragraph 2 of the said Schedule shall be amended as provided in this paragraph.
- (2) In sub-paragraph (1), in the definition of " children's glasses ", for the words after " person " there shall be substituted the words " who, at the time of the testing of sight leading to the supply of the glasses or of the first such testing, was under 16 years of age or was under 19 years of age and receiving qualifying full-time education ; and ".
- (3) For sub-paragraph (4)(a), there shall be substituted—
- “(a) was under 16 years of age or was under 19 years of age and receiving qualifying full-time education; or”
- (4) For sub-paragraph (5)(a), there shall be substituted—
- “(a) the person for whom the glasses are supplied was at the relevant time of the age of 10 years or more and either under 16 years of age or under 19 years of age and receiving qualifying full-time education ; and”.
- (5) In sub-paragraph (8), after the word "replacement", where it first occurs, there shall be inserted the words " and, in the case of dentures, to their being relined or adjusted or having additions made to them, ".

#### *Exemption from charges for dental treatment*

- 7        (1) Paragraph 3 of the said Schedule 11 shall be amended as provided in this paragraph.
- (2) In sub-paragraph (4), for the words from " (a) was under 21 years " to " in a school" there shall be substituted—
- “(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or”;
- and the words from " if" to the end shall be omitted.
- (3) In sub-paragraph (5), for the words from " under section 71(1)" to " to a denture " there shall be substituted the words " made with respect to any exemption under sub-paragraph (4). "

#### *Interpretation*

- 8        After paragraph 6 of the said Schedule 11 there shall be inserted the following paragraph—
- “7        References in this Schedule to qualifying full-time education mean full-time instruction at a recognised educational establishment or by other



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means accepted as comparable by the Secretary of State, and for the purposes of such references—

- (a) "recognised educational establishment" means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university; and
- (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction."

## SCHEDULE 6

Section 25(3).

### OTHER MINOR AMENDMENTS

#### *The National Health Service (Scotland) Act 1978*

- 1 (1) In subsection (6) of section 7 of the Scottish Act of 1978 (local health councils) after the word " thereof," there shall be inserted "and of any body established under subsection (9)(g)".
- (2) After paragraph (f) of section 7(9) of that Act there shall be inserted the following paragraphs—
  - “(g) for the establishment of a body—
    - (i) to advise local health councils with respect to the performance of their functions, and to assist those councils in the performance of their functions ; and
    - (ii) to perform such other functions as may be prescribed ;
  - (h) relating to the membership, proceedings, staff, premises and expenses of any body established under paragraph (g).”.
- 2 In subsection (1) of section 10 of that Act (Common Services Agency) for the words " health service " there shall be substituted the words " Scottish Health Service " .
- 3 In section 20 of that Act (applications to provide general medical services), immediately before the words " be entitled " there shall be inserted the words " subject to the provisions of this Part of this Act relating to the disqualification of practitioners " ; and the words " (except as mentioned in subsection (2)) " and subsection (2) shall be omitted.
- 4 In section 25(3) of that Act (remuneration of dentists providing general dental services) the words " except in special circumstances " shall be omitted and at the end there shall be inserted—"unless either—
  - (a) the remuneration is paid in pursuance of arrangements made under section 33, or
  - (b) the services are provided in prescribed circumstances and the practitioner consents,and it shall be the Secretary of State's duty, before he prescribes any circumstances for the purposes of paragraph (b), to consult such organisations as appear to him to be representative of the dental profession."
- 5 (1) In section 105(7) of that Act (power to make regulations and orders)—
  - (a) there shall be inserted after the word " power " where it first occurs the words " conferred by this Act " ;

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- (b) the words from " under sections 2 " to " Schedule 5 " shall be omitted ;
- (c) in paragraph (a) for the words " particular case or cases " there shall be substituted the words " specified cases or classes of case "; and
- (d) at the end there shall be inserted—

“This subsection does not apply to regulations made under section 22 (but without prejudice to subsection (3) of that section) or to an order made under section 49 (but without prejudice to paragraph 1(1) of Schedule 10).”.

- 6 Section 108(1) of that Act (definitions) shall be amended as follows—
- (a) in the definition of " health service hospital", after the word " State " there shall be inserted the words " for the purposes of his functions "; and
  - (b) for the definition of " voluntary " there shall be substituted the following definition—

“ voluntary organisation' means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.”.

- 7 (1) Schedule 1 to that Act shall be amended as provided in this paragraph.
- (2) In paragraph 5—
- (a) the words " , subject to regulations," shall be omitted ; and
  - (b) at the end there shall be inserted the words " in accordance with regulations and any directions given under this paragraph by the Secretary of State ".
- (3) In paragraph 7—
- (a) after the word " regulations" where it first occurs there shall be inserted the words " or any directions given under paragraph 5 "; and
  - (b) at the end there shall be inserted the words " or, as the case may be, the directions ".
- (4) In paragraph 11—
- (a) after sub-paragraph (b) there shall be inserted the word " and "; and
  - (b) sub-paragraph (d) and the word " and " immediately preceding it shall be omitted.

- (5) After paragraph 11 there shall be inserted the following paragraph—
- “11A A Health Board may subscribe to the funds of any associations or other bodies having objects of which the Board approves.”.

- 8 (1) Schedule 5 to that Act shall be amended as provided in this paragraph.
- (2) After paragraph 3 there shall be inserted the following paragraph—
- “3A The Secretary of State may pay to the chairman of the management committee such remuneration as he may, with the approval of the Minister for the Civil Service, from time to time determine.”.

- (3) In paragraph 7—
- (a) the words " , subject to regulations, " shall be omitted ; and
  - (b) at the end there shall be inserted the words " in accordance with regulations and any directions given under this paragraph by the Secretary of State. ".
- (4) In paragraph 9—

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- (a) after the word " regulations " where it first occurs there shall be inserted the words " or any directions given under paragraph 7 "; and
  - (b) at the end there shall be inserted the words " or, as the case may be, the directions ".
- 9 In paragraph 3 of Schedule 14 to that Act—
- (a) for the words " an Executive Council" there shall be substituted the words " a Joint Ophthalmic Committee ";
  - (b) sub-paragraph (b) shall be omitted ;
  - (c) in sub-paragraph (c) the words " or order" and " or that order " shall be omitted.
- 10 In paragraph 13(6) of Schedule 15 to that Act, after the word " of ", where it first occurs, there shall be inserted the words " this Act ".

*The Nurses, Midwives and Health Visitors Act 1979*

- 11 (1) After paragraph 6 of Schedule 7 to the Nurses, Midwives and Health Visitors Act 1979 there shall be inserted the following paragraph—
- “6A In section 33—
- (a) in subsection (5) omit the words from the beginning to " this section and " and for the word " him " substitute " the Secretary of State " ; and
  - (b) in subsection (6) omit the words from the beginning to " is exercised and”
- (2) In Schedule 8 to the Nurses, Midwives and Health Visitors Act 1979 in column 3 of the entry relating to the Nurses (Scotland) Act 1951 for the words " except section 36(1) and (2) " there shall be substituted " except sections 33(4) to (6) and 36(1) and (2) ".

SCHEDULE 7

Section 25(4).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
<a href="#">1938 c. 73.</a>	The Nursing Homes Registration (Scotland) Act 1938.	Section 5. In section 10, the definitions of " pupil midwife " and " qualified nurse ".
<a href="#">1967 c. 87.</a>	The Abortion Act 1967.	In section 6, the definition of " the National Health Service Acts ".
<a href="#">1971 c. 62.</a>	The Tribunals and Inquiries Act 1971.	In section 8(2) the words " 7A " and " 37A " . In Schedule 1, paragraphs 7A and 37A.

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Chapter	Short Title	Extent of Repeal
1972 c. 11.	The Superannuation Act 1972.	In Schedule 1, the entry relating to the Health Services Board.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In section 15(3), the words from " but nothing " to the end.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entries relating to the Health Services Board and the Scottish and Welsh Committees of that Board.
1975 c. 37.	The Nursing Homes Act 1975.	Section 5(2). In section 20, subsection (2) and the definitions of " pupil midwife" and " qualified nurse " in subsection (1).
1976 c. 83.	The Health Services Act 1976.	Section 1. Section 3. Section 6. Section 14(5). Section 16(2). In section 21 the words " subject to section 8(8) above " . In section 22(2), paragraph (a) and the words " under paragraph 10 of Schedule 1 to this Act or " . In section 23, in subsection (1), the definition of "NHS hospital" and subsection (5). In section 24— (a) in subsection (1) the words from " and Part II of this Act" onwards; and (b) in subsection (3) the words " except so far as it amends the House of Commons Disqualification Act 1975 " . Schedules 1 and 2.

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Chapter	Short Title	Extent of Repeal
<a href="#">1977 c. 49.</a>	The National Health Service Act 1977.	<p>In section 6, subsections (1) and (2), in subsection (3) the words " after consultation with the Central Council" and " and the Council", in subsection (5) the words " and the Central Council", the words " or the Council" and the words following paragraph (b), and subsections (6) and (7).</p> <p>In section 23(1), the paragraph beginning " In this section ".</p> <p>In section 30, the words " (except as mentioned in subsection (2) below)" and subsection (2).</p> <p>In section 41 the word " and " at the end of paragraph (a).</p> <p>Sections 59 and 60.</p> <p>Section 65(6).</p> <p>Section 66(3).</p> <p>Sections 67 to 71.</p> <p>Sections 73 to 76.</p> <p>In section 100(1), paragraph (a).</p> <p>In section 101, the words from " but this section " onwards.</p> <p>In section 102(1)(a), in subparagraph (i), the words " the Central Council ", the words from " and that Council " to "this Act" and the words " under that paragraph ".</p> <p>In section 109, paragraph (g) and the word "and" immediately preceding that paragraph.</p> <p>In section 110, paragraph (d) and the word " or"</p>

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		<p>immediately preceding that paragraph.</p> <p>In section 119—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1) the words from " but paragraph (d)" onwards;</li> <li>(b) in subsection (3) paragraph (a) and, in paragraph (6), the words "in relation to any other investigation "; and</li> <li>(c) in subsection (4), paragraph (a) and, in paragraph (6), the word "other" in the first place where it occurs. . .</li> </ul> <p>In section 128(1) the definitions of "the Central Council", " Health Services Board " and " Welsh Committee ".</p> <p>In Schedule 4, paragraph 1, in paragraph 2 the words the Central Council, and of", in paragraph 3, the words " the Central Council and to", in paragraph 4 the words " The Central Council may appoint such committees, and ", the words " Central Council or " (in both places), the words " committee or" and the words " as the case may be ", in paragraph 5 the words " The Central Council and ", the words " Council or " (in both places) and the words " as the case may be " and, in paragraph 6 the words " the Central Council or of" and " Council or ".</p> <p>In Schedule 12, in paragraph 3(4), the words from "if" to the end.</p> <p>In Schedule 15, paragraphs 11, 41 and 68 to 70.</p>

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1978 c. 29.	The National Health Service (Scotland) Act 1978.	<p>Section 16(3).</p> <p>In section 20, the words " (except as mentioned in subsection (2)) " and subsection (2).</p> <p>In section 25(3), the words ", except in special circumstances, ".</p> <p>Sections 51 and 52.</p> <p>Section 57(6).</p> <p>Section 58(3).</p> <p>Sections 59 to 63.</p> <p>Sections 65 to 68.</p> <p>In section 85(6) the words from " but " to the end.</p> <p>Section 93(1)(c).</p> <p>In section 96—</p> <p>(a) in subsection (1)(d) the words " subject to subsection (2) ";</p> <p>(b) subsection (2);</p> <p>(c) in subsection (4) paragraph (a) and, in paragraph (6), the words from the beginning to " investigation ";</p> <p>(d) in subsection (5) the words from "(other than" to "Committee)";</p> <p>and</p> <p>(e) in subsection (6) the words from "shall" to "and" and the words " other" and " said ".</p> <p>In section 105(7) the words from " under sections 2 " to " Schedule 5 ".</p> <p>In section 108(1) the definitions of "full-time education in a school", " Health Services Board" and " Scottish Committee ".</p> <p>In Schedule 1, in paragraph 5 the words " , subject to</p>

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Chapter	Short Title	Extent of Repeal
1979 c. 36.	The Nurses, Midwives and Health Visitors Act 1979.	<p>regulations," and paragraph 11(d) and the word " and " immediately preceding it.</p> <p>In Schedule 5, in paragraph 7 the words " , subject to regulations,".</p> <p>In Schedule 11, in paragraph 3(4), the words from " if " to the end.</p> <p>In Schedule 14, in paragraph 3 sub-paragraph (b) and in subparagraph (c) the words " or order " and " or that order. "</p> <p>In Schedule 16, paragraphs 25 and 43.</p> <p>In Schedule 7, in paragraph 1, the words from " and " where it first occurs to the end and paragraphs 2. 3(b), 24 and 25.</p>