



National Health Service (Scotland) Act 1972

1972 CHAPTER 58

PART I

DUTIES AND POWERS OF SECRETARY OF STATE

1 General duty of Secretary of State

- (1) It shall be the duty of the Secretary of State so to exercise the powers and perform the duties conferred and imposed on him by the Health Service Acts as to provide or secure the effective provision of an integrated health service in Scotland.
- (2) In pursuance of that duty and of the duty imposed on him by section 1 of the Act of 1947, the Secretary of State shall have the powers and duties conferred on him by this Act.

2 Provision of accommodation and medical, etc., services

- (1) It shall be the duty of the Secretary of State to provide throughout Scotland, to such extent as he considers necessary to meet all reasonable requirements, accommodation and services of the following descriptions—
 - (a) hospital accommodation, including accommodation at State hospitals within the meaning of section 89 of the Mental Health (Scotland) Act 1960 ;
 - (b) premises other than hospitals at which facilities are available for any of the services provided under the Health Service Acts;
 - (c) medical, nursing and other services, whether in such accommodation or premises, in the home of the patient or elsewhere.
- (2) Where accommodation or premises provided under this section afford facilities for the provision of general medical, dental or ophthalmic services or of pharmaceutical services, they shall be made available for those services on such terms and conditions as the Secretary of State may determine.

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- (3) The Secretary of State may permit any person to whom this subsection applies to use the facilities available at accommodation or premises provided under this section for the purposes of private practice on such terms and conditions as the Secretary of State may determine.
- (4) The persons to whom subsection (3) above applies, being persons who provide services under the Health Service Acts, are as follows—
 - (a) medical practitioners;
 - (b) dental practitioners;
 - (c) pharmacists;
 - (d) ophthalmic and dispensing opticians ; and
 - (e) such other persons as the Secretary of State may determine.

3 Provision of medical, dental, etc., services

It shall be the duty of the Secretary of State to secure the provision of general medical, general dental, pharmaceutical and general ophthalmic services in accordance with the provisions of Part IV of the Act of 1947.

4 Prevention of illness, care and after-care

- (1) The Secretary of State shall make arrangements, to such extent as he considers necessary to meet all reasonable requirements, for the purposes of the prevention of illness, the care of persons suffering from illness or the after-care of such persons.
- (2) Regulations may provide for the recovery of such charges as may be prescribed, in respect of such services provided by the Secretary of State under this section, otherwise than in a hospital, as may be prescribed, and may provide for the remission of any such charge, in whole or in part, in such circumstances as may be prescribed.
- (3) In this section and in section 5 of this Act, " hospital" includes any maternity home, any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, any institution for providing dental treatment and maintained in connection with a dental school, and clinics, dispensaries and out-patient departments maintained in connection with any hospital or such institution or home as aforesaid.

5 Care of mothers and young children

- (1) It shall be the duty of the Secretary of State to make arrangements, to such extent as he considers necessary, for the care, including in particular medical and dental care, of expectant mothers and nursing mothers and of young children.
- (2) Regulations may provide for the recovery of such charges as may be prescribed, in respect of such articles or services provided by the Secretary of State under this section, otherwise than in a hospital (not being a drug, a medicine or an appliance of a type normally supplied), as may be prescribed, and may provide for the remission of any such charge, in whole or in part, in such circumstances as may be prescribed.

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6 Medical and dental inspection, supervision and treatment of pupils and young persons

- (1) It shall be the duty of the Secretary of State to provide for the medical and dental inspection, at appropriate intervals, and for the medical and dental supervision of all pupils in attendance at any school under the management of an education authority and of all young persons in attendance at any junior college or other educational establishment under such management.
- (2) It shall be the duty of the Secretary of State to make such arrangements as are necessary for securing that there are available for such pupils and young persons as aforesaid comprehensive facilities for free medical and dental treatment.
- (3) It shall be the duty of every education authority to make arrangements for encouraging and assisting pupils and young persons to take advantage of facilities for medical and dental treatment made available under subsection (2) above:

Provided that if the parent of any child or young person gives notice to the authority that he objects to the child or young person availing himself of the said facilities, the child or young person shall not be encouraged or assisted to do so.
- (4) It shall be the duty of every education authority to afford sufficient and suitable facilities for the medical and dental inspection, supervision and treatment, described in subsections (1) and (2) above.
- (5) Expressions used in this section have the same meanings as in the Education (Scotland) Act 1962.

7 Vaccination and immunisation

- (1) The Secretary of State shall have power to make arrangements with medical practitioners for the vaccination or immunisation of persons against any disease, either by medical practitioners or by persons acting under their direction and control.
- (2) In making arrangements under this section, the Secretary of State shall, in so far as is reasonably practicable, give every medical practitioner providing general medical services under Part IV of the Act of 1947 an opportunity to provide services under this section.
- (3) The Secretary of State may, either directly or by another person, supply free of charge to medical practitioners providing services under this section, vaccines, sera or other preparations for vaccinating or immunising persons against any disease.

8 Family planning

- (1) It shall be the duty of the Secretary of State to make arrangements, to such extent as he considers necessary, for the giving of advice on contraception, the medical examination of persons seeking advice on contraception, the treatment of such persons and the supply of contraceptive substances or appliances.
- (2) Regulations may provide for the recovery of charges from persons availing themselves of any service under the foregoing subsection (except advice on contraception), and may provide for the remission of any such charge, in whole or in part, in such circumstances as may be prescribed.

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9 Educational and research facilities

It shall be the duty of the Secretary of State to make available such facilities, in any premises provided by him under the Health Service Acts, as appear to him to be reasonably required for undergraduate and post-graduate clinical teaching and research and for the education and training of persons providing or intending to provide services under those Acts.

10 Health education

The Secretary of State shall have power to disseminate, by whatever means, information relating to the promotion and maintenance of health and the prevention of illness.

11 Residential and practice accommodation

- (1) The Secretary of State may provide, on such terms and conditions as may be agreed, residential accommodation for officers employed for the purposes of any of his functions under the Health Service Acts, or for officers employed by a voluntary organisation for the purposes of any service provided under this Part of this Act.
- (2) The Secretary of State may, in any case, in view of the special circumstances thereof, provide, on such terms and conditions as may be agreed.—
 - (a) residential accommodation for medical and dental practitioners providing services under Part IV of the Act of 1947 ;
 - (b) practice accommodation for such medical and dental practitioners and for such other persons providing services under the Health Service Acts as he thinks fit.
- (3) In subsection (2) above, " practice accommodation ", in relation to a person providing services of any kind, means accommodation suitable for the provision of services of that kind.

12 Amendments of Part II of the Act of 1947 and of Part I of the Act of 1968

- (1) The powers exercisable under sections 3(3), 3(4) and 4 of the Act of 1947 and under Part I of the Act of 1968 shall cease to be limited by the use of the term " hospital and specialist services " in those provisions.
- (2) In section 16 of the Act of 1947 (ambulances), at the end of subsection (1) there shall be added the words " or of other persons for whom such transport is reasonably required in order to avail themselves of any service under the National Health Service (Scotland) Acts 1947 to 1972 " , and subsection (2) shall cease to have effect.
- (3) In section 17 of the Act of 1947 (research), in subsection (1), for the words from " to the development" to the end there shall be substituted the words " into such other matters relating to the health service as he thinks fit " , and subsection (2) shall cease to have effect.
- (4) In section 18 of the Act of 1947 (bacteriological service), in subsection (1), the word " bacteriological" is hereby repealed, and subsection (2) shall cease to have effect.
- (5) In section 19 of the Act of 1947 (blood transfusion and other services), the words " in providing hospital and specialist services " are hereby repealed, and for the words "

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local health authorities and medical practitioners " there shall be substituted the words
" medical practitioners and other persons ".