



# National Health Service (Scotland) Act 1972

## 1972 CHAPTER 58

### PART VIII

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **51 State hospitals**

- (1) The Secretary of State may provide for the management of a State hospital either by a committee constituted under section 90(2) of the Mental Health (Scotland) Act 1960 or by a Health Board or the Agency to the extent that power to do so is delegated to the Board or Agency by the Secretary of State.
- (2) The Secretary of State shall have power by order to dissolve any such committee as aforesaid, and any such order may contain such provision as he considers necessary or expedient in connection with the dissolution of the committee and the winding-up of their affairs.

#### **52 The Mental Welfare Commission for Scotland**

- (1) In section 2(2) of the Mental Health (Scotland) Act 1960 (constitution of Mental Welfare Commission), for the word " nine " there shall be substituted the word " eleven ".
- (2) For the purpose of any inquiry under section 4 (2) (a) of the said Act of 1960 (ill-treatment etc. of mentally disordered), the Mental Welfare Commission may, by notice in writing, require any person to attend at the time and place set forth in the notice to give evidence, but no person shall be required in obedience to such a notice to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A person giving evidence at such an inquiry shall not be required to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to answer if the inquiry were a proceeding in a court of law.
- (4) The proceedings in any such inquiry shall have the privilege of a court of law.
- (5) The chairman of the inquiry may administer oaths to witnesses and examine witnesses on oath, and may accept, in lieu of evidence on oath by any person, evidence on affirmation or a statement in writing by that person.
- (6) Any person who refuses or wilfully neglects to attend in obedience to a notice under subsection (2) above or to give evidence shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

### **53 Extension of definition of infectious disease**

For section 7 of the Infectious Disease (Notification) Act 1889 (extension of definition of infectious disease) there shall be substituted the following section—

**“7 Extension of definition of infectious disease.**

- (1) The Secretary of State may direct, in respect of the area of any Health Board or of Scotland as a whole, in either case as may be specified in the direction, that this Act shall apply to any infectious disease so specified, other than a disease specifically mentioned in this Act, and any such direction may be permanent or for a specified period.
- (2) Before making any such direction, the Secretary of State shall consult, in the case of a direction which is to apply to a particular area, the Health Board concerned, and, in the case of a direction which is to apply to Scotland as a whole, the Scottish Health Service Planning Council.
- (3) The Secretary of State shall give public notice of any such direction in such manner as he thinks sufficient for giving information to all persons interested, and shall notify the terms of the direction to all registered medical practitioners practising or residing in the area affected by the direction.
- (4) A direction shall come into operation on such date as the Secretary of State may fix, being a date not earlier than one week from the first public notice given under subsection (3) above, or, in a case where the Secretary of State certifies that an emergency exists, a date not earlier than three days from the first public notice as aforesaid.
- (5) Any direction under this section may be revoked or varied by a subsequent direction made in the like manner.”

### **54 Power of Secretary of State in an emergency**

If the Secretary of State is of the opinion that an emergency exists, and thinks it necessary in order to secure the effective continuance of any service under the Health Service Acts, he shall have power to direct that any function conferred by or under those Acts on any body or person shall, during the period of the emergency, be performed by such other body or person as he may specify in the direction.

## **55 Furnishing of overseas aid by Health Boards and the Agency**

- (1) Any Health Board and the Agency shall each have power—
  - (a) with the consent of the Secretary of State, to enter into, and carry out, agreements with the appropriate Minister whereunder they act, at the expense of that Minister, as the instrument by means whereof technical assistance is furnished by him in exercise of the power conferred on him by section 1(1) of the Overseas Aid Act 1966 ; and
  - (b) with the consent of the Secretary of State and the appropriate Minister, to enter into and carry out agreements under which they furnish technical or any other assistance, other than financial, for any purpose mentioned in the said section 1(1), to any authority or person outside the United Kingdom, on such terms as to payment as may be agreed.
- (2) In this section, " appropriate Minister " means the Minister for the time being discharging the functions expressed by the said Act of 1966 to be conferred on the Minister of Overseas Development.

## **56 Transfer of functions under Nursing Homes Registration (Scotland) Act 1938**

The functions exercisable by local authorities under the Nursing Homes Registration (Scotland) Act 1938 shall henceforth be exercisable by Health Boards acting on behalf of the Secretary of State.

## **57 Accounts of Health Boards and the Agency**

- (1) Every Health Board and the Agency shall keep, in such form as the Secretary of State may, with the approval of the Treasury, direct, accounts of all moneys received or paid out by them, and those accounts shall be audited by auditors appointed by the Secretary of State, and the Comptroller and Auditor General may examine all such accounts and any records relating thereto and any report of the auditor thereof.
- (2) Regulations may make provision generally with respect to the audit of accounts under subsection (1) above and, in particular, for conferring on the auditor of any of those accounts such rights of access to, and production of, books, accounts, vouchers or other documents as may be specified in the regulations, and such right in such conditions, as may be so specified, to require from any member or officer, or former member or officer, of a Health Board or the Agency, such information relating to the affairs of the Board or Agency as the Secretary of State may think necessary for the proper performance of the duty of the auditor.
- (3) Every Health Board and the Agency shall prepare and transmit to the Secretary of State, in respect of each financial year, accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (4) The Secretary of State shall prepare in respect of each financial year, in such form as the Treasury may direct, summarised accounts of Health Boards and the Agency, and shall transmit them on or before the 30th day of November in each year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his report thereon before both Houses of Parliament.