



Health and Social Security Act 1984

1984 CHAPTER 48

An Act to amend the Opticians Act 1958; to make amendments of the National Health Service Act 1977 and the National Health Service (Scotland) Act 1978 in relation to general ophthalmic services, finance in the National Health Service and certain functions of the Secretary of State; to make amendments of the National Health Service Act 1977 in relation to Family Practitioner Committees; to make provision for the reimbursement of the cost of certain treatment in the European Economic Community; to amend the law relating to social security, statutory sick pay and contracted-out occupational pension schemes; and for connected purposes. [26th July 1984]

Editorial Information

X1 The base date version of this Act is as revised to 1.7.1992 and takes account of the effects on it of the consolidating legislation which came into force at that date

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

PART I

HEALTH

Optical appliances

1 Supply etc. of optical appliances.

^{F1}(1)

^{F1}(2)

^{F2}(3)

^{F2}(4)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

(5) The following provisions of section 26 of the ^{M1}National Health Service (Scotland) Act 1978 (arrangements for provision of general ophthalmic services) shall cease to have effect—

- (a) subsection (1)(b); and
- (b) in subsection (2)(c), the words “and the ophthalmic or dispensing optician who is to supply the appliances”.

^{F2}(6)

(7) The amendments of the ^{M2}National Health Service (Scotland) Act 1978 contained in Part II of that Schedule shall have effect in consequence of subsection (5) above.

Textual Amendments

F1 S. 1(1)(2) repealed (16.2.1990) by [Opticians Act 1989 \(c. 44\)](#), s. 37, **Sch. 2**

F2 S. 1(3)(4)(6) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Modifications etc. (not altering text)

C2 The text of s. 1(3)–(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M1 1978 c. 29.

M2 1978 c. 29.

2–4 ^{F3}

Textual Amendments

F3 [Ss. 2–4](#) repealed (16.2.1990) by [Opticians Act 1989 \(c. 44\)](#), s. 37, **Sch. 2**

National Health Service

5 Family Practitioner Committees.

^{F4}(1)

^{F5}(2)

^{F4}(3)

(4) Schedule 3 to this Act shall have effect.

^{F4}(5)

^{F4}(6)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

- (7) The Secretary of State may by order make such repeals in or other modifications of any enactment or instrument as appear to him to be necessary or expedient in consequence of subsection (1), (2) or (4) above.
- (8) An order under subsection (5) or (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F4** S. 5(1)(3)(5)(6) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)
- F5** S. 5(2) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with **Sch. 2** Pt. 1, **Sch. 3** Pt. 1)

Modifications etc. (not altering text)

- C3** The text of ss. 5(1)–(4), 6, 7(1)–(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

6 Finance in National Health Service.

^{F6}(1)

^{F7}(2)

- (3) The following subsection shall be inserted after subsection (1) of section 85 of the ^{M3}National Health Service (Scotland) Act 1978 (expenses)—

“(1A) The date on which an allotment under subsection (1) above (including an allotment increasing or reducing an allotment previously made) takes effect is the date on which the body receiving the allotment are notified of its amount by the Secretary of State.”.

- (4) In subsection (11) of section 121 of the ^{M4}Mental Health Act 1983 (Mental Health Act Commission) for the words “sub-paragraphs (4) and (5) were omitted” there shall be substituted the words “ the reference to a member in sub-paragraph (4) included a reference to the chairman. ”.

Textual Amendments

- F6** S. 6(1) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)
- F7** S. 6(2) repealed (20.10.2003 for W., 1.12.2003 for E.) by Health (Wales) Act 2003 (c. 4), s. 10(2), **Sch. 4**; S.I. 2003/2660, art. 2(1)(iii)(2); S.I. 2003/3064, art. 2(1)(iii)

Modifications etc. (not altering text)

- C4** The text of ss. 5(1)–(4), 6, 7(1)–(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M3** 1978 c. 29.
- M4** 1983 c. 20.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

7 Professional remuneration in National Health Service.

- (1) [^{F8}The following shall be inserted after section 43 of the ^{M5}National Health Service Act 1977—

“ Remuneration for services

Regulations as to remuneration.

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
 - (2) Subject to sections 29(4) and 35(2) above, remuneration under the regulations may consist of payments by way of—
 - (a) salary;
 - (b) fees;
 - (c) allowances;
 - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services,
 and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.
 - (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words “section 10 of the National Health Service Act 1966 and section” shall be substituted for the words “sections 29(4) and” in subsection (2) above.”.]
- (2) The following shall be inserted after section 28 of the ^{M6}National Health Service (Scotland) Act 1978—

“ Remuneration for services

28A Regulations as to remuneration.

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
- (2) Subject to sections 19(3) and 25(3), remuneration under the regulations may consist of payments by way of—
 - (a) salary;
 - (b) fees;
 - (c) allowances;
 - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services,
 and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.
- (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words “section 10 of the National

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

Health Service Act 1966 and section” shall be substituted for the words “sections 19(3) and” in subsection (2) above.”.

- (3) [^{F9}The following section shall be added after each of the sections inserted by subsections (1) and (2) above, as section 43B of the ^{M7}National Health Service Act 1977 and section 28B of the ^{M8}National Health Service (Scotland) Act 1978—

“ **Remuneration—supplementary.**

- (1) The authority specified in regulations under the preceding section may be the Secretary of State or some other person or persons and is referred to in this section as a “determining authority”.
- (2) The power conferred by the preceding section includes power to make regulations providing for a determination in more than one stage and by more than one determining authority.
- (3) Regulations under the preceding section shall provide—
 - (a) that a determination may be made with respect either to any of the descriptions of services mentioned in subsection (1) of the preceding section generally or to any category of services falling within such a description;
 - (b) that, before making such a determination, the determining authority shall consult—
 - (i) a prescribed body established to provide advice in connection with the matters to be determined; or
 - (ii) an organisation appearing to the Secretary of State to be representative of persons to whose remuneration the determination would relate.or both such a body and such an organisation.
- (4) Regulations under the preceding section may provide—
 - (a) that a determination such as is mentioned in subsection (3) above shall have effect in relation to remuneration in respect of a period beginning on or after a date specified in the determination, which may be the date of the determination or an earlier or later date, but may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates; and
 - (b) that any such determination which does not specify such a date shall have effect in relation to remuneration in respect of a period beginning—
 - (i) if it is required to be published, on the date of publication;
 - (ii) if it is not so required, on the date on which it is made.
- (5) Regulations under the preceding section may provide—
 - (a) for determinations of the remuneration of particular persons or descriptions of persons for particular items of service or in particular circumstances;
 - (b) that a determining authority shall have a discretion, when making a determination by virtue of this subsection,—
 - (i) as to the amount of remuneration to be paid; and
 - (ii) as to the persons to whom and conditions on which it is to be paid; and

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

- (c) that a determination made by virtue of this subsection may be revised—
 - (i) to correct an error; or
 - (ii) where it appears to the determining authority that it was made in ignorance of or under a mistake as to a relevant fact.
- (6) Regulations under the preceding section may provide—
 - (a) that determinations may be made by reference to any of the following—
 - (i) rates or conditions of remuneration of any persons or any descriptions of persons which are fixed or determined, or to be fixed or determined, otherwise than by way of a determination under the regulations;
 - (ii) scales, indices or other data of any description specified in the regulations; and
 - (b) that any determination which in accordance with regulations made by virtue of paragraph (a)(ii) above falls to be made by reference to a scale or an index or to any other data may be made not only by reference to that index or scale or those data in the form current at the time of the determination but also by reference to the scale, index or data in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.
- (7) Any determination under regulations under the previous section shall be made after taking into account all the matters which are considered to be relevant by the determining authority and, without prejudice to the generality of this subsection, such matters may include—
 - (a) the amount or estimated amount of expenses (taking into account any discounts) incurred in the past or likely to be incurred in the future (whether or not by persons to whose remuneration the determination will relate) in connection with the provision of services of a kind to which the determination will relate;
 - (b) the amount or estimated amount of any remuneration paid or likely to be paid to persons providing such services;
 - (c) the amount or estimated amount of any other payments or repayments or other benefits received or likely to be received by any such persons;
 - (d) the extent to which it is desirable to encourage the provision of particular descriptions of services either generally or in particular localities;
 - (e) the desirability of promoting services which are—
 - (i) economic and efficient; and
 - (ii) of an appropriate standard.”.]
- (4) Any determination in relation to remuneration in respect of services under [F10Part II of the M9National Health Service Act 1977 or] Part II of the M10National Health Service (Scotland) Act 1978 which was made—
 - (a) before the passing of this Act; or
 - (b) after it but at a time before the coming into force of a provision inserted by this section,
 shall be deemed to be validly made if regulations authorising such a determination could have been made had that provision been in force at that time.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

Textual Amendments

- F8** S. 7(1) repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)
- F9** S. 7(3) repealed in part (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)
- F10** Words in s. 7(4) repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)

Modifications etc. (not altering text)

- C5** The text of ss. 5(1)–(4), 6, 7(1)–(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991
- C6** S. 7(4) amended (E.W.) (*prosp.*) by 1999 c. 8, [ss. 10\(3\)](#), 67(1)
S. 7(4) amended (S.) (1.10.1999) by 1999 c. 8, [s. 57\(3\)](#); S.S.I. 1999/90, art. 2(a), [Sch. 1](#)

Marginal Citations

- M5** 1977 c. 49.
- M6** 1978 c. 29.
- M7** 1977 c. 49.
- M8** 1978 c. 29.
- M9** 1977 c. 49.
- M10** 1978 c. 29.

8 ^{F11}

Textual Amendments

- F11** S. 8 repealed by [Health and Medicines Act 1988 \(c. 49\)](#), s. 25(2), [Sch. 3](#)

9 Holidays for patients etc.

^{F12}(1)

(2) The following section shall be added after section 99 of the National Health Service (Scotland) Act 1978—

“99A Holidays for patients etc.

The Secretary of State’s functions may be performed outside Scotland, in so far as they relate—

- (a) to holidays for patients;
- (b) to the transfer of patients to or from England, Wales, Northern Ireland, the Isle of Man or the Channel Islands; or
- (c) to the return of patients who have received treatment in Scotland to countries or territories outside the British Islands.”

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

Textual Amendments

F12 S. 9(1) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Modifications etc. (not altering text)

C7 The text of s. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Treatment in European Economic Community

^{F13}10 Reimbursement of cost of medical and maternity treatment in member States of European Economic Community.

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Textual Amendments

F13 S. 10 omitted (31.12.2020) by virtue of [The National Health Service \(Cross-Border Healthcare and Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/777\)](#), regs. 1(1), **2(2)** (with [reg. 15](#), [Sch. 1](#)) (as amended by [S.I. 2020/1348](#), regs. 10-12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

PART II

SOCIAL SECURITY

11–14 ^{F14}

Textual Amendments

F14 [Ss. 11–14](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

15 Attendance allowance: daily entitlement.

(1) In this section—

“the 1975 Regulations” means the ^{M11}Social Security (Claims and Payments) Regulations 1975;

“the 1977 amendment Regulations” means the ^{M12}Social Security (Attendance Allowance) Amendment Regulations 1977

“the 1979 Regulations” means the ^{M13}Social Security (Claims and Payments) Regulations 1979

;

“the 1980 amendment Regulations” means the ^{M14}Social Security (Attendance Allowance) Amendment Regulations 1980;

“regulation 16A” means regulation 16A of the 1975 Regulations, which was added by regulation 9 of the 1977 amendment Regulations;

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

“regulation 18” means regulation 18 of the 1979 Regulations, both as originally made and as substituted by regulation 6(2) of the 1980 amendment Regulations;

“appropriate pay day” means a day for payment under regulation 15(7) of the 1975 Regulations or regulation 16(7) of the 1979 Regulations of weekly sums on account of an attendance allowance; and

“13 week period” means the period mentioned in regulation 16A or regulation 18.

- (2) Regulation 16A and regulation 18 shall be deemed always to have had effect as if—
- (a) the words “Notwithstanding anything in the foregoing provisions of these regulations” were inserted at the beginning;
 - (b) any reference to attendance allowance being payable for a period were a reference to attendance allowance which would have been payable for that period but for—
 - (i) regulation 15(9) or (10) of the 1975 Regulations; or
 - (ii) regulation 16(10) or (11) of the 1979 Regulations; and
 - (c) in relation to any case where a 13 week period does not end on an appropriate pay day, any reference to a 13 week period in paragraph (1) were a reference to that period together with any days after its end but before the next appropriate pay day.

Modifications etc. (not altering text)

C8 The text of s. 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M11 [S.I. 1975/560](#).
M12 [S.I. 1977/1361](#).
M13 [S.I. 1979/628](#)
M14 [S.I. 1980/1136](#)

16–18 ^{F15}

Textual Amendments

F15 [Ss. 16–18](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

^{F16}**19** **Accrued rights and entitlement to benefits under occupational pension schemes.**

Textual Amendments

F16 [S. 19](#) repealed (7.2.1994) by [1993 c. 48, ss. 188, Sch. 5 Pt.I](#); [S.I. 1994/86, art. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

F17 20 Protection of pensions.

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Textual Amendments

F17 S. 20 repealed (7.2.1994) by 1993 c. 48, ss. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

21 Miscellaneous social security amendments.

The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments there specified.

Modifications etc. (not altering text)

C9 The text of ss. 19–21 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

22 **F18**

Textual Amendments

F18 S. 22 repealed (11.4.1988) by **Social Security Act 1986 (c. 50)**, **Sch. 11**

PART III

SUPPLEMENTARY

23 Expenses.

Any expenses of the Secretary of State incurred in consequence of the provisions of this Act, including any increase attributable to those provisions in sums provided under any other Act, shall be defrayed out of money provided by Parliament.

24 Repeals.

The enactments specified in Schedule 8 to this Act are repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)

C10 The text of s. 24 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

25 Northern Ireland.

- (1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M15}Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes to which this section applies—
- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
 - (b) shall be subject to annulment in pursuance of a resolution of either House.
- (2) The purposes to which subsection (1) above applies are purposes corresponding to those—
- (a) of section 1(3), (4) and (6) above;
 - (b) of section 7(1), (3) and (4) above;
 - (c) of Part II above; and
 - (d) of this Part.

Marginal Citations

M15 1974 c. 28.

26 Extent.

- (1) The following provisions of this Act—
- section 1(3), (4) and (6);
 - section 5, except subsection (3), and Schedule 3;
 - section 6(1), (2) and (4);
 - in section 7—
 - (a) subsection (1); and
 - (b) subsections (3) and (4), so far as they relate to the ^{M16}National Health Service Act 1977;
 - section 9(1),
- extend to England and Wales only.
- (2) The following provisions of this Act—
- section 1(5) and (7);
 - section 6(3);
 - in section 7—
 - (a) subsection (2); and
 - (b) subsections (3) and (4), so far as they relate to the ^{M17}National Health Service (Scotland) Act 1978;
 - section 9(2),
- extend to Scotland only.
- (3) Section 25 above extends to Northern Ireland only.
- (4) The following provisions of this Act—
- section 8;
 - ^{F19}...; and Part II, except the provisions mentioned in subsection (5) below,

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extend to England and Wales and Scotland.

- (5) Section 11(2) above, so far as it relates to paragraph 2 of Schedule 4, [^{F20}extends] to England and Wales, Scotland and Northern Ireland.
- (6) The following provisions of this Act also extend to England and Wales, Scotland and Northern Ireland—
- ^{F21} . . .
 - ^{F21} . . .
 - section 5(3);
 - section 23;
 - this section;
 - sections 27 to 29.
- (7) Where any enactment repealed by this Act extends to any part of the United Kingdom, the repeal extends to that part.

Textual Amendments

- F19** Words in s. 26(4) omitted (31.12.2020) by virtue of [The National Health Service \(Cross-Border Healthcare and Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/777\)](#), regs. 1(1), 2(3) (with [reg. 15, Sch. 1](#)) (as amended by [S.I. 2020/1348](#), regs. 10-12); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Word substituted by [Social Security Act 1985 \(c. 53\)](#), [Sch. 5](#), para. 39
- F21** Words repealed (16.2.1990) by [Opticians Act 1989 \(c. 44\)](#), [Sch. 2](#)

Marginal Citations

- M16** 1977 c. 49.
- M17** 1978 c. 29.

27 Commencement.

- (1) Subject to the following provisions of this section, the provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes.
- (2) The following provisions of this Act shall come into force on the day this Act is passed—
- section 6(4);
 - section 7(4);
 - section 9;
 - section 10;
 - section 15;
 - section 18(1) and (2);
 - section 21, so far as it relates to paragraph 6 or 8 of Schedule 7;
 - section . . . ^{F22}23;
 - sections 25 and 26;
 - this section;
 - sections 28 and 29.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

- (3) The following provisions of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed—
- section 8;
 - section 16;
 - section 19;
 - section 21, so far as it relates to paragraphs 4, 5, 7 and 9 of Schedule 7;
 - section 24, so far as it relates to section 38 of the ^{M18}Social Security Pensions Act 1975.

Textual Amendments

F22 Words revoked (11.4.1988) by [Social Security Act 1986 \(c. 50\)](#), [Sch. 11](#)

Modifications etc. (not altering text)

C11 Power of appointment under s. 27(1) partly exercised by S.I.s 1984/1302, 1984/1467, 1986/974

Marginal Citations

M18 [1975 c. 60](#).

28 Transitional.

- (1) The Secretary of State may by regulations made by statutory instrument make such transitional provision or saving as he considers necessary or expedient in connection with the coming into force of any provision of this Act or the operation of any enactment which is repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may provide that references to dispensing opticians in the ^{M19}National Health Service Act 1977 or the ^{M20}National Health Service (Scotland) Act 1978 shall be treated as including suppliers of optical appliances who are not dispensing opticians as defined in those Acts.
- (3) Section 126(4) of the National Health Service Act 1977 and section 105(7) of the National Health Service (Scotland) Act 1978 shall have effect in relation to the power to make regulations under this section containing any such provision as is mentioned in subsection (2) above as if that subsection were contained in each of those Acts.
- (4) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M19 [1977 c. 49](#).

M20 [1978 c. 29](#).

29 Citation.

- (1) This Act may be cited as the Health and Social Security Act 1984.

Changes to legislation: *There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)*

- (2) Part II of this Act and section 24 above, so far as it relates to Part II of Schedule 8 to this Act, may be cited together with the Social Security Acts 1975 to 1982 as the Social Security Acts 1975 to 1984.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

OPTICAL APPLIANCES

Modifications etc. (not altering text)

- C12** The text of Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

PART I

AMENDMENTS OF NATIONAL HEALTH SERVICE ACT 1977

F23¹

Textual Amendments

- F23** Sch. 1 para. 1 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

- 2 In sub-paragraph (1) of paragraph 2 of Schedule 12 to that Act (regulations for the making and recovery of charges), the following entry shall be substituted for the words from “Glasses” to “cost”, in the first place where it occurs—

“Glasses.	Such sum as may be determined by or in accordance with directions given by the Secretary of State.”
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F24³

Textual Amendments

- F24** Sch. 1 para. 3 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

PART II

AMENDMENTS OF NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

- 1 In subsection (1) of section 26 (general ophthalmic services) of the ^{M21}National Health Service (Scotland) Act 1978, for the words “with ophthalmic opticians

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and with dispensing opticians” there shall be substituted the words “ and with ophthalmic opticians ”.

Marginal Citations

M21 1978 c. 29.

F25²

Textual Amendments

F25 Sch. 1, Pt. II para. 2 repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), [Sch. 3](#); S.S.I. 2006/121, [sch. 2](#)

F26³

Textual Amendments

F26 Sch. 1, Pt. II para. 3 repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), [Sch. 3](#); S.S.I. 2006/121, [sch. 2](#)

F27⁴

Textual Amendments

F27 Sch. 1, Pt. II para. 4 repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), [Sch. 3](#); S.S.I. 2006/121, [sch. 2](#)

5 In sub-paragraph (1) of paragraph 2 of Schedule 11 to that Act (charges for dental or optical appliances) the following entry shall be substituted for the words from “Glasses” to the end—

“Glasses.	Such sum as may be determined by or in accordance with directions given by the Secretary of State.”.
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6 In paragraph 2 of Schedule 11, in sub-paragraph (7), for the words from the beginning to “testing” there shall be substituted—

“(7) In sub-paragraph (4), “the relevant time” means—

(a) in relation to a dental appliance supplied otherwise than under Part II, the time of the examination leading to the supply of the appliance, or the first such examination;”.

7 The following paragraph shall be inserted after that paragraph—

“2A (1) It shall be the duty of the Secretary of State to provide by regulations for payments to be made by him or by a Health Board to meet, or to contribute towards, the cost incurred (whether by way of charge under this Act or otherwise) for the supply of optical appliances for which a prescription has been given in consequence of a testing of sight under this Act—

(a) for a child;

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

- (b) for a person whose resources fall to be treated under the regulations as being less than his requirements; or
 - (c) for a person of such other description as may be prescribed.
- (2) In sub-paragraph (1) above “child” means—
 - (a) a person who is under the age of 16 years; or
 - (b) a person who is under the age of 19 years and receiving qualifying full-time education.
- (3) Regulations under this paragraph may direct how a person’s resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, may direct that they shall be calculated—
 - (a) by reference—
 - (i) to any enactment; or
 - (ii) to the person’s being or having been entitled to payments under any enactment, either as it has effect at the time when the regulations are made or as amended subsequently; or
 - (b) by reference to a scale or an index or to any other data either in the form current when the regulations are made or in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.
- (4) If regulations under this paragraph provide for payments to be made by a Health Board, it shall be the duty of the Secretary of State to pay to the Board, in respect of each financial year, the sum attributable to the Board’s disbursements under the regulations.
- (5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.”.

SCHEDULE

2.....
F28

Textual Amendments

F28 Sch. 2 repealed (16.2.1990) by [Opticians Act 1989 \(c. 44\)](#), s. 37, [Sch. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

SCHEDULE 3

Section 5.

FAMILY PRACTITIONER COMMITTEES

Modifications etc. (not altering text)

C13 The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

F29₁

Textual Amendments

F29 Sch. 3 para. 1 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F30₂

Textual Amendments

F30 Sch. 3 para. 2 repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

3 In section 22 (co-operation between health authorities and local authorities)—
 F31(a)
 F32(b)
 F31(c)
 F31(d)

Textual Amendments

F31 Sch. 3 para.3(a)(c)(d) repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))
F32 Sch. 3 para. 3(b) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F33₄

Textual Amendments

F33 Sch. 3 para. 4 repealed (10.12.1998) by [1997 c. 46](#), s. 41(12), [Sch. 3 Pt. I](#); S.I. 1998/2840, art. 2, [Sch.](#)

F34₅

Textual Amendments

F34 Sch. 3 para. 5 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(e)

6 In subsection (1) of section 44 (recognition of local representative committees)—

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

- (a) for the words from “area”, in the first place where it occurs, to “Authority”, in the second place where it occurs, there shall be substituted the words “locality of any Family Practitioner Committee”;

^{F35}(b)

Textual Amendments

F35 Sch. 3 para. 6(b) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

^{F36}7

Textual Amendments

F36 Sch. 3 para. 7 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

^{F37}8

Textual Amendments

F37 Sch. 3 para. 8 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

^{F38}9

Textual Amendments

F38 Sch. 3 para. 9 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

^{F39}10

Textual Amendments

F39 Sch. 3 para. 10 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

^{F40}11

Textual Amendments

F40 Sch. 3 para. 11 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

12 For Part II of Schedule 5 there shall be substituted the following Part—

“PART II

FAMILY PRACTITIONER COMMITTEES

- 6 (1) Subject to paragraph 7 below, a Family Practitioner Committee shall consist of a chairman and 30 other members.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

- (2) The chairman shall be appointed by the Secretary of State.
- (3) The other members shall be appointed by the Secretary of State, as follows—
- (a) 8 shall be appointed from persons nominated by the Local Medical Committee for the locality of the Family Practitioner Committee, and one of them shall be, a medical practitioner having the qualifications prescribed in pursuance of section 38 above;
 - (b) 3 shall be appointed from persons nominated by the Local Dental Committee for that locality;
 - (c) 2 shall be appointed from persons nominated by the Local Pharmaceutical Committee for that locality;
 - (d) 1 shall be an ophthalmic optician appointed from persons nominated by such members of the Local Optical Committee for that locality as are ophthalmic opticians;
 - (e) 1 shall be a dispensing optician appointed from persons nominated by such members of the Local Optical Committee as are dispensing opticians;
 - (f) 4 shall be appointed from persons nominated by local authorities any part of whose area is in the locality of the Family Practitioner Committee;
 - (g) 4 shall be appointed from persons nominated by District Health Authorities any part of whose district is in the locality of the Family Practitioner Committee; and
 - (h) 7 shall be appointed after such consultations with such bodies as the Secretary of State considers appropriate.
- (4) One member must be a person who—
- (a) is registered in the register of qualified nurses, midwives and health visitors—
 - (i) as a nurse recorded in the register as having an additional qualification in district nursing;
 - (ii) as a midwife; or
 - (iii) as a health visitor; and
 - (b) has recent experience of providing services to patients (other than patients resident in hospital) in any such capacity.
- (5) If a nomination required for the purposes of sub-paragraph (3) above is not made before such date as the Secretary of State may determine, he may appoint a member without waiting any longer for the nomination.
- (6) No person—
- (a) shall be nominated for appointment to a Family Practitioner Committee under sub-paragraph (3)(f) or (g) above or sub-paragraph (5) above; or
 - (b) shall be appointed to such a Committee under sub-paragraph (3) (f), (g) or (h) above,
- if he is—
- (i) a medical practitioner;

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

- (ii) a dental practitioner;
 - (iii) an ophthalmic optician;
 - (iv) a dispensing optician;
 - (v) a registered pharmacist; or
 - (vi) a person conducting a business providing any service for the purposes of Part II of this Act.
- (7) If a Local Medical Committee so require, the Secretary of State shall appoint from among medical practitioners having the qualifications prescribed in pursuance of section 38 above and nominated by the Local Medical Committee under sub-paragraph (3)(a) above a medical practitioner to be the deputy of such a practitioner appointed from among persons nominated by them under sub-paragraph (3)(a) above.
- (8) If a Local Optical Committee so require, the Secretary of State shall appoint from among ophthalmic opticians nominated by the Committee under sub-paragraph (3)(d) above an ophthalmic optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(d) above.
- (9) If a Local Optical Committee so require, the Secretary of State shall appoint from among dispensing opticians nominated by the Committee under sub-paragraph (3)(e) above a dispensing optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(e) above.
- (10) A deputy may, while the member for whom he is deputy is absent from any meeting of the relevant Family Practitioner Committee, act as a member of that Committee in the place of the absent member.
- (11) The Committee shall appoint one of their members to be vice-chairman.
- 7 (1) If it appears to the Secretary of State that, by reason of special circumstances affecting a locality, it is appropriate that the Family Practitioner Committee for that locality should not be in accordance with paragraph 6 above, he may by order provide that that paragraph shall apply in relation to the Committee for that locality with such modifications as are specified in the order.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, before he makes an order under sub-paragraph (1) above, to consult the Family Practitioner Committee for the locality and any District Health Authority any part of whose district is in the locality of the Family Practitioner Committee with respect to the order.
- (3) It shall also be his duty, in making any such order, to have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between members falling to be appointed in pursuance of paragraph 6 above as there would be if no modification were made.
- 7A (1) Any member of a Family Practitioner Committee appointed by virtue of paragraph 6(3)(e) above shall cease to be a member of the Committee on the day on which the repeal of that paragraph by section 24 of the Health and Social Security Act 1984 comes into force.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

(2) The following paragraph shall be substituted on that day for paragraph 6(3)(e) above—

- (e) 1 shall be appointed from persons nominated—
 - (i) by the Local Medical Committee for the locality of the Family Practitioner Committee;
 - (ii) by the Local Dental Committee for that locality;
 - (iii) by the Local Pharmaceutical Committee for that locality; or
 - (iv) by the Local Optical Committee for that locality;”

F41 13

Textual Amendments
 F41 Sch. 3 para. 13 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F42 14

Textual Amendments
 F42 Sch. 3 para. 14 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F43 15

Textual Amendments
 F43 Sch. 3 para. 15 repealed (20.10.2003 for W., 1.12.2003 for E.) by Health (Wales) Act 2003 (c. 4), s. 10(2), Sch. 4; S.I. 2003/2660, art. 2(1)(iii)(2); S.I. 2003/3064, art. 2(1)(iii)

F44 16

Textual Amendments
 F44 Sch. 3 para. 16 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F45 17

Textual Amendments
 F45 Sch. 3 para. 17 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

SCHEDULES 4,
5.
F46

Textual Amendments

F46 Schs. 4, 5 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F47 SCHEDULE 6

Textual Amendments

F47 Sch. 6 repealed (7.2.1994) by [1993 c. 48, ss. 188, Sch. 5 Pt.I; S.I. 1994/86, art. 2](#)

SCHEDULE 7

Section 21.

MISCELLANEOUS SOCIAL SECURITY AMENDMENTS

Modifications etc. (not altering text)

C14 The text of Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

1, 2. F48

Textual Amendments

F48 Sch. 7 paras. 1–3, 6–8 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Social Security Pensions Act 1975 (c. 60)

3 F49

Textual Amendments

F49 Sch. 7 paras. 1–3, 6–8 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F50 4

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

Textual Amendments

F50 Sch. 7 para. 4 repealed (7.2.1994) by 1993 c. 48, ss. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F51₅

Textual Amendments

F51 Sch. 7 para. 5 repealed (7.2.1994) by 1993 c. 48, ss. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

6–8 **F52**

Textual Amendments

F52 Sch. 7 paras. 1–3, 6–8 repealed (1.7.1992) by **Social Security (Consequential Provisions) Act 1992 (c. 6)**

Health and Social Services and Social Security Adjudications Act 1983 (c. 41)

9 In Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 (social security adjudications)—

- (a) in sub-paragraph (1) of paragraph 31 (transitional regulations) for the words “and this Schedule” there shall be substituted the words “ this Schedule and section 16 of the Health and Social Security Act 1984 ”; and
- (b) in sub-paragraph (3), for the words from “and this Schedule”, in the first place where they occur, to the end of the sub-paragraph there shall be substituted the words “ this Schedule and section 16 of the Health and Social Security Act 1984 and before the expiry of the period of six months beginning with their commencement ”.

SCHEDULE 8

Section 24.

REPEALS

Modifications etc. (not altering text)

C15 The text of Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

PART I

HEALTH

Chapter	Short title	Extent of repeal
6 & 7 Eliz. 2 c. 32.	Opticians Act 1958.	In section 13(3), the words from “and” onwards.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

1971 c. 62.	Tribunals and Inquiries Act 1971.	In Schedule 1, in paragraph 17(a) the words from “or established” to “1980”.
1977 c. 49.	National Health Service Act 1977.	In section 12(b), the words “or under section 2 of the Health Services Act 1980”. In section 15, in subsection (1), the words from “This subsection” to the end and subsection (2). In section 19(1)(e), the words “and dispensing”. In section 39(c), the words “and the ophthalmic or dispensing optician who is to supply the appliances”. In section 44(1)(c), the words “and dispensing opticians”. In section 45(2) and (3), the words “with the Secretary of State’s approval”. Section 46(1)(e). In section 72(5)(a), the words “or dispensing”. In section 81(b), the words “or general ophthalmic services” and the words “or optical”. In section 82(b), the words “or general ophthalmic services” and the words “or optical”. In section 83(b), the words “or the general ophthalmic services”. In section 97(1)(a) and (c) and (2), the words “or further allotted”. In section 98(2), the second paragraph. In section 128(1), the definition of “dispensing optician”. In Schedule 5, in paragraph 1(2)(c), the words “and dispensing”, in paragraph 2(2)(a), the words “and dispensing”, in paragraph 6, as originally enacted, subparagraph (1)(g) and in subparagraph (3)(a), the words “or, as the case may be, a dispensing”, in paragraph 6, as substituted by paragraph 12 of Schedule 3 above, subparagraph (3)(e), subparagraph (5)(iv) and sub-

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

1978 c. 29.

National Health Service
(Scotland) Act 1978.

paragraph (8), in paragraph 9, in sub-paragraph (1), the words “other than a Family Practitioner Committee” and in sub-paragraphs (2) and (3), the words “other than such a Committee” and in paragraph 10, the words “other than a Family Practitioner Committee”. In Schedule 9, paragraph 4(e). In Schedule 12, in paragraph 2(1), the words from “In this sub-paragraph” to the end, in paragraph 2, sub-paragraph (2)(iii), sub-paragraph (5), in sub-paragraph (6), the words “or sub-paragraph (5)” and in sub-paragraph (7), the words “and (5)”, in paragraph (a), the words “or to an optical appliance supplied under this Act”, the words “or testing of sight” and the words “or testing” and in sub-paragraph (8), the words “or lenses” and in paragraph 5, the words “or optical”.

In section 9(1)(e), the words “and dispensing”. In section 26, subsection (1) (b) and the word “and” immediately preceding it and in subsection (2) (c), the words “and the ophthalmic or dispensing optician who is to supply the appliances”. In section 29(1), paragraph (e). In section 64(5) (a), the words “or dispensing”. In section 73(b), the words “or general ophthalmic services” and the words “or optical”. In section 74(b), the words “or general ophthalmic services” and the words “or optical”. In section 75(b), the words “or the general ophthalmic services”. In section 85(1), the words “or further allotted”. In

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1980 c. 53.	Health Services Act 1980.	<p>section 108(1), the definition of “dispensing optician”. In Schedule 8, paragraph 5(e). In Schedule 11, in paragraph 2, sub-paragraph (2)(iii), sub-paragraph (5), in sub-paragraph (6), the words “or sub-paragraph (5)” and in sub-paragraph (8), the words “or lenses”, and in paragraph 5, the words “or optical”.</p> <p>In section 1, in subsection (6) the words “Subject to section 2 below”. Section 2. Section 18. In Schedule 1, paragraph 30, in paragraph 35, the words from “and in subsection (2)” to the end, paragraph 37, paragraphs 56 and 57, in paragraph 69, sub-paragraph (b) and the word “and” immediately preceding it, paragraph 77(b), paragraph 79, paragraph 82(2) and (3), and paragraphs 87 to 99. In Schedule 5, paragraph 2(2) and (4) and paragraph 6(2) and (4).</p>
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PART II

SOCIAL SECURITY

Chapter	Short title	Extent of repeal
1975 c.14.	Social Security Act 1975.	In section 12(1)(d), the words “and child”. Section 41(2)(d) and (3). Section 57(2). In Schedule 4, Part IV, in paragraph 1(a) and (c) and in paragraph 3, the entries relating to increases for qualifying children.
1975 c. 60.	Social Security Pensions Act 1975.	In section 4(1), the words “in respect of any period”. In section 38, in subsection (3), the definition of “transfer credits” and subsection (4).
1975 c. 61.	Child Benefit Act 1975.	In Schedule 4, paragraph 25.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984. (See end of Document for details)

1977 c. 5.	Social Security (Miscellaneous Provisions) Act 1977.	In section 22(2), the words “36(2)(b)”.
1980 c.30.	Social Security Act 1980.	Section 3(5).
1982 c.24.	Social Security and Housing Benefits Act 1982.	In Schedule 4, paragraph 18(4).

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Security Act 1984.