



# Health Services and Public Health Act 1968

## 1968 CHAPTER 46

An Act to amend the National Health Service Act 1946 and the National Health Service (Scotland) Act 1947 and make other amendments connected with the national health service; to make amendments connected with local authorities' services under the National Assistance Act 1948; to amend the law relating to notifiable diseases and food poisoning; to amend the Nurseries and Child-Minders Regulation Act 1948; to amend the law relating to food and drugs; to enable assistance to be given to certain voluntary organisations; to enable the Minister of Health and Secretary of State to purchase goods for supply to certain authorities; to make other amendments in the law relating to the public health; and for purposes connected with the matters aforesaid. [26th July 1968]

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

### AMENDMENTS CONNECTED WITH THE NATIONAL HEALTH SERVICE

#### *Hospital and specialist Services*

#### **1 Accommodation and treatment, at hospitals providing hospital and specialist services, of persons as private resident patients**

- (1) If the Minister is satisfied, in the case of a hospital providing hospital and specialist services, that it is reasonable so to do he may, subject to the provisions of this section, authorise accommodation and services at the hospital to be made, to such extent as he may determine, available for resident patients who undertake, or in respect of whom

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an undertaking is given, to pay such charges as the Minister may in accordance with the following provisions of this section determine, and the Minister may recover those charges.

- (2) The Minister may allow accommodation and services to which an authorisation under the foregoing subsection relates to be made available in connection with the treatment, in pursuance of arrangements made by a medical practitioner or dental practitioner serving, whether in an honorary or paid capacity, on the staff of a hospital providing hospital and specialist services, of private patients of that practitioner as resident patients.
- (3) The Minister, for the purpose of determining charges to be paid under subsection (1) above, may classify the hospitals providing hospital and specialist services and may, in the case of each class, determine, in respect of each period of twelve months beginning with 1st April first falling after the date on which the determination is made, the charges to be paid under subsection (1) above in respect of accommodation and services provided during that period at a hospital falling within that class; and in determining such charges in respect of a period the Minister shall have regard, so far as reasonably practicable, to the total cost (exclusive of costs appearing to him to be properly attributable to capital account) which, by reference to facts known to him at the time of the determination, it is estimated will be incurred during that period in the provision for resident patients of hospital and specialist services at hospitals falling within that class, and may include in any such charges, in such cases as appear to him fit, such amounts as appear to him proper and reasonable to be included by way of contribution to expenditure appearing to him to be properly attributable to capital account.
- (4) The Minister may under the foregoing subsection determine different charges for different accommodation and for different services and in relation to different circumstances.
- (5) The Minister may allow such deduction from the amount of a charge due by virtue of an undertaking given under this section by, or in respect of, a patient as he thinks proper—
  - (a) in respect of treatment given to the patient under subsection (2) above; and
  - (b) in respect of any period during which the accommodation to which the undertaking relates is temporarily vacated by the patient
- (6) Nothing in this section shall prevent accommodation from being made available for a patient other than one mentioned in subsection (1) above if the use thereof is needed more urgently for him on medical grounds than for a patient so mentioned and no other suitable accommodation is available.
- (7) This and the next following section shall have effect in Scotland in place of section 5 of the 1947 Act.

## **2 Accommodation and treatment, at hospitals providing hospital and specialist services, of persons as private non-resident patients**

- (1) If the Minister is satisfied, in the case of a hospital providing hospital and specialist services, that it is reasonable so to do, he may authorise accommodation and services at the hospital to be made, to such extent as he may determine, available in connection with the treatment, in pursuance of arrangements made by a medical practitioner or dental practitioner serving, whether in an honorary or paid capacity, on the staff of any

such hospital, of private patients of that practitioner otherwise than as resident patients, being patients who undertake, or in respect of whom an undertaking is given, to pay, in respect of the provision of any such accommodation and any such services, such charges as the Minister may determine, and the Minister may recover those charges.

- (2) The Minister may under the foregoing subsection determine different charges for different accommodation and for different services and in relation to different circumstances.
- (3) No accommodation and no services shall be so made available under subsection (1) above as to prejudice persons availing themselves of services at the hospital otherwise than as private patients.

### **3 Transitional provisions relating to accommodation and treatment of private patients in England and Wales**

- (1) The two last foregoing sections shall have effect in place of section 5 of the 1946 Act, and, except as hereinafter mentioned, that section shall accordingly cease to have effect.
- (2) The said section 5 shall, by virtue of this section, continue to have effect in relation to an arrangement in force immediately before the coming into operation of this section for the provision under that section of accommodation for a patient; but if, at any time, the charges payable by virtue of the undertaking given under that section for payment of charges relating to the accommodation and services provided for the patient are higher than the charges which would, at that time, be payable if the accommodation and services were provided under section 1, or, as the case may be, section 2 of this Act, and an undertaking is given, by or in respect of the patient, for the payment of charges determined in accordance with the said section 1 or, as the case may be, the said section 2, then, as from the date on which that undertaking becomes effective, the said section 5 shall cease to have effect in relation to the said arrangement, and the said section 1 or, as the case may be, section 2 shall have effect accordingly.
- (3) Charges prescribed by regulations in force under the said section 5 immediately before the coming into operation of this section shall, in respect of accommodation and services provided under section 1 or 2 of this Act during the period ending with 31st March next following that date, be deemed to have been determined under the former section or the latter, as the case may be.
- (4) This section does not apply to Scotland.

### **4 Amendment as to fixing of charges for accommodation made available on part payment**

- (1) Section 4 of the 1946 Act (which empowers the Minister to make accommodation in single rooms or small wards available for patients who undertake, or in respect of whom an undertaking is given, to pay for the accommodation such charges as may be determined in the prescribed manner) shall, in relation to undertakings given after the coming into operation of this section, have effect as if, for the words "determined in the prescribed manner", there were substituted the words "determined by the Minister".
- (2) The Minister may allow such deductions as he thinks fit from the amount of a charge due by virtue of an undertaking given (whether before or after the coming into operation of this section) under the said section 4 to be paid for accommodation in

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respect of any period during which the accommodation is temporarily vacated by the person for whom it is made available.

- (3) Charges prescribed by regulations under the said section 4 which are in force immediately before the coming into operation of this section shall, in relation to undertakings given after the coming into operation of this section, be deemed to have been determined by the Minister under that section as amended by this section.
- (4) This section shall have effect in Scotland as if, for any reference therein to section 4 of the 1946 Act, there were substituted a reference to section 4 of the 1947 Act; and as if, in subsection (1) thereof, for the words " determined by the Minister ", there were substituted the words " determined by the Secretary of State " and as if subsection (3) thereof were omitted.

## **5 Power of the Minister to designate certain hospitals in England and Wales as university hospitals**

- (1) If the Minister is satisfied that a hospital vested in him or a group of hospitals so vested provides, or is to provide, for a university facilities for undergraduate or post-graduate clinical teaching, he may, after consultation with the university, by order designate the hospital or group as a university hospital.
- (2) An order made under the foregoing subsection in relation to a hospital or group of hospitals may provide that Part II of Schedule 3 to the 1946 Act (constitution of Hospital Management Committees) shall have effect, in relation to the Committee appointed to exercise functions with respect to the management and control of the hospital or group, subject to such modifications as may be specified in the order; but no provision shall be made by virtue of this subsection except after consultation by the Minister with the university with which the hospital or group is associated.
- (3) Where the Minister makes an order under subsection (1) above in relation to a hospital or group of hospitals—
  - (a) it shall be the duty of the Regional Hospital Board for the area in which the hospital or group is situated to provide for the university with which the hospital or group is associated such facilities as appear to the Minister to be required for clinical teaching and research, and that duty shall, subject to and in accordance with regulations made by the Minister and such directions as may be given by the Minister or the Board, be exercised by the Hospital Management Committee for the hospital or group ; and
  - (b) section 14(2) of the 1946 Act (which authorises the making of provision by regulations with respect to the appointment of medical and dental officers to the staff of hospitals and, in particular, for the constitution of advisory appointments committees consisting, in the case of a hospital other than a teaching hospital, of persons nominated by the Regional Hospital Board and the Hospital Management Committee of the hospital affected, respectively) shall, in the case of the hospital or the hospitals of the group, as the case may be, have effect as if, for the words "nominated by the Regional Hospital Board and the Hospital Management Committee of the hospital affected, respectively", there were substituted the words " nominated respectively by the Regional Hospital Board, the Hospital Management Committee and the university with which the hospital is associated ".
- (4) This section does not apply to Scotland.

## **6 Power of Board of Governors of a teaching hospital to administer services outside the hospital**

- (1) The functions of the Board of Governors of a teaching hospital shall include power, subject to and in accordance with regulations made by the Minister and such directions as may be given by him, to administer on his behalf, in accordance with arrangements approved by him, hospital and specialist services provided at another hospital, being one not vested in him, and the services of specialists at all or any of the following places, namely, a health centre provided under Part III of the 1946 Act, a clinic and, if necessary on medical grounds, the home of a patient.
- (2) This section does not apply to Scotland.

## **7 Distribution of income, and investment of capital, of Hospital Endowments Fund**

- (1) The income of the Hospital Endowments Fund shall, instead of being distributed amongst the several Regional Hospital Boards and Hospital Management Committees in accordance with regulations having effect by virtue of subsection (5)(c) of section 7 of the 1946 Act (that is to say, proportionately to the shares of the capital value of the fund apportioned amongst those bodies), be so distributed in such proportions as may, in accordance with regulations made by the Minister, be determined at such intervals or on such occasions as may be fixed by or under the regulations, and, accordingly.—
  - (a) in subsection (6) of that section (which relates to the use by those bodies of income derived from the said fund), for the words "under the last foregoing subsection ", there shall be substituted the words " which is derived from the Hospital Endowments Fund; and
  - (b) in subsection (7) of that section (which makes provision for securing that the objects of an endowment and the observance of any conditions attaching thereto are not prejudiced by the provisions of that section), the last reference to that section shall be construed as including a reference to this subsection.
- (2) In section 56(2) of the 1946 Act (which authorises the payment to the National Debt Commissioners of moneys forming part of the said fund and the investment of moneys so paid in any securities which are for the time being authorised by Parliament as investments for savings banks funds), for the words from "in any securities" onwards there shall be substituted the words " in any manner for the time being specified in Part I, II or III of Schedule 1 to the Trustee Investments Act 1961 ".
- (3) The proportions in which the said income is, by virtue of section 7(5)(c) of the 1946 Act, being distributed as aforesaid at the coming into operation of this section shall, for the purposes of subsection (1) above, be deemed to have been duly determined in pursuance thereof.
- (4) This section does not apply to Scotland.

## **8 Amendments as to association with universities of provision of hospital and specialist services**

- (1) Section 11(1) of the 1946 Act (which among other things requires the Minister to secure that each area for which a Regional Hospital Board is constituted is such that the provision of hospital and specialist services therein can conveniently be associated with a university having a school of medicine) shall have effect with the addition at the end thereof of the words " or with two or more such universities ".

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- (2) Part I of Schedule 3 to the 1946 Act (which among other things requires that the members of a Regional Board shall include persons appointed after consultation with the university with which the provision of hospital and specialist services in the area of the Board is to be associated) shall have effect with the insertion after the word "university" of the words " or universities ".
- (3) This section shall have effect in Scotland as if, for the references therein to section 11(1) of, and Part I of Schedule 3 to, the 1946 Act, there were substituted references to section 11(1) of, and Part I of Schedule 4 to, the 1947 Act.

## **9 Amendments as to appointment of officers**

- (1) Section 14(2)(b) of the 1946 Act shall have effect with the substitution, for the words " on the occasion of " , of the words " for the purpose of filling ".
- (2) Section 14(2)(b) of the 1947 Act shall have effect with the substitution, for the words " on the occasion of " , of the words " for the purpose of filling ".

### *Health Services provided by local health Authorities*

## **10 Midwifery services**

- (1) It shall be the duty of every local health authority to secure, whether by making arrangements with Boards of Governors of teaching hospitals, Hospital Management Committees or voluntary organisations for the employment by those Boards, Committees or organisations of certified midwives or by themselves employing such midwives, that the number of such midwives so employed who are available in the authority's area for attendance on women in their homes as midwives is adequate for the needs of the area and that the midwives so available as aforesaid are enabled to render all services reasonably necessary for the proper care of the women upon whom they so attend.
- (2) A local health authority may make provision in their area in manner aforesaid for the attendance on women, elsewhere than in their homes or in hospitals vested in the Minister, as midwives of certified midwives so employed.
- (3) A local health authority may make arrangements with a Hospital Management Committee exercising functions with respect to the management and control of a hospital or with a Board of Governors exercising functions with respect to the administration of a teaching hospital for there to be made available in the hospital, on such terms and conditions as may be agreed, the services of certified midwives employed by the authority for the purposes of either of the two foregoing subsections and may make arrangements with another local health authority for there to be made available in that other authority's area, on such terms and conditions as may be agreed, the services of such midwives as aforesaid.
- (4) For the purposes of this section a woman named in an order having effect by virtue of section 6 of the Emergency Laws (Miscellaneous Provisions) Act 1953 (exemption of certain women from Midwives Act 1951) shall, while the order is in force with respect to her, be deemed to be a certified midwife.
- (5) Section 20 of the 1946 Act (submission to the Minister by local health authorities of proposals for carrying out their duties under sections 21 to 28 of that Act) shall have

effect as if any reference to those duties included a reference to the duty of local health authorities under this section.

- (6) This section shall have effect in place of section 23 of the 1946 Act and, so far as concerns arrangements for making the services of midwives available in hospitals, in place of section 29 of the Newcastle upon Tyne Corporation Act 1964, and accordingly—

- (a) any arrangements made under the first-mentioned section by a local health authority which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (1) above, have effect as if so made, and the submission under section 20 of the 1946 Act of proposals for carrying out the duty of the local health authority under this section by means of those arrangements shall not be requisite ;
- (b) any proposals submitted by a local health authority under the said section 20 for carrying out their duties under the said section 23 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made before that date under subsection (2) of the said section 20 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted;
- (c) any arrangements made under the said section 29 by the Corporation of Newcastle upon Tyne which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (3) above, have effect as if so made.

- (7) This section shall have effect in Scotland in place of section 23 of the 1947 Act, as if—

- (a) in subsections (1) and (3) thereof, for any reference to a Hospital Management Committee, there were substituted a reference to a Regional Hospital Board, and any reference to a teaching hospital, or to the Board of Governors of any such hospital, were omitted;
- (b) in subsection (5) thereof, for the references to section 20 and sections 21 to 28 of the 1946 Act, there were substituted references respectively to section 21 and sections 22 to 27 of the 1947 Act; and
- (c) subsections (4) and (6) thereof were omitted ;

and for transitional purposes the following provisions shall have effect:—

- (i) any arrangements made under section 23 of the 1947 Act by a local health authority which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (1) above, have effect as if so made, and the submission under section 21 of the 1947 Act of proposals for carrying out the duty of the local health authority under this section by means of those arrangements shall not be requisite ;
- (ii) any proposals submitted by a local health authority under the said section 21 for carrying out their duties under the said section 23 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made before that date under subsection (2) of the said section 21 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted.

## **11 Health visiting and district nursing**

- (1) A local health authority may make provision in their area for the visiting by health visitors, for the purpose mentioned in section 24 of the 1946 Act (health visiting), of persons elsewhere than in their homes.
- (2) A local health authority may make provision in their area for securing the attendance of nurses on persons who require nursing elsewhere than in their own homes.
- (3) The power under subsection (1) above of a local health authority may be exercised in like manner as that in which their duty under section 24 of the 1946 Act may be discharged, and the power under subsection (2) above of such an authority may be exercised in like manner as that in which their duty under section 25 of that Act may be discharged.
- (4) A local health authority may make arrangements with another local health authority for there to be made available in that other authority's area, on such terms and conditions as may be agreed, the services of health visitors employed by the authority for the purposes of subsection (1) above or section 24 of the 1946 Act, and the services of nurses employed by them for the purposes of subsection (2) above or section 25 of that Act.
- (5) This section shall have effect in Scotland as if, for the references therein to sections 24 and 25 of the 1946 Act, there were substituted references respectively to sections 24 and 25 of the 1947 Act.

## **12 Prophylaxis, care and after-care**

- (1) Subject to the next following subsection, a local health authority may, with the approval of the Minister, and to such extent as he may direct shall, make arrangements for the purpose of the prevention of illness and for the care of persons suffering from illness and for the after-care of persons who have been so suffering and in particular, but without prejudice to the generality of the foregoing provisions, for—
  - (a) the provision, equipment and maintenance of residential accommodation for the care of persons with a view to preventing them from becoming ill, the care of persons suffering from illness and the after-care of persons who have been so suffering;
  - (b) the provision, for persons whose care is undertaken with a view to preventing them from becoming ill, persons suffering from illness and persons who have been so suffering, of centres or other facilities for training them or keeping them suitably occupied and the equipment and maintenance of such centres;
  - (c) the provision, for the benefit of such persons as are mentioned in the last foregoing paragraph, of ancillary or supplementary services; and
  - (d) as regards persons suffering from mental disorder within the meaning of the Mental Health Act 1959, the appointment of officers to act as mental welfare officers under that Act and, in the case of such persons so suffering as are received into guardianship under Part IV of that Act (whether the guardianship of the local health authority or of other persons), the exercise of the functions of the authority in respect of them.
- (2) Such an authority shall neither have the power nor be subject to a duty to make under this section arrangements for the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944.



- (3) No arrangements under this section shall provide for the payment of money to persons for whose benefit they are made except—
- (a) in so far as they may provide for the remuneration of such persons engaged in suitable work in accordance with the arrangements ; or
  - (b) to persons who are, or have been, suffering from mental disorder within the meaning of the Mental Health Act 1959, are under the age of sixteen years and are resident in accommodation provided under the arrangements, of such amounts as the local health authority think fit in respect of their occasional personal expenses where it appears to that authority that no such payment would otherwise be made.
- (4) The Minister may make regulations as to the conduct of premises in which, in pursuance of arrangements made under this section, are provided for persons whose care is undertaken with a view to preventing them from becoming sufferers from such mental disorder as aforesaid or who are, or have been, suffering therefrom residential accommodation or facilities for training them or keeping them suitably occupied, and any such regulations may in particular confer on officers of the Minister authorised thereunder such powers of inspection as may be prescribed by the regulations.
- (5) A local health authority may, with the approval of the Minister, recover from persons availing themselves of services provided in pursuance of arrangements made under this section such charges (if any) as the authority consider reasonable, having regard to the means of those persons.
- (6) Section 20 of the 1946 Act shall have effect as if any reference to duties of local health authorities under sections 21 to 28 of that Act included a reference to the duty of local health authorities under this section.
- (7) Subsections (1) to (3) of this section shall have effect in place of section 28(1) of the 1946 Act as extended by section 6 of the Mental Health Act 1959, and subsection (4) of this section shall have effect in place of section 7 of the said Act of 1959, and accordingly—
- (a) any arrangements made under the said section 28 by a local health authority which are in force immediately before the coming into operation of this section shall,
    - (i) so far as they could be made under subsection (1) above, have effect as if so made;
    - (ii) so far as they relate to any matters falling within section 3(1) of the Disabled Persons (Employment) Act 1958, have effect as if made under that section ;
  - (b) the submission under section 20 of the 1946 Act of proposals for carrying out the duty of the local health authority under this section by means of such arrangements which are so in force shall not be requisite;
  - (c) any proposals submitted by a local health authority under the said section 20 for carrying out their duties under the said section 28 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made under subsection (2) of the said section 20 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted;

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- (d) any regulations under the said section 7 which are in force at the coming into operation of this section, so far as they could be made under this section, shall have effect as if so made.

- (8) This section does not apply to Scotland.

### **13 Home help and laundry facilities**

- (1) It shall be the duty of every local health authority to provide on such a scale as is adequate for the needs of their area, or to arrange for the provision on such a scale as is so adequate of, home help for households where such help is required owing to the presence of a person who is suffering from illness, lying-in, an expectant mother, aged, handicapped as a result of having suffered from illness or by congenital deformity or a child who has not attained the age which, for the purposes of the Education Act 1944 is, in his case, the upper limit of the compulsory school age, and every such authority shall have power to provide or arrange for the provision of laundry facilities for households for which home help is being, or can be, provided under this subsection.
- (2) A local health authority may, with the approval of the Minister, recover from persons availing themselves of help or facilities provided under this section, such charges (if any) as the authority consider reasonable, having regard to the means of those persons.
- (3) This section shall have effect in place of section 29 of the 1946 Act.
- (4) This section shall have effect in Scotland in place of section 28 of the 1947 Act; as if, in subsection (1) thereof, for the reference to the Education Act 1944, there were substituted a reference to the Education (Scotland) Act 1962 and the word " compulsory " were omitted; and as if subsection (3) thereof were omitted.

### **14 Amendment of section 22 of 1946 Act and section 22 of 1947 Act**

- (1) Subsection (2) of section 22 of the 1946 Act (which enables local health authorities to charge for residential accommodation, day nurseries, food or articles provided under that section for mothers and young children) shall have effect with the substitution, for the words " residential accommodation, day nurseries, food or articles ", of the words " residential accommodation, day nurseries, child-minders, food or articles ".
- (2) For subsection (2) of section 22 of the 1947 Act (which enables local health authorities to charge for residential accommodation, day nurseries, food and other things provided under that section for mothers and young children) there shall be substituted the following subsection:—

“(2) Where under the aforesaid arrangements there is provided residential accommodation, day nurseries, child-minders, food or anything that may be prescribed, not being a drug, a medicine, or an appliance of a type normally supplied, the local health authority may recover from any person for whom such provision is made such charge as the authority may determine, having regard to the cost of such provision:

Provided that the authority may remit the said charge in whole or in part if, in the circumstances of any particular case, they consider it reasonable to do so”.

## **15 Provision of advice and c, for purposes of family planning in Scotland**

- (1) Any local health authority may, with the approval of the Minister, and shall to such extent as the Minister may direct, make arrangements for the giving of advice on contraception, the medical examination of persons seeking advice on contraception for the purpose of determining what advice to give, and the supply of contraceptive substances or contraceptive appliances.
- (2) A local health authority may, with the approval of the Minister, recover from persons to whom advice is given under this section, or to whom substances or appliances are supplied thereunder, or from such persons of any class or description such charges (if any) as the authority consider reasonable, having regard to the means of those persons.
- (3) The 1947 Act shall have effect as if this section were included in Part III thereof; and section 21 of that Act (submission by local health authorities of proposals for carrying out their duties under sections 22 to 27 of that Act) shall have effect as if any references therein to those duties included a reference to the functions of local health authorities under this section.
- (4) This section applies to Scotland only.

*General medical, dental and ophthalmic Services and pharmaceutical Services*

## **16 Constitution, and c, of Executive Councils in England and Wales**

- (1) Schedule 1 to this Act shall be substituted for Schedule 5 to the 1946 Act.
- (2) Sub-paragraph (c) of paragraph 1 of the said Schedule 1 shall not operate to disqualify a person who, at the coming into operation of this section, holds office as a member of an Executive Council and has the qualifications mentioned in that sub-paragraph from continuing to hold office for the residue of the term for which he was appointed.
- (3) In relation to each such Council, the term of office of each of the members thereof appointed by virtue of paragraph 1(b) and (c) of the said Schedule 1 otherwise than in the place of a former member shall, notwithstanding anything in regulations made under paragraph 6 of that Schedule, be such as the Minister may determine.
- (4) In relation to each such Council, the term of office of each of the members first appointed by virtue of paragraph 1(f) or (g) of the said Schedule 1 shall be such as the Minister may determine.
- (5) In so far as any regulation, appointment or determination made under the said Schedule 5 could have been made under a corresponding provision of the Schedule substituted therefor by this section, it shall not be invalidated by the substitution, but shall have effect as if it had been made under that corresponding provision.
- (6) This section does not apply to Scotland.

## **17 Alteration of references to services provided in accordance with arrangements under section 41 of the 1946 Act**

- (1) The services for the testing of sight and the supply of optical appliances which are provided in accordance with arrangements made under section 41 of the 1946 Act by Executive Councils shall, instead of being referred to in that Act as supplementary ophthalmic services, be so referred to as general ophthalmic services, and, accordingly,

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for the words " supplementary ophthalmic services" in that Act (wherever they occur) and in section 1(4) of the National Health Service Act 1951, there shall be substituted the words " general ophthalmic services ".

(2) This section does not apply to Scotland.

## **18 Provision of ophthalmic services by Executive Councils in England and Wales to be on permanent basis, and facilities for provision thereof to be available at health centres**

(1) The power of the Minister under section 41(4) of the 1946 Act to direct that that section shall cease to apply to an area shall cease to be exercisable, and the functions under that section of Executive Councils shall cease to be exercised on their behalf by Ophthalmic Services Committees (which shall, accordingly, be dissolved).

(2) Section 43 of the 1946 Act (which enables the Minister to remedy inadequacies in services provided under arrangements in force under Part IV of that Act) shall have effect as if, after paragraph (c) of that section, there were inserted the following:—

“or

(d) of persons undertaking to provide general ophthalmic services;”  
 and as if the word " or ", where occurring immediately before paragraph (c), were omitted.

(3) Section 21 of the 1946 Act (duty of local health authorities to provide, maintain and equip health centres at which facilities for various purposes shall be available) shall be amended as follows:—

(a) in subsection (1), after paragraph (c), there shall be inserted the following paragraph:—

“(ca) for the provision of general ophthalmic services under Part IV of this Act by medical practitioners having the qualifications prescribed for the purposes of section forty-one of this Act, ophthalmic opticians and dispensing opticians and, on such terms and conditions as may be determined by the Minister, for the provision by persons of each of the descriptions aforesaid of such (if any) other ophthalmic services as may, in the case of a particular health centre, be so determined in relation to persons of that description”;

(b) in subsection (2), at the end of the proviso (which prohibits local health authorities from employing medical or dental practitioners at health centres for the purpose of providing general medical services or general dental services under Part IV of the Act) there shall be added the words " nor shall they employ medical practitioners or opticians at such centres for the purpose of providing general ophthalmic services under the said Part IV ";

and in section 41(1) of that Act, after the word "testing" and after the word " supply", there shall be inserted the words " whether at a health centre or otherwise ".

(4) This section does not apply to Scotland.

## **19 General ophthalmic services in Scotland**

(1) The services to be provided in accordance with the arrangements mentioned in section 42 of the 1947 Act shall, instead of being referred to in that Act as

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supplementary ophthalmic services, be so referred to as general ophthalmic services, and, accordingly, for the words "supplementary ophthalmic services" in that Act (wherever they occur) and in section 1(4) of the National Health Service Act 1951 there shall be substituted the words " general ophthalmic services ".

- (2) Subsections (2) and (4) of the said section 42 shall cease to have effect; and the said section shall have effect as if, after subsection (1) thereof, there were inserted the following subsections :—

“(2) Provision shall be made by regulations for the delegation by each Executive Council of such of their functions under this section as may be prescribed to a committee, constituted in the prescribed manner so as to include members appointed by that Council, by medical practitioners having the prescribed qualifications, by ophthalmic opticians and by dispensing opticians, for the areas of that Council and of such other Executive Council or Executive Councils as may be specified in the regulations; and any committee constituted under this subsection shall be known as a Joint Ophthalmic Services Committee.

(2A) Regulations constituting a Joint Ophthalmic Services Committee under subsection (2) above may contain such supplementary and incidental provisions as appear to the Secretary of State to be necessary or expedient, including provision for the payment of the expenses of the Committee by the constituent Councils thereof; for the application, with such modifications as may be prescribed, to the Committee of any provision of this Act relating to ophthalmic services; for any of the matters for which, in relation to an Executive Council, provision is or may be made by or under the supplementary provisions of the Sixth Schedule to this Act; and for the transfer of officers and their compensation by the Secretary of State, and the transfer of property and liabilities”.

- (3) Section 43 of the 1947 Act (disqualification of persons providing services under Part IV) shall have effect as if any reference therein to an Executive Council included a reference to a Joint Ophthalmic Services Committee.
- (4) Section 44 of the 1947 Act (powers of Secretary of State where services under Part IV are inadequate) shall have effect as if, after paragraph (c) of that section, there were inserted the following:—

“or

(d) of persons undertaking to provide general ophthalmic services”;  
and as if the word " or ", where occurring immediately before the said paragraph (c), were omitted.

- (5) The power to make regulations under the said section 42 shall include power to make regulations providing for the dissolution of any joint committee for ophthalmic services constituted by order under subsection (4) of section 32 of the 1947 Act and (notwithstanding anything in section 73 of that Act, which relates among other things to the revocation of orders) any such regulations may revoke any order made under that subsection and relating to ophthalmic services; and references in any order or regulations made under the National Health Service (Scotland) Acts 1947 to 1967 to a Joint Ophthalmic Services Committee constituted by virtue of the said section 32(4) shall (except in provisions relating to the constitution or dissolution of such a committee) be construed as including references to a Joint Ophthalmic Services

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Committee constituted by virtue of subsection (2) of the said section 42 as amended by this section.

(6) References in the National Health Service (Scotland) Acts 1947 to 1967, and in any order or regulations made thereunder, to Ophthalmic Services Committees constituted by virtue of subsection (2) of the said section 42 as originally enacted shall be construed as references to Joint Ophthalmic Services Committees constituted by virtue of subsection (2) of the said section 42 as amended by this section.

(7) Section 15 of the 1947 Act (health centres) shall have effect as if in subsection (1) thereof, after paragraph (c), there were inserted the following paragraph:—

“(ca) the provision of general ophthalmic services under Part IV of this Act by medical practitioners having the qualifications prescribed for the purposes of section 42 of this Act, ophthalmic opticians and dispensing opticians and, on such terms and conditions as may be determined by the Secretary of State, the provision by persons of each of the descriptions aforesaid of such (if any) other ophthalmic services as may, in the case of a particular health centre, be so determined in relation to persons of that description  
 and in section 42(1) of that Act, after the word " testing " and after the word " supply", there shall be inserted the words " whether at a health centre or otherwise "  
 .”

(8) This section applies to Scotland only.

## **20      Redefinition of "dispensing optician" and "ophthalmic optician" for purposes of the 1946 and 1947 Acts**

(1) For the definitions, in section 79(1) of the 1946 Act, of " dispensing optician " and " ophthalmic optician ", there shall be substituted respectively the following definitions:—

“" dispensing optician " means a person who is registered in the register kept under section 2 of the Opticians Act 1958 of dispensing opticians or a body corporate enrolled in the list kept under section 4 of that Act of such bodies carrying on business as dispensing opticians;

" ophthalmic optician " means a person registered in either of the registers kept under section 2 of the Opticians Act 1958 of ophthalmic opticians or a body corporate enrolled in the list kept under section 4 of that Act of such bodies carrying on business as ophthalmic opticians”.

(2) This section shall have effect in Scotland as if, for the reference therein to section 79(1) of the 1946 Act, there were substituted a reference to section 80(1) of the 1947 Act.

## **21      Additional dental and pharmaceutical services for whose provision facilities can be made available at health centres and prohibition of employment there of registered pharmacists**

(1) At the end of paragraph (b) of subsection (1) of section 21 of the 1946 Act (which includes amongst the purposes for which facilities can be made available at health centres the provision of general dental services under Part IV of the Act by dental practitioners), there shall be added the words " and, on such terms and conditions as may be determined by the Minister, for the provision by dental practitioners, otherwise

than as part of general dental services provided under the said Part IV, of such (if any) dental treatment and appliances as may be so determined in the case of a particular health centre ".

- (2) At the end of paragraph (c) of the said subsection (1) (which includes amongst the purposes for which facilities can be made available at health centres the provision of pharmaceutical services under Part IV by registered pharmacists), there shall be added the words " and, on such terms and conditions as may be determined by the Minister, for the provision by registered pharmacists, otherwise than as part of pharmaceutical services provided under the said Part IV, of such (if any) drugs, medicines and appliances and articles (other than as aforesaid) ordinarily supplied by pharmacists as may be so determined in the case of a particular health centre ".
- (3) A local health authority shall not, in the performance of the duty imposed on them by subsection (2) of the said section 21 to provide staff for health centres, employ registered pharmacists at a particular health centre for the purpose of providing pharmaceutical services under the said Part IV, unless they were doing so on the 22nd March 1968 ; and, if they were doing so on that day, they shall not employ registered pharmacists at that centre for that purpose to a number greater than that to which they employed them there for that purpose on that day.
- (4) The foregoing provisions of this section do not apply to Scotland, but section 15(6) of the 1947 Act shall have effect as if the references therein to medical practitioners, general medical services under Part IV of that Act and other personal medical services included—
  - (a) references respectively to dental practitioners, general dental services under the said Part IV and other personal dental services; and
  - (b) references respectively to registered pharmacists, pharmaceutical services under the said Part IV and other personal pharmaceutical services.

## **22 Use of health centres in England and Wales by practitioners**

- (1) For section 46 (use of health centres by practitioners) of the 1946 Act there shall be substituted the following section:—

Where a health centre provides facilities for all or any of the purposes specified in paragraphs (a), (b), (c) and (ca) of subsection (1) of section twenty-one of this Act, it shall, subject to regulations and to any determination under that subsection by the Minister, be made available for the purposes in the case of which the facilities are provided on such terms as may be agreed between the Executive Council and the local health authority providing the centre or, in default of agreement, as may be determined by the Minister; and the Executive Council may, subject to any such determination as aforesaid, make such charges for the use of the centre by the persons who use it for the last-mentioned purposes as the Council think sufficient for the purpose of defraying the payments made by them to the local health authority, and may recover those charges from those persons".

- (2) This section does not apply to Scotland.

## **23 What drugs are to be made available to recipients of general dental services**

- (1) Section 38 of the 1946 Act (which requires every Executive Council to make as respects their area arrangements for the supply, amongst other things, of prescribed

drugs and medicines to all persons in the area who are receiving general dental services) shall have effect with the substitution, for references to such drugs and medicines, of references to such drugs and medicines as are included in a list for the time being approved for the purposes of that section by the Minister.

- (2) This section shall have effect in Scotland as if, for the reference therein to section 38 of the 1946 Act, there were substituted a reference to section 40 of the 1947 Act.

## **24 Power of Executive Councils to supply goods and materials to persons providing certain services**

- (1) Arrangements made by an Executive Council as respects their area under any of the following provisions of the 1946 Act, namely, section 33 (general medical services), 38 (pharmaceutical services), 40 (general dental services) and 41 (general ophthalmic services) may include provision for the supply by the Council, with the consent of the Minister and on such terms as he and the Treasury may approve, to medical practitioners providing general medical services in the area, persons providing pharmaceutical services therein, dental practitioners providing general dental services therein and persons providing general ophthalmic services therein, as the case may be, of goods or materials prescribed by regulations made by the Minister, being goods or materials which it appears to him it is necessary or expedient for a person providing any such service as aforesaid to have for the purpose of providing that service.
- (2) This section shall have effect in Scotland as if, for the references to sections 33, 38, 40 and 41 of the 1946 Act, there were substituted respectively references to sections 34, 40, 39 and 42 of the 1947 Act.

## **25 Disqualification of practitioners and others disqualified in Northern Ireland**

- (1) Section 42(6) of the 1946 Act (disqualification for inclusion in lists prepared under Part IV of the 1946 Act and removal therefrom of persons disqualified under provisions in force in Scotland corresponding to provisions of the said Part IV for inclusion in lists prepared under those provisions so in force) shall have effect with the insertion, after the word " Scotland ", of the words " or Northern Ireland ".
- (2) Subsection (6) of section 43 of the 1947 Act (which makes in relation to Scotland provision corresponding to that of the said section 42(6)) shall have effect with the substitution, for the words from the beginning of the subsection to the words " under that Part of that Act ",
- of the words " If under any provisions in force in England and Wales or Northern Ireland corresponding to the provisions of this Part of this Act a person is for the time being disqualified for inclusion in all lists prepared under those provisions ", and the insertion, after the words " subsection (1) of this section ", of the words " that person ".

## **26 Inquiries in connection with removals of disqualifications of practitioners and others**

- (1) For the purpose of deciding whether or not to issue a direction under section 42(5) or (8) of the 1946 Act that a person shall not be disqualified for inclusion in a list prepared under Part IV of that Act, the Tribunal constituted in accordance with Schedule 7 to that Act or the Minister, as the case may be, may hold an inquiry, and paragraph (a) of subsection (7) of that section (which specifies matters with respect to which regulations may be made under that subsection) shall have effect as if—



- (a) references to that section included references to this section;
  - (b) the first two references to the Tribunal included references to the Minister; and
  - (c) for the reference to the case of an appeal, there were substituted a reference to the case of an inquiry by, or appeal to, the Minister.
- (2) This section shall have effect in Scotland as if, for the references therein to any provision of section 42 and Part IV of, and Schedule 7 to, the 1946 Act, there were substituted references respectively to the corresponding provision of section 43 and Part IV of, and Schedule 8 to, the 1947 Act.

*Finance, &c*

**27 Approval of expenditure of Hospital Management Committees, Boards of Management and Medical Education Committees by Regional Hospital Boards instead of by the Minister**

- (1) For the condition specified in subsection (2) of section 54 of the 1946 Act on satisfaction of which expenditure of a Hospital Management Committee is to be defrayed by the Regional Hospital Board for the area in which the hospital or group of hospitals in question is situated, namely, that the expenditure must be expenditure approved by the Minister in manner prescribed by regulations made by the Minister under the 1946 Act, there shall be substituted the condition that the expenditure must be approved, in such manner, by that Board; and, accordingly, for the said subsection (2) there shall be substituted the following subsection:—

“(2) All expenditure of a Hospital Management Committee approved, in the prescribed manner, by the Regional Hospital Board for the area in which the hospital or group of hospitals in question is situated shall be defrayed by that Board”.

- (2) For the condition specified in subsection (2) of section 54 of the 1947 Act on satisfaction of which expenditure of a Board of Management of a hospital or group of hospitals situated in any area, or of the Medical Education Committee for any area, is to be defrayed by the Regional Hospital Board for that area, namely that the expenditure must be approved by the Minister in the manner prescribed by regulations made by the Minister under the 1947 Act, there shall be substituted the condition that the expenditure must be approved, in such manner, by that Regional Hospital Board; and, accordingly, for the said subsection (2) there shall be substituted the following subsection:—

“(2) All expenditure of the Board of Management of a hospital or group of hospitals situated in any area, or of the Medical Education Committee for any area, approved in the prescribed manner by the Regional Hospital Board for that area shall be defrayed by that Regional Hospital Board”.

**28 Accounts of Regional Hospital Boards and other bodies**

- (1) Subsections (2) and (3) of section 55 of the 1946 Act (which relate to the accounts of Regional Hospital Boards, Boards of Governors of teaching hospitals, Hospital Management Committees and Executive Councils) shall have effect in relation to the Dental Estimates Board as they have effect in relation to a Regional Hospital Board, and the Minister shall prepare in respect of each financial year, in such form and containing such information as the Treasury may direct, a statement of the accounts

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of the Dental Estimates Board, and shall transmit it on or before the 30th day of November in each year to the Comptroller and Auditor-General who shall examine and certify it and lay copies of it together with his report thereon before both Houses of Parliament.

- (2) The Minister may by regulations make provision generally with respect to the audit under the said subsection (2) of accounts of bodies to which that subsection applies, 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 any such body, such information relating to the affairs of the body as the Minister may think necessary for the proper performance of the duty of the auditor under that section.
- (3) The form of accounts to be kept by any such body under the said section 55(2) and of the annual accounts to be prepared and transmitted to the Minister under the said section 55(3) shall, instead of being such as the Minister may with the approval of the Treasury prescribe, be such as he may, with such approval, direct; and accordingly in the said sections 55(2) and 55(3), for the word " prescribe " in each place where it occurs, there shall be substituted the word " direct ".
- (4) This section shall have effect in Scotland as if, for subsection (1) thereof, there were substituted the following subsection: —
  - “(1) Subsections (2) and (3) of section 55 of the 1947 Act (which relate to the accounts of Regional Hospital Boards, Boards of Management and Executive Councils) shall have effect in relation to the Scottish Dental Estimates Board as they have effect in relation to any such Regional Hospital Board, Board of Management or Council; and the Minister shall prepare in respect of each financial year, in such form and containing such information as the Treasury may direct, a statement of the accounts of the Scottish Dental Estimates Board, and shall transmit it on or before the 30th day of November in each year to the Comptroller and Auditor-General who shall examine and certify it and lay copies of it together with his report thereon before both Houses of Parliament”.

## **29 Regulation of financial arrangements of hospital authorities and other bodies**

- (1) The Minister may by regulations provide, in the case of all or any of the following bodies that is to say, Regional Hospital Boards, Boards of Governors of teaching hospitals, Hospital Management Committees, Executive Councils, joint committees established for the areas of two or more such Councils under section 31(4) of the 1946 Act, and the Dental Estimates Board, for restricting the making of payments by or on behalf of the body otherwise than on such authorisation and subject to such conditions as may be specified in the regulations, but such provision may be made subject to such exceptions as may be so specified; and those regulations may contain such other provisions as to the making and carrying out by all or any of those bodies of such arrangements with respect to financial matters as the Minister thinks necessary for the purpose of securing that the affairs of such bodies are conducted, so far as reasonably practicable, in such manner as to prevent financial loss and to ensure and maintain efficiency.
- (2) Without prejudice to the operation of the provisions of any such regulations, the Minister may give to any of the said bodies such directions (which may be specific in character) as to any matter with respect to which regulations may be made under the

foregoing subsection as it appears to him is requisite for the purpose of securing that the affairs of the body are conducted, so far as reasonably practicable, in such manner as is mentioned in the foregoing subsection, and a body to whom any such directions are given shall comply therewith.

(3) This section shall have effect in Scotland as if—

- (a) any reference to Boards of Governors of teaching hospitals were omitted;
- (b) for any reference to a Hospital Management Committee there were substituted a reference to a Board of Management;
- (c) for any reference to the Dental Estimates Board there were substituted a reference to the Scottish Dental Estimates Board;
- (d) for any reference to section 31(4) of the 1946 Act there were substituted a reference to section 32(4) of the 1947 Act.

#### *Miscellaneous Provisions*

### **30 Certificates for exemption from prescription charges**

- (1) Regulations made under section 38(3) of the 1946 Act (which authorises regulations providing for the making and recovery of charges in respect of pharmaceutical services) and regulations made under section 1(1) of the National Health Service Act 1952 (which authorises regulations providing for the making and recovery of charges in respect of the supply, as part of hospital and specialist services under Part II of the 1946 Act, of drugs, medicines and appliances) may each provide for the grant, on payment of such sums as may be thereby prescribed, of certificates conferring on the persons to whom the certificates are granted exemption from charges otherwise exigible under the regulations in respect of drugs, medicines and appliances supplied during such period as may be so prescribed ; and different sums may be so prescribed in relation to different periods.
- (2) This section shall have effect in Scotland as if, for the references therein to section 38(3) and Part II of the 1946 Act, there were substituted references respectively to section 40(3) and Part II of the 1947 Act.

### **31 Power of the Minister to make services available and, in certain circumstances, to provide them otherwise than for purposes of hospital and specialist services**

The Minister may allow persons to make use (on such terms, including terms as to the payment of charges, as he thinks fit) of any services the provision of which is involved in the provision of hospital and specialist services; and he may, in the case of services the provision of which is so involved, provide them to an extent greater than that necessitated by the provision of hospital and specialist services if he thinks it expedient so to do in order to allow persons to make use of them.

### **32 Power of the Minister to dispose of goods and, in certain circumstances, to produce or manufacture them otherwise than for purposes of hospital and specialist services**

- (1) The Minister may sell or give away, or otherwise dispose of, goods the production or manufacture whereof by him is involved in the provision of hospital and specialist services ; and he may, in the case of goods such as aforesaid which are prescribed for the purposes of this section by regulations made by the Minister, produce or

manufacture them to an extent greater than that necessitated by the provision of such services in order that they may be supplied to persons other than those to whom they are supplied by way of the provision of such services (whether or not the first-mentioned persons are engaged in the provision of other services provided by virtue of the 1946 Act).

- (2) This section shall have effect in Scotland as if, for the reference therein to the 1946 Act, there were substituted a reference to the 1947 Act.

### **33 Provision of vehicles for persons suffering from physical defect or disability**

- (1) The Minister may provide invalid carriages for persons appearing to him to be suffering from severe physical defect or disability and, at the request of such a person, may provide for him a vehicle other than an invalid carriage.
- (2) The Minister shall have power, in the case of an invalid carriage or other vehicle provided by him for or belonging to any such person as is mentioned in the foregoing subsection, on such terms and subject to such conditions as he may determine.—
  - (a) to adapt the vehicle for the purpose of making it suitable for the circumstances of that person;
  - (b) to maintain and repair the vehicle ;
  - (c) to take out insurance policies relating to the vehicle and pay the duty, if any, with which the vehicle is chargeable under the Vehicles (Excise) Act 1962;
  - (d) to provide a structure for the keeping of the vehicle therein and provide all material and execute all works necessary for the erection of the structure.
- (3) The Minister may, on such terms and subject to such conditions as he may determine, make payments by way of grant towards costs incurred by any such person as is mentioned in subsection (1) above in respect of all or any of the following matters in relation to an invalid carriage or other vehicle provided by the Minister for or belonging to that person, that is to say, the taking of any such action as is referred to in subsection (2) above, the purchase of fuel for the purposes of the vehicle, so far as the cost of the purchase is attributable to duties of excise payable In respect of the fuel, and the taking of instruction in the driving of the vehicle.
- (4) Section 3(2) of the 1946 Act (making and recovering of charges in respect of the supply, as part of hospital and specialist services, of certain appliances and, in certain circumstances, in respect of replacement or repair of appliances supplied as part of such services) shall have effect as if any reference to an appliance included a reference to a vehicle and, in relation to a vehicle, any reference to replacement or repair were a reference to replacement thereof or the taking of any such action in relation thereto as is mentioned in subsection (2) above.
- (5) Regulations made by the Minister may provide for any incidental or supplementary matter for which it appears to the Minister necessary or expedient to make provision in connection with the taking of any action under subsection (2) above or the making of any payment under subsection (3) above.
- (6) The provision of vehicles as mentioned in this section and the taking of any such action as is mentioned in subsection (2) above shall, for the purposes of the 1946 Act, be treated as having been included from 5th July 1948 among hospital and specialist services provided under Part II of that Act.

- (7) In this section " invalid carriage " means a mechanically propelled vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and used solely by such a person.
- (8) This section shall have effect in Scotland as if, for references therein to the 1946 Act, or any Part or provision thereof, there were substituted respectively references to the 1947 Act and the corresponding Part or provision of that Act.

**34 Superannuation of officers of hospitals outside national health service used for providing hospital and specialist services by agreement with Boards of Governors**

- (1) Section 18 of the 1949 Act (which enables officers of a hospital to which the section applies to be admitted to participate in superannuation benefits provided under section 67(1) of the 1946 Act in like manner as officers of Regional Hospital Boards) shall be extended so that the hospitals to which the section applies shall include a hospital (not vested in the Minister) which is used, in pursuance of arrangements made by the governing body of the hospital with the Board of Governors of a teaching hospital, for the provision of hospital and specialist services; and, accordingly, in subsection (4) of the said section 18, after the words " Regional Hospital Board ", there shall be inserted the words " or the Board of Governors of a teaching hospital ".
- (2) This section does not apply to Scotland.

**35 Compensation for loss of employment, and c, attributable to re-organisation of provision of hospital services, and c**

- (1) The Minister may make regulations for the payment by him, but subject to such exceptions or conditions as may be prescribed by the regulations, of compensation to, or in respect of, persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to—
  - (a) the occurrence, after the coming into operation of this section, of any of the events mentioned in paragraphs (a) to (c) of section 11(9) of the 1946 Act; or
  - (b) the making, after coming into operation of this section, of an order under subsection (2), (3) or (4) of section 31 of that Act, or an order revoking an order made under any of those subsections.
- (2) Different regulations may be made under this section in relation to different classes of persons and different circumstances, and any such regulations may be so framed as to have effect as from a date earlier than the making thereof, so however that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person (other than the Minister) in a worse position than he would have been in if the regulations had been so framed as to have effect only as from the date of the making thereof.
- (3) Regulations made under this section may include provision as to the manner in which and the person to whom any claim for compensation is to be made and for the determination of all questions arising under the regulations.
- (4) This section shall have effect in Scotland as if, in paragraph (a) of subsection (1) thereof, for the reference to paragraphs (a) to (c) of section 11(9) of the 1946 Act,

there were substituted a reference to paragraphs (a) and (b) of section 11(10) of the 1947 Act, and as if, in paragraph (b) of that subsection, for the reference to section 31 of the 1946 Act, there were substituted a reference to section 32 of the 1947 Act.

**36      Payment of allowances and remuneration to members of certain bodies established by or under the 1946 Act and members of certain other bodies in England and Wales**

(1) The Minister may pay—

- (a) to members of any of the following bodies constituted under the 1946 Act, that is to say—
  - (i) the Central Health Services Council, any standing advisory committee constituted under section 2 of that Act to advise the Minister and that Council, any committee appointed by that Council under paragraph 4 of Schedule 1 to that Act and any sub-committee appointed by any such standing advisory committee under the said paragraph 4 ;
  - (ii) a Regional Hospital Board, Hospital Management Committee, Board of Governors of a teaching hospital and any committee appointed by virtue of paragraph 2(b) of Part IV of Schedule 3 to that Act;
  - (iii) an Executive Council, any joint committee established for the area of two or more such Councils under section 31(4) of that Act, the Dental Estimates Board, and any committee appointed by virtue of paragraph 3(b) of Schedule 5 to that Act or paragraph 6(b) of Schedule 1 to this Act;
  - (iv) the Medical Practices Committee and the Tribunal constituted under section 42 of that Act;
- (b) to members of a body not so constituted being a body specified in an order made by the Minister as being a body recognised by him to have been formed for the purpose of performing a function connected with the provision of services under the 1946 Act;

such travelling and other allowances, including compensation for loss of remunerative time, as he may, with the approval of the Treasury, from time to time determine.

- (2) The Minister may pay to members of any of the following bodies, that is to say, the Dental Estimates Board, the Medical Practices Committee, the said Tribunal, and any other body constituted under or by virtue of Part IV of the 1946 Act, being a body specified in an order made for the purposes of this subsection, with the approval of the Treasury, by the Minister, such remuneration as he may, with such approval, from time to time determine.
- (3) Allowances shall not be paid under subsection (1) above except in connection with the exercise or performance of such powers or duties, in such circumstances, as may, with the approval of the Treasury, be determined by the Minister.
- (4) Any payments made under this section shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Minister may, with the approval of the Treasury, determine.
- (5) This section does not apply to Scotland.

**37      Payment of allowances and remuneration to members of certain bodies established by or under the 1947 Act and members of certain other bodies in Scotland**

- (1) The Minister may pay—
- (a) to members of any of the following bodies constituted under the 1947 Act, that is to say—
    - (i) the Scottish Health Services Council, any standing advisory committee constituted under section 2 of that Act to advise the Minister and that Council, any committee appointed by that Council under paragraph 4 of Schedule 1 to that Act and any sub-committee appointed by any such standing advisory committee under the said paragraph 4 ;
    - (ii) a Regional Hospital Board, a Board of Management and any committee appointed by virtue of paragraph 2(b) of Part IV of Schedule 4 to that Act;
    - (iii) an Executive Council, any joint committee established for the area of two or more such Councils under section 32(4) of that Act, the Scottish Dental Estimates Board, and any committee appointed by virtue of paragraph 4(b) of Schedule 6 to that Act;
    - (iv) the Scottish Medical Practices Committee and the Tribunal constituted under section 43 of that Act;
  - (b) to members of a body not so constituted, being a body specified in an order made by the Minister as being a body recognised by him to have been formed for the purpose of performing a function connected with the provision of services under the 1947 Act;
- such travelling and other allowances, including compensation for loss of remunerative time, as he may, with the approval of the Treasury, from time to time determine.
- (2) The Minister may pay to members of any of the following bodies, that is to say, the Scottish Dental Estimates Board, the Scottish Medical Practices Committee, the said Tribunal, and any other body constituted under or by virtue of Part IV of the 1947 Act, being a body specified in an order made for the purposes of this subsection, with the approval of the Treasury, by the Minister, such remuneration as he may, with such approval, from time to time determine.
- (3) Allowances shall not be paid under subsection (1) above except in connection with the performance of such powers or duties, in such circumstances, as may, with the approval of the Treasury, be determined by the Minister.
- (4) Any payments made under this section shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Minister may, with the approval of the Treasury, determine.
- (5) This section applies to Scotland only.

**38      Power to confer right of appeal from determination of committee as to medical practitioner's qualifications**

- (1) The power conferred by section 41 of the 1946 Act to prescribe the qualifications to be possessed by a medical practitioner shall include power to confer on a person who is dissatisfied with the determination of a committee to whom, in pursuance of regulations made in exercise of the power so conferred, he is required to show that he

possesses qualifications, a right of appeal to a committee appointed by the Minister, and to make provision for any matter for which it appears to the Minister to be requisite or expedient to make provision in consequence of the conferring of that right.

- (2) Section 21(1) of the 1949 Act (removal of doubts as to powers to prescribe qualifications of medical practitioners) shall have effect with the omission of the words " or to the satisfaction of the Minister acting on the advice of such a committee ".
- (3) This section shall have effect in Scotland as if, in subsection (1) thereof, for the reference to section 41 of the 1946 Act there were substituted a reference to section 42 of the 1947 Act; and as if, in subsection (2) thereof, for the words " the Minister " there were substituted the words " the Secretary of State ".

### **39      Power to recover cost of replacing appliances where the replacement is necessitated by lack of care**

- (1) Paragraph (b) of section 3(2) of the 1946 Act (which includes amongst the matters in respect of which charges may be imposed by regulations of the Minister, the replacement or repair of an appliance supplied as part of the hospital and specialist services if it is determined in manner prescribed by the regulations that the replacement or repair is necessitated by lack of care on the part of the person supplied) shall be amended by the substitution, for the words " lack of care on the part of the person supplied ", of the words " an act or omission of the person supplied or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred,"; and paragraph (b) of section 44(1) of that Act (which makes similar provision with respect to dental appliances supplied as part of general dental services and optical appliances supplied as part of general ophthalmic services) shall be similarly amended.
- (2) This section shall have effect in Scotland as if, for the references therein to section 3(2) and section 44(1) of the 1946 Act, there were substituted references respectively to section 3(3) and section 45(1) of the 1947 Act.

### **40      Accommodation for persons displaced in course of development for purposes of the Acts relating to the national health service or to mental health**

- (1) Where the carrying out of a scheme for the provision by the Minister in pursuance of the 1946 Act or Part VII of the Mental Health Act 1959 of hospital accommodation or other facilities will involve the displacement from any premises of persons residing therein, the Minister may make arrangements with one or more of the following bodies, that is to say, an authority who are a local authority for the purposes of the Housing Act 1957, a housing association within the meaning of that Act, a housing trust within the meaning of that Act, a development corporation established under the New Towns Act 1965 and the Commission for the New Towns, for securing, in so far as it appears to him that there is no other residential accommodation suitable for the reasonable requirements of those persons available on reasonable terms, the provision of residential accommodation in advance of the displacements from time to time becoming necessary as the carrying out of the scheme proceeds.
- (2) Arrangements made under the foregoing subsection may include provision for the making by the Minister to the body with whom the arrangements are made of payments of such amounts and for such purposes as may be approved by the Treasury.
- (3) This section shall have effect in Scotland as if, in subsection (1) thereof,



- (a) for the references to the 1946 Act, Part VII of the Mental Health Act 1959, the Housing Act 1957 and the New Towns Act 1965, there were substituted references respectively to the 1947 Act, Part VII of the Mental Health (Scotland) Act 1960, the Housing (Scotland) Act 1966 and the New Towns (Scotland) Act 1968;
- (b) the reference to a housing association within the meaning of the said Act of 1966 included a reference to the Scottish Special Housing Association;
- (c) for the words " a housing trust within the meaning of that Act", there were substituted the words " a housing trust within the meaning of the Housing (Repairs and Rents) (Scotland) Act 1954 ; and
- (d) the reference to the Commission for the New Towns were omitted.

#### **41 Provision of practice accommodation in Scotland**

- (1) The power conferred on Executive Councils by section 64(2) of the 1947 Act to provide, if authorised by the Minister in certain circumstances, residential accommodation for medical practitioners providing services under Part IV of that Act shall include power to provide, if so authorised in like circumstances, practice accommodation for—
  - (a) medical practitioners providing such services as aforesaid, and
  - (b) persons providing such other services under the National Health (Scotland) Acts 1947 to 1967 or under this Part of this Act as may be so authorised either generally or in special cases.
- (2) In this section " practice accommodation " in relation to a person providing services of any kind means accommodation suitable for the provision of services of that kind.
- (3) This section applies to Scotland only.

#### **42 Orders and regulations**

- (1) Any power conferred by this Part of this Act to make an order or regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any power conferred by this Part of this Act to make regulations shall, if the Treasury so direct, not be exercisable except in conjunction with the Treasury.
- (3) Any power conferred by this Part of this Act to make an order shall include power exercisable in like manner to vary or revoke an order.

#### **43 Interpretation of Part I, and application of provisions of the 1946 and 1947 Acts**

- (1) In this Part of this Act, " the 1946 Act" means the National Health Service Act 1946 as amended by any subsequent enactment, " the 1947 Act" means the National Health Service (Scotland) Act 1947 as amended by any subsequent enactment and "the 1949 Act" means the National Health Service (Amendment) Act 1949.
- (2) In this Part of this Act, in its application to England and Wales, the expression " the Minister " means the Minister of Health, and any other expression to which a meaning is assigned by the 1946 Act for the purposes of that Act has that meaning also for the purposes of this Part of this Act in its application to England and Wales.

- (3) In this Part of this Act, in its application to Scotland, the expression "the Minister" means the Secretary of State, and any other expression to which a meaning is assigned by the 1947 Act for the purposes of that Act has that meaning also for the purposes of this Part of this Act in its application to Scotland.
- (4) In the provisions of the 1946 Act specified in Part I of Schedule 2 to this Act references to that Act shall include references to this Part of this Act in its application to England and Wales, and in section 65 (residential accommodation for staff) of that Act the reference to Part III thereof shall include a reference to this Part of this Act in its application as aforesaid ; and in the provisions of the 1947 Act specified in Part II of that Schedule the references to that Act shall include references to this Part of this Act in its application to Scotland, and in section 64 (residential accommodation for staff) of that Act, the reference to Part III thereof shall include a reference to this Part of this Act in such last mentioned application thereof.

## PART II

### AMENDMENTS CONNECTED WITH LOCAL AUTHORITIES' SERVICES UNDER THE NATIONAL ASSISTANCE ACT 1948

#### **44      Extension of power, under the National Assistance Act 1948, of local authority to provide accommodation elsewhere than in premises managed by them or another such authority**

- (1) For subsection (1) of section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), there shall be substituted the following subsections:—
  - “(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, but subject to the next following subsection, a scheme under section twenty-one thereof may provide that a local authority—
    - (a) may make, in lieu or in supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (a) of subsection (1) of the said section twenty-one, arrangements—
      - (i) with a voluntary organisation managing any premises, for the provision in those premises of accommodation of that kind ;
      - (ii) with a person registered under section thirty-seven of this Act in respect of a disabled persons' or old persons' home, for the provision in that home of accommodation of that kind ; and
    - (b) may make, in lieu or in supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (b) of the said subsection (1), arrangements with a voluntary organisation managing any premises for the provision in those premises of accommodation of that kind.
  - (1A) No arrangements shall be made by virtue of paragraph (a) of the foregoing subsection by a local authority with a person who has been convicted of an offence against regulations under section forty of this Act”.
- (2) In subsection (2) of the said section 26 (which requires arrangements under subsection (1) of that section to provide for the making by the local authority of

payments to the voluntary organisation with which they are made) for the words "the organisation " there shall be substituted the words " the other party thereto ".

#### **45 Promotion, by local authorities, of the welfare of old people**

- (1) A local authority may with the approval of the Minister of Health, and to such extent as he may direct shall, make arrangements for promoting the welfare of old people.
- (2) A local authority may recover from persons availing themselves of any service provided in pursuance of arrangements made under this section such charges (if any) as, having regard to the cost of the service, the authority may determine, whether generally or in the circumstances of any particular case.
- (3) A local authority may employ as their agent for the purposes of this section any voluntary organisation having for its sole or principal object, or among its principal objects, the promotion of the welfare of old people.
- (4) No arrangements under this section shall provide—
  - (a) for the payment of money to old people except in so far as the arrangements may provide for the remuneration of old people engaged in suitable work in accordance with the arrangements;
  - (b) for making available any accommodation or services required to be provided under the National Health Service Act 1946 or Part I of this Act.
- (5) The National Assistance Act 1948 shall have effect as if the following references included a reference to this section, that is to say.—
  - (a) the reference, in section 32, to section 29 of that Act;
  - (b) the references, in sections 35, 36, 45, 52 and 58 and Parts I and II of Schedule 3 (except in the first place in paragraph 1(1)), to Part III of that Act;
  - (c) the references, in sections 54, 56 and 59, to that Act.
- (6) Subject to the next following subsection, all matters relating to the discharge of the functions of a local authority under this section shall stand referred to the committee established by that authority in pursuance of paragraph 1 of Schedule 3 to the said Act of 1948.
- (7) A direction given, before the coming into operation of this section, by the Minister of Health under paragraph 7(1) of the said Schedule 3 that matters relating to, or including matters relating to, the discharge of functions of an authority under section 29 of the said Act of 1948 shall, instead of being referred to the committee established as aforesaid, stand referred to some other committee, shall have effect as if it extended to all matters relating to the discharge of their functions under this section.
- (8) Subsection (1) of section 46 of the Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.
- (9) The Health Visiting and Social Work (Training) Act 1962 shall have effect in relation to functions of local authorities under this section as it does in relation to functions of local authorities under Part III of the National Assistance Act 1948.
- (10) Section 31(1) of the National Assistance Act 1948 (which empowers local authorities to make arrangements for the provision of meals and recreation for old people) shall cease to have effect except as respects the councils of county districts.

- (11) In this section "local authority" (except where used in the expression "public or local authority") means the council of a county, county borough or London borough or the Common Council of the City of London, and "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.
- (12) This section shall have effect in Scotland as if, for any reference therein to the Minister of Health, there were substituted a reference to the Secretary of State; as if, for the reference in subsection (4)(b) thereof to the National Health Service Act 1946, there were substituted a reference to the National Health Service (Scotland) Act 1947; as if in subsection (10) thereof the words "except as respects the councils of county districts" were omitted; and as if, for subsection (11) thereof, there were substituted the following subsection—
- “(11) In this section "local authority" (except where used in the expression "public or local authority") in relation to a county, including any small burgh situated therein, means the county council, and, in relation to a large burgh, means the town council; "small burgh" and "large burgh" have the same meanings as in the Local Government (Scotland) Act 1947; and "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”.

#### **46 Application to Isles of Stilly**

Section 66 of the National Assistance Act 1948 (application to the Isles of Scilly) shall have effect as if the reference to that Act included a reference to this Part of this Act.

### **PART III**

#### **NOTIFIABLE DISEASES AND FOOD POISONING**

#### **47 Redefinition of "notifiable disease"**

In section 343(1) of the Public Health Act 1936, for the definition of "notifiable disease" there shall be substituted the following definition:—

“notifiable disease" means any of the following diseases, namely, cholera, plague, relapsing fever, smallpox and typhus”.

#### **48 Cases of notifiable disease and food poisoning to be reported to local authority**

- (1) If a duly qualified medical practitioner becomes aware, or suspects, that a patient whom he is attending within the district of a local authority is suffering from a notifiable disease or from food poisoning, he shall unless he believes, and has reasonable grounds for believing, that some other such practitioner has complied with this subsection with respect to the patient, forthwith send to the medical officer of health of that district a certificate stating—
- (a) the name, age and sex of the patient and the address of the premises where the patient is;
  - (b) the disease or, as the case may be, particulars of the poisoning from which the patient is, or is suspected to be, suffering and the date, or approximate date, of its onset; and

- (c) if the premises aforesaid are a hospital, the day on which the patient was admitted thereto, the address of the premises from whence he came there and whether or not, in the opinion of the person giving the certificate, the disease or poisoning from which the patient is, or is suspected to be, suffering was contracted in the hospital.
- (2) Where the local authority within whose district are situate premises whose address is, by virtue of paragraph (a) of the foregoing subsection, specified in a certificate sent under that subsection are not a local health authority, the medical officer of health who receives the certificate shall, on the day of its receipt (if possible) and in any case within forty-eight hours after its receipt, send a copy thereof—
  - (a) to the local health authority within whose area those premises are situate ; and
  - (b) if the certificate is given with respect to a patient in hospital who came there from premises outside the district of the local authority within whose district the hospital is situate, and the certificate states that the patient did not contract the disease or poisoning in the hospital, to the medical officer of health of the district within which are situate the premises from which the patient came and, if the local authority for that district is not a local health authority and the district is not within the area of the health authority within whose area the hospital is situate, to the local health authority within whose area those premises are situate.
- (3) Where the local authority within whose district are situate premises whose address is, by virtue of paragraph (a) of subsection (1) above, specified in a certificate sent under that subsection, are a local health authority, then, if the certificate is given with respect to a patient in hospital who came there from premises outside that district and the certificate states that the patient did not contract the disease or poisoning in the hospital, the medical officer of health who receives the certificate shall, on the day of its receipt (if possible) and in any case within forty-eight hours after its receipt, send a copy thereof—
  - (a) to the medical officer of health of the district within which are situate the premises from which the patient came; and
  - (b) if the local authority for that district are not a local health authority, to the local health authority within whose area the premises are situate.
- (4) A person who fails to comply with an obligation imposed on him by subsection (1) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £10.
- (5) In this section, " hospital" means any institution for the reception and treatment of persons suffering from illness, any maternity home and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and " illness " includes mental disorder within the meaning of the Mental Health Act 1959 and any injury or disability requiring medical, surgical or dental treatment or nursing.

#### **49 Supply of forms for purposes of section 48**

A local authority shall, upon application, supply forms of certificate for use under the last foregoing section free of charge to any medical practitioner practising in their district.

**50 Fees for certificates under section 48**

- (1) Subject to any exceptions for which provision may be made by the order, the Minister of Health may by order direct that a local authority shall pay to a medical practitioner for each certificate duly sent by him under section 48 of this Act a fee of such amount as may be prescribed by the order.
- (2) Different fees may be prescribed by an order under this section in relation to different circumstances.
- (3) For the avoidance of doubt it is hereby declared that the fact that a medical practitioner who gives a certificate under section 48 of this Act holds the office to whose holder the certificate is required to be sent does not disentitle him to payment of the fee (if any) payable for the certificate.
- (4) An order under this section may be varied or revoked by a subsequent order of the Minister of Health.
- (5) The powers conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**51 Reimbursement of fees in certain cases**

Where, in pursuance of section 48(2) of this Act, a copy of a certificate is sent by the medical officer of health of the district of a local authority to the local health authority within whose area are situate the premises whose address is, by virtue of subsection (1) (a) of that section, specified in the certificate, the latter authority shall pay to the former the amount of the fee (if any) paid by the latter in pursuance of the last foregoing section for the certificate.

**52 Powers of local authority to extend category of notifiable diseases**

- (1) No order shall be made after the date of the coming into operation of this section under section 147(1) of the Public Health Act 1936 (power of local authority to extend category of notifiable diseases) nor shall an order under that section be varied after that date save by excluding a disease from it; but a local authority may by order (in relation to which the proviso to subsection (1) and subsections (2) to (4) of that section shall have effect as they have effect in relation to an order under subsection (1) thereof) direct that an infectious disease other than one specified in section 47 of this Act or one to which regulations under section 143 of that Act relate shall, for the purpose of the application to their district of such of the provisions of that Act, the Public Health Act 1961 and this Act relating to notifiable diseases as are specified in the order, be deemed to be such a disease.
- (2) Any reference in an order under the said section 147 to the provisions of Part V of the Public Health Act 1936 relating to the notification of disease shall be construed as a reference to section 48 of this Act.

**53 Power of justice of peace to order examination of person believed to be carrier of notifiable disease**

Section 38(1) of the Public Health Act 1961 (power of a justice of the peace to order the medical examination of a person believed to be, or to have been, suffering from

a notifiable disease) shall be amended by the insertion, after the word " disease ", of the words " or, though not suffering from such a disease, is carrying an organism that is capable of causing it".

**54 Power of justice of peace to order medical examination of group of persons believed to comprise a carrier of a notifiable disease**

- (1) If a justice of the peace (acting, if he deems it necessary, ex parte) is satisfied, on a written certificate issued by the medical officer of health of any district.—
- (a) that there is reason to believe that one of a group of persons, though not suffering from a notifiable disease, is carrying an organism that is capable of causing it; and
  - (b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be medically examined ;
- the justice may order them to be medically examined by the medical officer of health or by a registered medical practitioner nominated by him.
- (2) An order under this section may be combined with a warrant under section 287(2) of the Public Health Act 1936 authorising the medical officer of health to enter any premises.

**55 Construction of references to medical examination**

In section 38(1) of the Public Health Act 1961 and in the last foregoing section, references to a person's being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations.

**56 Construction of section 143 of Public Health Act 1936**

In section 143 of the Public Health Act 1936 (which authorises the Minister of Health, with a view to the treatment of certain diseases and for preventing their spreading, to make regulations including provision applying, to diseases to which the regulations relate, any enactment relating to the notification of disease or to notifiable diseases) the reference to any such enactment shall be construed as including references to any such enactment as amended by this Act and to sections 48 to 51 (both inclusive) and 54 of this Act.

**57 Interpretation of Part III**

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" local authority " and " district " have the same meanings as in the Public Health Act 1936 ;

" local health authority " means an authority that is a local health authority for the purposes of Part III of the National Health Service Act 1946 ;

" notifiable disease " means any of the diseases specified in section 47 of this Act.

**58      Extent of Part III**

This Part of this Act does not apply to Scotland.

**PART IV****MISCELLANEOUS MATTERS***Provision of general Application***59      Extension of power of user by Crown of patented invention to user for certain health services**

- (1) The powers exercisable in relation to a patented invention under section 46 of the Patents Act 1949 by a government department or a person authorised by a government department shall include power to make, use, exercise and vend the invention for the production or supply of drugs and medicines required for the provision of pharmaceutical services, general medical services or general dental services, and prescribed for the purposes of this section by regulations made by the Minister of Health and the Secretary of State acting jointly; and any reference in that section or in section 47 or 48 of the Patents Act 1949 to the services of the Crown shall be construed accordingly.
- (2) In the foregoing subsection references to pharmaceutical services, general medical services and general dental services shall be construed as referring to services of those respective kinds under Part IV of the National Health Service Act 1946, Part IV of the National Health Service (Scotland) Act 1947 or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.
- (3) The power conferred by subsection (1) above to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section shall extend to the Isle of Man.

*Provisions applicable to England and Wales and Scotland***60      Amendment of Nurseries and Child-Minders Regulation Act 1948**

- (1) The Nurseries and Child-Minders Regulation Act 1948 shall be amended as follows.
- (2) Section 1(1)(a) (by virtue whereof local health authorities are required to keep registers of premises in their areas, other than premises wholly or mainly used as private dwellings, where children are received to be looked after for the day or a substantial part thereof or for any longer period not exceeding six days) shall have effect with the substitution, for the words " a substantial part thereof ", of the words " for a part or parts thereof of a duration, or an aggregate duration, of two hours or longer " ; but the reception, before the expiration of the period of three months beginning with the day on which this section comes into operation, of a child in any premises as mentioned in section 1(1)(a) or by any person as mentioned in section 1(1)(b) shall not constitute an offence under section 4(1) or (2), as the case may be, if it would not have constituted an offence thereunder if this subsection had not been enacted.



- (3) Section 4(2) (which penalises, amongst other things, the reception by a person as mentioned in section 1(1)(b) of children exceeding two in number and coming from more than one household without his being a relative of theirs and registered under section 1) shall, as from the expiration of the period aforesaid, have effect with the substitution, for the words " children of whom he is not a relative, and (a) the number of the children exceeds two, and (b) the children come from more than one household ", of the words " a child of whom he is not a relative ".
- (4) The punishment that may be imposed on a person guilty of an offence under section 4, being an offence committed after the coming into operation of this section, shall, instead of being a fine not exceeding £25 or, in the case of a second or subsequent offence, imprisonment for a term not exceeding one month or a fine not exceeding £25 or both, be a fine not exceeding £50 or, in the case of a second or subsequent offence, imprisonment for a term not exceeding three months or a fine not exceeding £100 or both, and the proviso to subsection (4) of that section (which limits to £5 the punishment that may be imposed in the case of a first offence under subsection (5) of that section) shall, except in relation to an offence committed before the coming into operation of this section, cease to have effect.
- (5) In section 1(3) (by virtue whereof a local health authority may refuse to register premises if, inter alia, they are satisfied that the premises are not fit to be used for the reception of children), after the word " fit" (where last occurring), there shall be inserted the words " (whether because of the condition thereof or of the equipment thereof or for any reason connected with the situation, construction or size thereof or with other persons therein) ".
- (6) In section 1(4) (by virtue whereof a local health authority may refuse to register a person if, inter alia, they are satisfied that the premises in which the children are received or are proposed to be received are not fit, whether because of the condition thereof or for any reason connected with other persons therein, to be used for the purpose), after the word " thereof ", there shall be inserted the words " or of the equipment thereof " and after the words " connected with " there shall be inserted the words " the situation, construction or size thereof or with ".
- (7) An application for the registration under section 1 of any premises shall be of no effect unless it contains a statement with respect to each person employed or proposed to be employed in looking after children at the premises, and each person who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises, whether or not—
- (a) there has been made against him any such order as is mentioned in paragraph (a), (b) or (e) of section 6 of the Children Act 1958 (disqualification for keeping foster children);
  - (b) he has been convicted as mentioned in paragraph (c) thereof;
  - (c) his rights and powers with respect to a child have been vested as mentioned in paragraph (d) thereof; or
  - (d) an order has been made under section 43 of the Adoption Act 1958 (removal of protected children from unsuitable surroundings) for the removal of a child from his care;

and an application for the registration under section 1 of a person shall be of no effect unless it contains a similar statement with respect to him, each person employed or proposed to be employed by him in looking after children and each person other than himself who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises in which the children

are received or proposed to be received; and a person who, in any such application as aforesaid, makes, with respect to himself or another, any such statement as aforesaid which is false and is known to him to be false or recklessly makes, with respect to himself or another, such a statement which is false shall be guilty of an offence and liable on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or to both.

- (8) Section 2(2) (which empowers a local health authority to order that the number of children that may be received by a person in his home as mentioned in section 1(1) (b), together with any other children therein, shall not exceed such number as may be specified) shall have effect with the omission of the words " together with any other children in his home " and the addition at the end thereof of the words " and in making an order under this subsection an authority shall have regard to the number of any other children who may from time to time be in the home ".
- (9) The power of the local health authority under the said section 2(2) to limit the number of children that may be received by a person in his home as mentioned in section 1(1) (b) shall include power by order to impose requirements for securing—
  - (a) that there shall be available, for looking after the children received by him as so mentioned, persons adequate in number and in qualifications or experience ;
  - (b) that the premises in which the children are received shall be kept safe and adequately maintained and the equipment thereof shall be adequately maintained;
  - (c) that there shall be adequate arrangements for feeding the children so received and that an adequate and suitable diet shall be provided for them;
  - (d) that records shall be kept in relation to the children so received containing such particulars as may be specified by the authority.
- (10) In paragraph (d) of section 2(4) (which specifies, as one of the objects for the securing of which, as respects registered premises, requirements may be imposed by a local health authority, that the premises and the equipment thereof shall be adequately maintained), after the word " premises ", there shall be inserted the words " shall be kept safe and adequately maintained ".
- (11) Section 7 (inspection) shall have effect—
  - (a) as if, at the end of subsection (1), there were added the words " and may at all reasonable times enter the home of a person registered under section one of this Act by the authority, and may inspect it and any children received there as mentioned in paragraph (b) of subsection (1) of section one of this Act, the arrangements for their welfare and any records relating to them kept in pursuance of this Act "; and
  - (b) as if, in subsection (2), the words " is refused admission to the home of a person registered under section one of this Act, or " and the words " admission has been refused, or, as the case may be, that " were omitted.
- (12) The maximum amount of the fee that, under section 3(3) may be demanded by a local health authority for the issue of a copy of a certificate of registration under section 1 shall be increased from two shillings and sixpence to five shillings, and accordingly, in that subsection, for the words " two shillings and sixpence " there shall be substituted the words " five shillings ".

- (13) Section 12 (which authorises the payment out of moneys provided by Parliament of any increase attributable to the Act in grants payable under any other Act, and is spent) shall cease to have effect.

**61 Welfare foods**

- (1) The Minister of Health and the Secretary of State shall together have power (exercisable by order made by statutory instrument) to extend the definition of "welfare food" in section 4(2) of the Emergency Laws (Re-enactments and Repeals) Act 1964 (which empowers them to regulate or prohibit the acquisition, distribution, &c, of any such food and to control the price to be charged for it), but a statutory instrument containing an order by which this power is exercised shall not be made unless a draft of the instrument has been laid before Parliament and has been approved by a resolution of each House of Parliament.
- (2) Any expenses incurred by the said Minister or the Secretary of State in connection with the operation of a scheme administered by a government department for the provision of any welfare food as for the time being defined by the said section 4(2) shall be defrayed out of moneys provided by Parliament.

**62 Hover vehicles brought within scope of Acts relating to public health and food and drugs**

- (1) In the Public Health Act 1936 references to vessels, and in the Food and Drugs Act 1955 references to ships, shall be construed as including references to hover vehicles, that is to say, vehicles designed to be supported on a cushion of air; and in each of those Acts "master" shall be construed accordingly.
- (2) This section shall have effect in Scotland as if, for the references therein to the Public Health Act 1936 and the Food and Drugs Act 1955, there were substituted references respectively to the Public Health (Scotland) Acts 1897 to 1945 and the Food and Drugs (Scotland) Act 1956.

**63 Provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare**

- (1) The Minister of Health may, either directly or by entering into arrangements with others.—
- (a) provide, for persons employed or having it in contemplation to be employed as officers or servants of a Regional Hospital Board constituted under the 1946 Act or the 1947 Act or a Board of Governors of a teaching hospital, such instruction as appears to him conducive to securing their efficiency as such officers or servants;
  - (b) provide, for persons (other than such as are mentioned in the foregoing paragraph) of such class as may be specified in regulations made by him with the approval of the Treasury who are employed, or have it in contemplation to be employed, in an activity to which this paragraph applies, such instruction as appears to him conducive to the efficient carrying on of that activity; and
  - (c) provide material and premises necessary for, or in connection with, the provision of any such instruction as aforesaid.

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

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- (2) Paragraph (b) of the foregoing subsection applies to the following activities, namely—
- (a) an activity involved in the provision of a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Minister of Health or the council of a county, county borough or London borough or the Common Council of the City of London or the Greater London Council;
  - (b) the provision of a service for the provision of which an Executive Council is, by virtue of Part IV of the 1946 Act, under a duty to make arrangements and an activity involved in or connected with the provision of such a service ;
  - (c) an activity involved in the provision of a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Secretary of State or a county council or a town council of a large burgh or a joint county council;
  - (d) the provision of a service for the provision of which an Executive Council is, by virtue of Part IV of the 1947 Act, under a duty to make arrangements and an activity involved in or connected with the provision of such a service; and
  - (e) an activity involved in the provision of a service under the law in force in Northern Ireland corresponding to a service mentioned in paragraph (a) above ;
  - (f) the provision of a service under the law in force in Northern Ireland corresponding to a service mentioned in paragraph (b) above, and an activity involved in or connected with the provision of such a service.
- (3) The Minister of Health may allow instruction provided under this section to be given to persons other than persons described in subsection (1) above, and he may under this section provide instruction to an extent greater than that necessitated by the requirements of persons so described if he thinks it expedient so to do in order to allow such other persons to receive such instruction.
- (4) Subject to and in accordance with such directions as may be given by the Minister of Health, the powers conferred on him by subsection (1) above may be exercised, on his behalf, by a Regional Hospital Board constituted under the 1946 Act, a Board of Governors of a teaching hospital or an Executive Council constituted under the 1946 Act; and the power conferred on a Regional Hospital Board by this subsection may, subject to and in accordance with such directions as may be given by the said Minister or the Regional Hospital Board, be exercised, on behalf of the Board, by a Hospital Management Committee appointed by them.
- (5) Instruction under this section may be provided on such terms, including terms as to payment of charges, as the Minister of Health thinks fit.
- (6) The Minister of Health may, with the approval of the Treasury.—
- (a) make grants and pay fees to persons or bodies with whom arrangements under subsection (1) above are made for the provision of instruction under this section ; and
  - (b) pay travelling and other allowances to persons availing themselves of such instruction.
- (7) The power conferred by subsection (1) above to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—

" Board of Governors of a teaching hospital " and " Hospital Management Committee " have the same meaning as in the National Health Service Act 1946 ;

" 1946 Act " means the National Health Service Act 1946 ;

" 1947 Act " means the National Health Service (Scotland) Act 1947;

" the relevant enactments " means—

(a) in relation to subsection (2)(a) above, section 48 of the Education Act 1944, the 1946 Act, Part III of the National Assistance Act 1948, section 4 of the Education (Miscellaneous Provisions) Act 1953, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 45 thereof;

(b) in relation to subsection (2)(c) above, the 1947 Act, Part III of the National Assistance Act 1948, sections 58 and 59 of the Education (Scotland) Act 1962 and Part I of this Act and section 45 thereof.

(9) This section shall have effect in Scotland as if, for any reference therein (other than a reference in subsection (2) thereof) to the Minister of Health, there were substituted a reference to the Secretary of State; and as if in subsection (4) thereof.—

(a) for references to the 1946 Act, there were substituted references to the 1947 Act;

(b) for the reference to a Hospital Management Committee, there were substituted a reference to a Board of Management constituted under the 1947 Act; and

(c) the reference to a Board of Governors of a teaching hospital were omitted.

(10) Section 48 of the 1946 Act and section 48 of the 1947 Act shall cease to have effect.

#### **64 Financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations**

(1) The Minister of Health may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a voluntary organisation to which this section applies assistance by way of grant or by way of loan, or partly in the one way and partly in the other.

(2) This section applies to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided.

(3) In this section—

(a) " the relevant enactments " means the National Health Service Act 1946, Part III of the National Assistance Act 1948, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 45 thereof;

(b) " relevant service " means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Minister of Health or the council of a county, county borough or London borough or the Common Council of the City of London or a service for the provision of which an Executive Council is, by virtue of Part IV of the National Health Service Act 1946, under a duty to make arrangements ; and

- (c) "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.
- (4) This section shall have effect in Scotland as if, in subsection (1) thereof, for the reference to the Minister of Health, there were substituted a reference to the Secretary of State; and as if, in subsection (3) thereof, for paragraphs (a) and (b), there were substituted the following paragraphs:—
- “(a) 'the relevant enactments' means the National Health Service (Scotland) Act 1947, Part III of the National Assistance Act 1948 and Part I of this Act and section 45 thereof;
- (b) 'relevant service' means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Secretary of State or by a county council or by the town council of a large burgh; or a service for the provision of which an Executive Council is, by virtue of Part IV of the National Health Service (Scotland) Act 1947, under a duty to make arrangements; and”.

## **65 Financial and other assistance by local authorities to certain voluntary organisations**

- (1) A local authority may give assistance by way of grant or by way of loan, or partly in the one way and partly in the other, to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided, and so may the Greater London Council.
- (2) A local authority may also assist any such voluntary organisation as aforesaid by permitting them to use premises belonging to the authority on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift, or loan or otherwise) and the services of any staff who are employed by the authority in connection with the premises or other things which they permit the organisation to use, and the Greater London Council may assist in like manner a voluntary organisation with whom arrangements have been made by them under section 27 of the National Health Service Act 1946 for the provision by the organisation of ambulances and other transport and of staff therefor.
- (3) In this section—
- (a) "local authority" (except where used in the expression "public or local authority") means the council of a county, county borough or London borough or the Common Council of the City of London;
- (b) "the relevant enactments" means Part III of the National Health Service Act 1946, Part III of the National Assistance Act 1948, section 3 of the Disabled Persons (Employment) Act 1958, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 45 thereof;
- (c) "relevant service" means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and
- (d) "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.
- (4) The foregoing provisions of this section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely,

sections 22(5) and 28(3) and (so far as it relates to such organisations) section 63 of the National Health Service Act 1946, sections 26(6) and 30(2) of the National Assistance Act 1948, sections 45(4) and 46(3) of the London Government Act 1963 and, except in so far as it applies to the councils of county districts, section 31(3) of the National Assistance Act 1948.

- (5) Subsection (1) of section 46 of the Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.
- (6) This section (except in so far as it relates to the Greater London Council) shall have effect in Scotland as if for subsections (3), (4) and (5) thereof, there were substituted the following subsections:—

“(2A) Without prejudice to the powers conferred on local authorities by the foregoing provisions of this section, a council to which this subsection applies may assist any voluntary organisation whose activities consist in or include the provision of meals or recreation for old people to provide such meals or such recreation by contributing to the funds of the organisation, by permitting them to use premises belonging to the council on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift or loan or otherwise) and the services of any staff who are employed by the council in connection with the premises or other things which they permit the organisation to use.

This subsection applies to the town councils of small burghs and to district councils.

(2B) In this section—

- (a) "local authority" (except where used in the expression "public or local authority") means, in relation to a county including any small burgh situated therein, the county council, and, in relation to a large burgh, the town council;
- (b) "large burgh" and "small burgh" have the same meanings as in the Local Government (Scotland) Act 1947, and "district" means a district constituted by a district council scheme within the meaning of section 38 of that Act;
- (c) "the relevant enactments" means Part III of the National Health Service (Scotland) Act 1947, Part III of the National Assistance Act 1948, section 3 of the Disabled Persons (Employment) Act 1958 and Part I of this Act and section 45 thereof;
- (d) "relevant service" means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and
- (e) "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.

((2c)) This section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(3) and 27(3) and (so far as it authorises local health authorities to give assistance to such organisations) section 63 of the National Health Service (Scotland) Act 1947, and section 26(6), 30(2) and 31(3) of the National Assistance Act 1948”

**66      Payments in respect of travelling expenses of visitors to patients in special hospitals and State hospitals**

- (1) The Minister of Health may, in accordance with arrangements made by him with the approval of the Treasury, make payments, at such rates as may be determined under those arrangements, to persons of such class or description as may be so determined in respect of travelling expenses necessarily incurred by them in making visits to patients for the time being detained under the Mental Health Act 1959 in special hospitals.
- (2) The foregoing subsection shall have effect in Scotland, as if, for the references therein to the Minister of Health, the Mental Health Act 1959 and special hospitals, there were substituted references respectively to the Secretary of State, the Mental Health (Scotland) Act 1960 and State hospitals.

**67      Power of the Minister of Health and the Secretary of State to purchase goods for supply to local authorities and Executive Councils**

- (1) The Minister of Health may—
  - (a) purchase and store and, on such terms as may be agreed between him and them, supply to authorities which are local health authorities for the purposes of Part III of the National Health Service Act 1946 any goods or materials required by them for the discharge of their functions as local health authorities ;
  - (b) purchase and store and, on such terms as he may determine, supply to Executive Councils any goods or materials required by them for the discharge of their functions under section 24 of this Act;
  - (c) purchase and store and, on such terms as may be agreed between him and them, supply to local authorities any goods or materials required by them for the discharge of their functions under any of the following enactments, namely, sections 21, 29 and 31 of the National Assistance Act 1948 and section 45 of this Act;
  - (d) purchase and store and, on such terms as may be agreed between him and them, supply to councils of county districts by which functions of councils of counties are for the time being exercisable by virtue of a scheme made under section 46 of the Local Government Act 1958 any goods or materials required by those councils of county districts for the discharge of such of the said functions as are for the time being so exercisable by them ;
  - (e) purchase and store and, on such terms as may be agreed between him and them, supply to local education authorities any goods or materials required by them for the discharge of their functions under section 48 of the Education Act 1944 (medical inspection and treatment of pupils) or section 4 of the Education (Miscellaneous Provisions) Act 1953 (dental treatment of pupils).
- (2) The foregoing subsection shall have effect in Scotland as if—
  - (a) for any reference therein to the Minister of Health, there were substituted a reference to the Secretary of State;
  - (b) for the reference in paragraph (a) thereof to Part III of the National Health Service Act 1946, there were substituted a reference to Part III of the National Health Service (Scotland) Act 1947 ;
  - (c) paragraph (d) thereof were omitted ;



- (d) for the reference in paragraph (e) thereof to section 48 of the Education Act 1944, there were substituted a reference to sections 58 and 60 of the Education (Scotland) Act 1962 ; and
- (e) for the reference in paragraph (e) thereof to section 4 of the Education (Miscellaneous Provisions) Act 1953, there were substituted a reference to sections 59 and 60 of the said Act of 1962.

*Provisions applicable to England and Wales only*

**68 Amendment of Mental Health Act 1959 in case where functions under Part IV thereof of county council are delegated**

- (1) In relation to a county district whereof the council are, under a delegation scheme made under section 46 of the Local Government Act 1958, exercising the functions under Part IV of the Mental Health Act 1959 of the council of a county.—
  - (a) the powers exercisable by the council of the district by virtue of section 47(2) (c) of the last-mentioned Act (order for discharge of patient received into guardianship may be made by responsible medical officer, responsible local health authority or nearest relative of patient) may be exercised by any three or more members of the council authorised by them in that behalf;
  - (b) any reference in the said Part IV to the responsible medical officer shall, in relation to a patient received into guardianship under Part IV of that Act, be construed as referring to the medical officer of health of the district or any other medical officer authorised by the council of the district to act (either generally or in any particular case or for any particular purpose) as the responsible medical officer.
- (2) Section 56(3) of the said Act of 1959 (which includes, amongst the matters for which regulations may be made under that section, the determination of the manner in which functions under Part IV of that Act are to be exercised by managers of hospitals, local health authorities or regional hospital boards and the specification of the circumstances in which, and the conditions subject to which, such functions may be performed by officers of, or other persons acting on behalf of the managers, authorities or boards) shall have effect as if the references to such authorities included references to the councils of county districts by whom their functions under that Part of that Act are exercisable under such a delegation scheme as aforesaid.
- (3) This section does not apply to Scotland.

**69 Repeal of section 172 of the Public Health Act 1936**

Section 172 of the Public Health Act 1936 (removal to hospital of infectious persons suffering from tuberculosis of the respiratory tract) is hereby repealed.

**70 Copy of notice under section 242 of the Public Health Act 1936 to be sent to health authority if it is not local authority**

- (1) Where the local authority within whose district a common lodging-house is situate are not a local health authority, the medical officer of health of the district shall, on the day on which he receives a notice under section 242 of the Public Health Act 1936 (duty of keeper of common lodging-house to notify cases of infectious disease) from the keeper of such a lodging house (if possible) and in any case within forty-eight hours

after the receipt of the notice, send a copy thereof to the local health authority within whose area that lodging-house is situate.

- (2) In this section " local authority " and " district " have the same meanings as in the said Act of 1936, and " local health authority " means an authority that is a local health authority for the purposes of Part III of the National Health Service Act 1946.
- (3) This section does not apply to Scotland.

*Provisions applicable to Scotland only*

## **71 Compensation for stopping employment to prevent spread of disease in Scotland**

- (1) With a view to preventing the spread of—
  - (a) any infectious disease, or
  - (b) any food poisoning to which section 22(1) of the Food and Drugs (Scotland) Act 1956 applies,
 a person who is at work may be requested by the medical officer of health for the place where the person is at work, by notice in writing, to discontinue his work.
- (2) The local authority for the place in question shall compensate a person who has suffered any loss in complying with a request under this section; and any dispute arising under this subsection, whether as to the fact of loss or as to the amount of any compensation, shall be determined by a single arbiter, who, failing agreement between the parties, shall be appointed by the sheriff.
- (3) In this section " local authority " in relation to a county, including any small burgh situated therein, means the county council, and, in relation to a large burgh, means the town council; and " small burgh " and " large burgh " have the same meanings as in the Local Government (Scotland) Act 1947.
- (4) This section applies to Scotland only.

## **72 Powers of sheriff or justice of the peace to order a medical examination in Scotland**

- (1) If the sheriff (acting, if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the medical officer of health for any district—
  - (a) that there is reason to believe that some person in the district is or has been suffering from an infectious disease, or, though not suffering from such a disease, is carrying an organism that is capable of causing it, and
  - (b) that in his own interest, or in the interest of his family, or in the public interest, it is expedient that he should be medically examined, and
  - (c) that he is not under the treatment of a registered medical practitioner, or that the registered medical practitioner who is treating him consents to the making of an order under this section,
 the sheriff may order him to be medically examined by the medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.
- (2) If the sheriff (acting if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the medical officer of health for any district—

- (a) that there is reason to believe that one of a group of persons, though not suffering from an infectious disease, is carrying an organism that is capable of causing it; and
  - (b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be medically examined,
- the sheriff may order them to be medically examined by the medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.
- (3) In this section, references to a person's being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations, and references to the sheriff shall be construed, in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.
- (4) This section applies to Scotland only.

### **73 Power of medical officers of health to enter premises in Scotland**

- (1) Subject to the provisions of this section, the medical officer of health for any district shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises in that district at all reasonable hours for the purpose of the performance of any duty imposed on him by—
- (a) the Infectious Disease (Notification) Act 1889 ; or
  - (b) the Public Health (Scotland) Acts 1897 to 1945 ; or
  - (c) this Act;
- or, if he has reason to believe that any infectious disease exists, or has recently existed, in the premises, for the purpose of inspecting the premises.
- (2) If the sheriff, on a written certificate issued by the medical officer of health for any district.—
- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as aforesaid, and
  - (b) is also satisfied either—
    - (i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
    - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or
    - (iii) that the case is one of urgency, or
    - (iv) that the premises are unoccupied or that the occupier is temporarily absent,
- he may by warrant under his hand authorise the medical officer of health to enter the premises, if need be by force.
- (3) A medical officer of health entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectively secured against unauthorised entry as he found them.
- (4) Every warrant granted under this section shall continue in force for a period of one month.

(5) If—

- (a) any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, enters a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret; or
- (b) any person to whom by reason of his official position any information obtained as aforesaid is communicated, discloses that information to any person,

he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this section.

- (6) A person who wilfully obstructs any person acting in the execution of this section or of a warrant issued thereunder shall be guilty of an offence against this section.
- (7) A person who fails to give to any person acting in the execution of this section or of any warrant issued thereunder any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by any enactment to call for or may reasonably require, or who, when required to give any such information, knowingly makes any mis-statement in respect thereof, shall be guilty of an offence against this section:

Provided that nothing in this subsection shall be construed as requiring a person to answer any question, or give any information, if to do so might incriminate him.

- (8) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
- (9) In this section " medical officer of health " has the same meaning as in the Public Health (Scotland) Act 1897; and references to the sheriff shall be construed, in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.
- (10) This section applies to Scotland only.

#### **74 Fees for certain certificates no longer payable under section 4 of the Infectious Disease (Notification) Act 1889 in Scotland**

So much of section 4(2) of the Infectious Disease (Notification) Act 1889 as relates (in Scotland) to the payment of fees to medical practitioners for certificates under that Act shall cease to have effect.

#### **75 Correspondence of patients in State hospitals in Scotland**

In relation to postal packets addressed by patients detained in State hospitals within the meaning of the Mental Health (Scotland) Act 1960, section 34(2) of that Act (correspondence of patients) shall have effect as if, in the proviso thereto, paragraph (i) were omitted.

**76 Grants to certain authorities in Scotland in respect of functions relating to imported food**

- (1) Subject to the provisions of this section, the Secretary of State may pay to the authorities to whom this section applies grants of such amounts, payable at such times, and subject to such conditions, as he may with the consent of the Treasury determine in respect of expenditure on revenue account incurred by those authorities on and after the relevant date in the exercise in relation to imported food of functions conferred or imposed on them by or under the Food and Drugs (Scotland) Act 1956.
- (2) The authorities to whom this section applies are county councils, the town councils of large burghs (within the meaning of the Local Government (Scotland) Act 1947), port local authorities and joint port local authorities constituted under section 172 of the Public Health (Scotland) Act 1897 and combinations of such authorities.
- (3) The amount of the grant payable under this section in respect of any expenditure shall not exceed one half of that expenditure.
- (4) In this section "relevant date" in relation to any authority means the day in the calendar year 1968 on which that authority's financial year begins.
- (5) This section applies to Scotland only.

**PART V****GENERAL****77 Expenses and receipts**

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (a) any expenses incurred by the Minister of Health or the Secretary of State in the exercise of any of their powers under this Act;
  - (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other Act.
- (2) All sums received, by virtue of this Act, by the Minister of Health or the Secretary of State shall be paid into the Exchequer.

**78 Consequential amendments and repeals**

- (1) The enactments specified in Part I of Schedule 3 to this Act and the schemes mentioned in Part II of that Schedule shall have effect subject to the amendments specified in relation thereto in that Schedule, being amendments consequential on the foregoing provisions of this Act; and in that Schedule "the 1946 Act" means the National Health Service Act 1946, and "the 1947 Act" means the National Health Service (Scotland) Act 1947.
- (2) The enactments specified in columns 1 and 2 of Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

**79 Short title, citation, commencement and extent**

- (1) This Act may be cited as the Health Services and Public Health Act 1968, and the National Health Service Acts 1946 to 1967, the National Health Service (Family Planning) Act 1967, and Part I of this Act, so far as it applies to England and Wales, may be cited together as the National Health Service Acts 1946 to 1968; and the National Health Service (Scotland) Acts 1947 to 1967 and Part I of this Act, so far as it applies to Scotland, may be cited together as the National Health Service (Scotland) Acts 1947 to 1968.
- (2) This Act, in its application to England and Wales, shall come into force on such date as the Minister may by order made by statutory instrument appoint, and, in its application to Scotland, on such date as the Secretary of State may by order so made appoint; and different dates may be appointed under this section for different provisions of this Act or for different purposes.
- (3) This Act, except section 59 thereof, shall not extend to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

Section 16.

#### EXECUTIVE COUNCILS

##### *Constitution of Executive Councils*

- 1 An Executive Council shall consist of thirty members of whom—
  - (a) eight members shall be appointed by the local health authority for the area of the Executive Council;
  - (b) seven members shall be appointed by the Minister;
  - (c) eight members (of whom one, but no more, shall be a medical practitioner having the qualifications prescribed for the purposes of section 41 of the 1946 Act) shall be appointed by the Local Medical Committee;
  - (d) three members shall be appointed by the Local Dental Committee;
  - (e) two members shall be appointed by the Local Pharmaceutical Committee;
  - (f) one member (who shall be an ophthalmic optician) shall be appointed by the members of the Local Optical Committee who are such opticians ;
  - (g) one member (who shall be a dispensing optician) shall be appointed by the members of that Committee who are such opticians.
- 2 The Members of an Executive Council shall from time to time, in accordance with such procedure as may be prescribed, appoint one of their members to be chairman of the Council.

##### *Supplementary Provisions*

- 3 Every Executive Council shall be a body corporate with perpetual succession and a common seal.
- 4 An Executive Council shall not acquire land except with the consent of the Minister.
- 5 The term of office of the chairman of an Executive Council shall be such as the Council, when making the appointment, determine, but if he ceases to be a member of the Council he shall also cease to be chairman.
- 6 The Minister may make regulations—
  - (a) with respect to the appointment, tenure of office and vacation of office of the members of an Executive Council;
  - (b) with respect to the appointment of committees consisting wholly or partly of members of such a Council and the delegation of functions to such committees ;
  - (c) with respect to the appointment of officers of such a Council;
  - (d) for payment by such a Council of sums, not exceeding such sums as may be prescribed, as subscriptions to the funds of any association of such Councils whose objects are approved by the Minister;

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

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(e) with respect to the procedure of such a Council or any such committee as aforesaid.

7 If a Local Medical Committee, a Local Dental Committee, a Local Pharmaceutical Committee, the members of a Local Optical Committee who are ophthalmic opticians or the members of such a committee who are dispensing opticians fail within such period as the Minister may determine to appoint any member of an Executive Council whom they are required to appoint, the appointment shall be made by the Minister.

8 The proceedings of an Executive Council or committee thereof shall not be invalidated by a vacancy in the membership of the Council or committee or by a defect in the appointment or qualification of a member thereof.

## SCHEDULE 2

Section 43.

### ENACTMENTS OF THE NATIONAL HEALTH SERVICE ACT 1946 AND THE NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1947 APPLIED

#### PART I

##### ENACTMENTS OF THE NATIONAL HEALTH SERVICE ACT 1946 APPLIED

<i>Enactment</i>	<i>Subject-matter</i>
Section 57	Default powers of Minister of Health.
Section 58	Acquisition of land.
Section 63	Use of premises and equipment of local authorities by other authorities.
Section 70	Inquiries.
Section 71	Recovery of charges.
Section 72	Protection of officers.
Section 80(3)	Power to apply Act to Isles of Stilly.

#### PART II

##### ENACTMENTS OF THE NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1947 APPLIED

<i>Enactment</i>	<i>Subject matter</i>
Section 56	Default powers of Secretary of State.
Section 57	Purchase of land.
Section 63	Use of premises and equipment of local authorities by other authorities-
Section 69	Inquiries.



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

<i>Enactment</i>	<i>Subject matter</i>
Section 70	Protection of certain bodies and their officers.

## SCHEDULE 3

Section 78.

### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS AND SCHEMES

#### PART I

##### ENACTMENTS

##### *The Midwives Act 1936*

*(26 Geo. 5 & 1 Edw. 8. c. 40)*

In section 2(3), the first reference to the Midwives Act 1936 shall be construed as including a reference to section 10 of this Act as it applies to England and Wales.

##### *The National Health Service (Scotland) Act 1947*

*(10 & 11 Geo. 6. c. 27)*

Section 63 shall have effect as if, after the word " or" where it secondly occurs, there were inserted the words " (except where the authority is a local health authority) ".

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

*(11 & 12 Geo. 6. c. 29)*

In section 21(7), in the definition of local health services, the reference to services provided for persons in their own homes under Part III of the 1946 Act or Part III of the 1947 Act shall be construed as including a reference to services so provided under Part I of this Act.

In section 29(6)(b), the reference to accommodation and services required to be provided under the 1946 or the 1947 Act shall be construed as including a reference to accommodation or services required to be provided under Part I of this Act.

##### *The Midwives Act 1951*

*(14 & 15 Geo. 6. c. 53)*

In section 11(2), the reference to section 23 of the 1946 Act shall be construed as including a reference to section 10 of this Act.

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

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*The Disabled Persons (Employment) Act 1958*

*(6 & 7 Eliz. 2. c. 33)*

In section 3(2), references to arrangements under section 28 of the 1946 Act shall be construed as references to arrangements under section 12 of this Act.

In paragraph 2 of the Schedule, references to functions under section 28 of the 1946 Act shall be construed as references to functions under section 12 of this Act.

*The Local Government Act 1958*

*(6 & 7 Eliz. 2. c. 55)*

In section 46(1).—

- (a) for paragraph (a) there shall be substituted the following paragraph:—
  - “(a) Part III of the National Health Service Act 1946, except the functions under section 27 of that Act (which relates to ambulances), section 1 of the National Health Service (Family Planning) Act 1967 and sections 10 to 13 of the Health Services and Public Health Act 1968 except the functions mentioned in paragraph (g) of this subsection”;
- (b) after paragraph (d) there shall be inserted the following paragraphs:—
  - “(e) section 45 of the Health Services and Public Health Act 1968 ;
  - (ea) section 65 of the Health Services and Public Health Act 1968”;
- (c) for paragraph (g) there shall be substituted the following paragraph:—
  - “(g) section 12 of the Health Services and Public Health Act 1968 so far as it relates to the care in residential accommodation of persons with a view to preventing them from becoming mentally ill, to the care in such accommodation of persons suffering from mental illness or to the after-care in such accommodation of persons who have been so suffering”.

*The Mental Health Act 1959*

*(7 & 8 Eliz. 2. c. 72)*

In section 8, in subsection (1), the reference to provision made under section 28 of the 1946 Act shall be construed as a reference to provision made under section 12 of this Act, and in subsections (2) and (4), references to Part III of the 1946 Act shall be construed as including references to Part I of this Act.

In sections 9(1) and 12(1), any reference to arrangements made under section 28 of the 1946 Act shall be construed as a reference to arrangements made under section 12 of this Act.

*The Mental Health (Scotland) Act 1960*

*(8 & 9 Eliz. 2. c. 61)*

In section 8, in subsections (2) and (4), the references to Part III of the 1947 Act shall be construed as including references to Part I of this Act.

*The Health Visiting and Social Work (Training) Act 1962*

*(10 & 11 Eliz. 2. c. 33)*

In sections 3 and 5, references to functions under Part III of the 1946 Act shall be construed as including references to functions under Part I of this Act in its application to England and Wales, and references to functions under Part III of the National Assistance Act 1948 shall be construed as including references to functions under section 26 of that Act as amended by section 44 of this Act and under section 45 of this Act.

In section 3(5), the reference to functions under Part III of the 1947 Act shall be construed as including a reference to functions under Part I of this Act in its application to Scotland.

*The London Government Act 1963*

*(1963 c. 33)*

The reference in paragraph (a) of section 45(2) to Part III of the 1946 Act shall be construed as including a reference to sections 10, 12 and 13 of this Act.

*The General Rate Act 1967*

*(1967 c. 9)*

In section 45(b), the references to purposes mentioned in and arrangements made under section 28(1) of the 1946 Act shall be construed respectively as including references to purposes mentioned in and arrangements made under section 12 of this Act.

**PART II**

**SCHEMES**

All delegation schemes in force under section 46 of the Local Government Act 1958 immediately before the coming into operation of this Part of this Schedule shall be amended as follows :—

- (a) references to sections 23, 28 and 29 of the 1946 Act shall be construed as referring respectively to sections 10, 12 and 13 of this Act;
- (b) references to sections 24 and 25 of the 1946 Act shall be construed as including respectively references to sections 11(1) and 11(2) of this Act;
- (c) any reference to section 29 of the National Assistance Act 1948 shall be construed as including a reference to section 45 of this Act;
- (d) references to sections 22 and 28 of the 1946 Act and section 30 of the National Assistance Act 1948 shall be construed as including references to section 65 of this Act.

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

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## SCHEDULE 4

Section 78.

## ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 72.	The Infectious Disease (Notification) Act 1889.	In section 4(2) the words " and shall pay " onwards.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act 1897.	Section 45.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Sections 144 to 146. Section 172.
9 & 10 Geo. 6. c. 81.	The National Health Service Act 1946.	Section 5. Section 7(5)(c) and (d). In section 11, in subsection (9), in paragraph (i), the words " and compensation ", except in relation to an order made in consequence of the occurrence, before the coming into operation of section 35 of this Act, of any of the events mentioned in paragraphs (a) to (c) of that subsection, and paragraph (ii). Section 22(5). Section 23. In section 28, subsection (1) subsection (2) (except in relation to services provided before the coming into operation of section 12 of this Act) and subsection (3). In section 29, subsection (1) and (except in relation to help provided before the coming into operation of section 13 of this Act) subsection (2). In section 31, in subsection (5), the words " and their compensation by the Minister", except in relation to an order made under subsection (2), (3) or (4) of that section before the coming into operation

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act 1947.	<p>of section 35 of this Act or an order made before the coming into operation of that section revoking an order made under any of those subsections.</p> <p>In section 40(2)(e), the words " and also for the remuneration of members of the Board ".</p> <p>Section 41(2) and (4).</p> <p>Section 48.</p> <p>In section 54, in subsection (3), the words " or by an Ophthalmic Services Committee on behalf of the Council", and subsection (5).</p> <p>In section 57(1), the words "Ophthalmic Services Committee ".</p> <p>In section 63, the words from " or by any voluntary" to " 1959 ".</p> <p>In Schedule 1, in paragraph 2, the words from " and for the making of such payments " onwards.</p> <p>In Schedule 3, in Part IV, paragraphs 2(c) and 5.</p> <p>In Schedule 6, paragraph 3(b).</p> <p>In Schedule 7, paragraph 6(b).</p> <p>In Schedule 10, the words from " Where the local authority " to " by the local health authority ".</p> <p>Section 5.</p> <p>In section 11, in subsection (10), in paragraph (i), the words " and compensation ", except in relation to an order made in consequence of the occurrence, before the</p>

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

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Chapter	Short Title	Extent of Repeal
		<p>coming into operation of section 35 of this Act, of any of the events mentioned in paragraphs (a) and (b) of that subsection.</p> <p>In section 22, subsection (3).</p> <p>Section 23.</p> <p>In section 27, subsection (3).</p> <p>In section 28, subsection (1) and (except in relation to help provided before the coming into operation of section 13 of this Act) subsection (2).</p> <p>In section 32, in subsection (5) the words " and their compensation by the Secretary of State " except in relation to an order made under subsections (2), (3) or (4) of that section before the coming into operation of section 35 of this Act or an order made before the coming into operation of that section revoking an order made under any of those subsections.</p> <p>In section 39, in subsection (2)(e) the words " and also for the remuneration of members of the Board ".</p> <p>In section 42, subsections (2) (as originally enacted) and (4).</p> <p>Section 48.</p> <p>In section 54, in subsection (1), the words from " and expenditure " where second occurring to the end of the subsection, and subsection (3).</p> <p>In Schedule 1 in paragraph 2 the words from " and for the making of such payments" onwards.</p>

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	<p>In Schedule 4 Part IV paragraphs 2(c) and 5.</p> <p>In Schedule 6, paragraph 4(c), the proviso to paragraph 4, and paragraph 8.</p> <p>In Schedule 7 paragraph 3(b).</p> <p>In Schedule 8 paragraph 6(b).</p> <p>Section 26(6).</p> <p>Section 30(2).</p> <p>Section 31, except in relation to councils of county districts in England and Wales.</p> <p>In section 33, in the proviso, the words from " and in subsection (3) of the said section thirty-one " to the end of the proviso.</p>
11 & 12 Geo. 6. c. 53.	The Nurseries and Child-Minders Regulation Act 1948.	<p>In section 4(4), the proviso, except in relation to an offence committed before the coming into operation of section 60 of this Act.</p> <p>In section 7(2), the words " is refused admission to the home of a person registered under section one of this Act, or " and the words " admission has been refused or, as the case may be, that".</p> <p>Section 12.</p>
12, 13 & 14 Geo. 6. c. 93.	The National Health Service (Amendment) Act 1949.	<p>In section 21, the words " or ophthalmic or dispensing optician", the words " or optician " and the words " or to the satisfaction of the Minister acting on the advice of such a committee ".</p> <p>Section 22.</p> <p>In section 29(1), the words "the Fifth Schedule to the Act of 1946 and ".</p> <p>In the Schedule, in Part I, the words from "In subsection (2) of section</p>

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

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Chapter	Short Title	Extent of Repeal
		twenty-two " to " food or articles ", the words from "In subsection (5) of section 54 " to " (including travelling and subsistence expenses)", the words from " In paragraph 2 of the First Schedule " to " usual place of residence " and the words from " At the end of the said Part IV " onwards and in Part II the words from "In subsection (2) of section twenty-two " to " of such provision ", the words from " In subsection (3) of section 54 " to " (including travelling and subsistence expenses)", the words from " in paragraph 2 of the First Schedule" to " set up as aforesaid", the words from " For sub-paragraph (c) of paragraph 2 " to " usual place of residence ", the words from " at the end of the said Part IV " to " such bodies", the words from " For sub-paragraph (c) of paragraph 4" to " any approved duty " and the words from " At the end of the said paragraph 4 " onwards.
14 & 15 Geo. 6. c. 53.	The Midwives Act 1951.	In section 11(2), the words " or maternity nurses ".
15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.	The National Health Service Act 1952.	Section 5(2) and (3).
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	Section 6(4).
4 & 5 Eliz. 2. c. 16.	The Food and Drugs Act 1955.	Section 26.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	Sections 6 and 7. Section 153(3). In Schedule 6, paragraph 1. In Schedule 7, the amendment of section 63 of



Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	the National Health Service Act 1946. In Schedule 4, the amendment of section 63 of the National Health Service (Scotland) Act 1947.
9 & 10 Eliz. 2. c. 43.	The Public Authorities (Allowances) Act 1961.	Sections 4, 5 and 6.
10 & 11 Eliz. 2. c. 24.	The National Assistance Act 1948 (Amendment) Act 1962.	As respects England and Wales, in section 1(1), the section substituted for section 31 of the National Assistance Act 1948, but except in relation to councils of county districts and, as respects Scotland, the whole Act.
1963 c. 33.	The London Government Act 1963.	Section 45(4). Section 46(3).
1964 c. xxxv.	The Newcastle upon Tyne Corporation Act 1964.	Section 29.
1967 c. 39.	The National Health Service (Family Planning) Act 1967.	In section 2, subsection (2) from the beginning to "section, and "  In section 3(1)(a), the words " or section 61 of the Local Government Act 1958 "