



Health Services and Public Health Act 1968

1968 CHAPTER 46

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 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

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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.

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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 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.

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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.

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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 ".
- (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.

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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 " .