



# 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

---

*Status: This is the original version (as it was originally enacted).*

---

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 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.

---

*Status: This is the original version (as it was originally enacted).*

---

## **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 ".
- (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.

---

*Status: This is the original version (as it was originally enacted).*

---

## **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

---

*Status: This is the original version (as it was originally enacted).*

---

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

---

*Status: This is the original version (as it was originally enacted).*

---

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.



---

*Status: This is the original version (as it was originally enacted).*

---

- (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;
  - (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,

---

*Status: This is the original version (as it was originally enacted).*

---

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, 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).

---

*Status: This is the original version (as it was originally enacted).*

---

- (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 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

---

*Status: This is the original version (as it was originally enacted).*

---

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 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

---

*Status: This is the original version (as it was originally enacted).*

---

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.

---

*Status: This is the original version (as it was originally enacted).*

---

## **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 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,

---

*Status: This is the original version (as it was originally enacted).*

---

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).

---

*Status: This is the original version (as it was originally enacted).*

---

- (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—

---

*Status: This is the original version (as it was originally enacted).*

---

- (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

---

*Status: This is the original version (as it was originally enacted).*

---

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

---

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

---

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

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

---

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.