

SCHEDULES

SCHEDULE 1

Section 16.

EXECUTIVE COUNCILS

Constitution of Executive Councils

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

Supplementary Provisions

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

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- (e) with respect to the procedure of such a Council or any such committee as aforesaid.
- 7 If a Local Medical Committee, a Local Dental Committee, a Local Pharmaceutical Committee, the members of a Local Optical Committee who are ophthalmic opticians or the members of such a committee who are dispensing opticians fail within such period as the Minister may determine to appoint any member of an Executive Council whom they are required to appoint, the appointment shall be made by the Minister.
- 8 The proceedings of an Executive Council or committee thereof shall not be invalidated by a vacancy in the membership of the Council or committee or by a defect in the appointment or qualification of a member thereof.

SCHEDULE 2

Section 43.

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

PART I

ENACTMENTS OF THE NATIONAL HEALTH SERVICE ACT 1946 APPLIED

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

PART II

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

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

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

SCHEDULE 3

Section 78.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS AND SCHEMES

PART I

ENACTMENTS

The Midwives Act 1936

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

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

The National Health Service (Scotland) Act 1947

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

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

The National Assistance Act 1948

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

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

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

The Midwives Act 1951

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

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

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The Disabled Persons (Employment) Act 1958

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

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

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

The Local Government Act 1958

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

In section 46(1).—

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

The Mental Health Act 1959

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

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

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

The Mental Health (Scotland) Act 1960

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

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

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The Health Visiting and Social Work (Training) Act 1962

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

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

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

The London Government Act 1963

(1963 c. 33)

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

The General Rate Act 1967

(1967 c. 9)

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

PART II

SCHEMES

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

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

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SCHEDULE 4

Section 78.

ENACTMENTS REPEALED

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

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

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

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

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

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