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## SCHEDULES

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

##### *The National Health Service (Scotland) Act 1972*

138 In section 22 of the National Health Service (Scotland) Act 1972 (supply of goods and services to local authorities, etc.), after subsection (2) there shall be added the following subsection—

“(3) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of this section and is used in accordance with the terms on which it is so available, the Vehicles (Excise) Act 1971 and Part VI of the Road Traffic Act 1972 shall have effect with such modifications as are specified in the order.”

139 In section 23 of that Act (assistance to voluntary organisations), after subsection (1) there shall be added the following subsection—

“(1A) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of this section and is used in accordance with the terms on which it is so available, the Vehicles (Excise) Act 1971 and Part VI of the Road Traffic Act 1972 shall have effect with such modifications as are specified in the order.”

140 In section 34(2) of that Act (transfer of other staff), after paragraph (f) there shall be inserted the following paragraph—

“(g) an education authority wholly or mainly as a speech therapist for the purposes of providing special education in pursuance of sections 1 and 3A of the Education (Scotland) Act 1962.”

141 After section 34 of that Act there shall be inserted the following section—

#### **“34A Provision for early retirement in lieu of compensation for loss of office.**

(1) In order to facilitate the early retirement of certain persons who might otherwise suffer, in consequence of this Act, loss of employment or loss or diminution of emoluments, any person who—

- (a) is in any such employment as may be prescribed for the purposes of this subsection ; and
- (b) attains or has attained the age of fifty on or before a prescribed date ; and
- (c) fulfils such other conditions as may be prescribed ;

may by notice given before a prescribed date and in the prescribed manner elect that this section shall apply to him.

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- (2) Where any person has made an election under the preceding subsection, then, unless within a prescribed period notice of objection to the election is given to him by a prescribed person, this section shall apply to him on his retirement within a prescribed period and before attaining the normal retiring age and compensation on his retirement shall not be payable to or in respect of him in pursuance of section 24 of the Superannuation Act 1972 (which among other things relates to compensation for loss of office).
- (3) Subject to the following subsection, the Secretary of State shall by regulations provide for the payment by him to or in respect of a person to whom this section applies of benefits corresponding, as near as may be, to those which would have been paid to or in respect of that person under the relevant superannuation scheme if—
- (a) at the date of his retirement he had attained the normal retiring age ; and
  - (b) the actual period of his reckonable service were increased by such period as may be prescribed, not exceeding the period beginning on the date of his retirement and ending on the date on which he would attain the normal retiring age.
- (4) Regulations in pursuance of the preceding subsection shall be so framed as to secure that the sums which would otherwise be payable under the regulations in accordance with that subsection to or in respect of any person are reduced to take account of any benefits payable to or in respect of him under the relevant superannuation scheme.
- (5) Any sums payable under regulations made in pursuance of subsection (3) of this section shall be treated for the purposes of section 73 of the Finance Act 1972 (under which compensation for loss of office or employment is chargeable to tax as a payment made on retirement or removal from office or employment) in like manner as compensation paid in pursuance of the said section 24,
- (6) In this section—
- " normal retiring age " means—
    - (a) in relation to any person to whom an age of compulsory retirement applies by virtue of the relevant superannuation scheme, that age ; and
    - (b) in relation to any other person, the age of sixty-five in the case of a man and sixty in the case of a woman or, in either Case, such other age as may be prescribed ;
  - " reckonable service", in relation to any person, means service in respect of which benefits are payable under the relevant superannuation scheme ; and
  - " relevant superannuation scheme ", in relation to any person, means the instrument which is applicable in the case of his employment and which makes provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of certain requirements and conditions, are to be, or may be, paid to or in respect of persons in that employment."

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persons who have held office as Health Service Commissioner for Scotland), after the word " section " there shall be inserted the words " and subsection (4) to (6) of section 32 of the National Health Service Reorganisation Act 1973 ".

143 For subsection (2) of section 44 of that Act (administrative provisions), there shall be substituted the following subsection—

“(2) Any function of the Commissioner under this Part of this Act may be performed by any officer of the Commissioner authorised for that purpose by him or by any officer so authorised of another Commissioner mentioned in subsection (4) of section 32 of the National Health Service Reorganisation Act 1973.”

144 For subsection (2) of section 45 of that Act (bodies and action subject to investigation), there shall be substituted the following subsection—

“(2) Subject to the provisions of this section, the Commissioner may investigate—

- (a) an alleged failure in a service provided by a body subject to investigation; or
- (b) an alleged failure of a body subject to investigation to provide a service which it was a function of the body to provide ; or
- (c) any other action taken by or on behalf of a body subject to investigation,

in a case where a complaint is duly made by or on behalf of any person that he has sustained injustice or hardship in consequence of the failure or in consequence of maladministration connected with the other action.

In this subsection, " function " includes a power and a duty.”

145 (1) In section 46(2) of that Act (provisions relating to complaints), for the word " other " there shall be substituted the words " by some body or ".

(2) In subsection (4) of that section at the end there shall be inserted the words " ; but the Commissioner may disregard the preceding provisions of this subsection in relation to a complaint made by an officer of the body subject to investigation on behalf of the person aggrieved if the officer is authorised by virtue of subsection (2) of this section to make the complaint and the Commissioner is satisfied that in the particular circumstances those provisions ought to be disregarded. "

146 In section 47 of that Act (application of certain provisions of the Parliamentary Commissioner Act 1967), the words " except subsection (4)", where they first occur, shall be omitted; and at the end there shall be added the words " In sections 7(1) and 8(1) of the said Act of 1967 as applied by this section, the words ' the principal officer of ' and ' Minister ' shall be omitted. "

147 For section 65(3) of that Act (extent), there shall be substituted the following subsection—

“(3) The following provisions of this Act shall extend to England and Wales, namely, this subsection, sections 42(4), 47, 48(5), 50(1), paragraphs 104, 128, 130, 143 to 145 and 152 of Schedule 6, Schedule 7 so far as it relates to paragraphs 3 and 5 of Schedule 3 to the Redundancy Payments Act 1965 and subsection (1) of this section so far as it relates to the other provisions mentioned in this subsection.”

148 After section 65(3) of that Act there shall be inserted the following subsection—

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“(4) The following provisions of this Act shall extend to Northern Ireland, namely, this subsection, sections 42(4), 47, 48(5), 50(1), paragraphs 104, 128, 130, 143 to 145 and 152 of Schedule 6 and subsection (1) of this section so far as it relates to the other provisions mentioned in this subsection.”

149 In Schedule 6 to that Act (minor and consequential amendments to enactments), after paragraph 20 there shall be inserted the following paragraph—

“20A In section 18(5) (application to Scotland of provisions in respect of superannuation of officers of certain hospitals), at the end there shall be added the words “, for the reference to Regional Hospital Boards or Area Health Authorities of a reference to Health Boards, and for the reference to services under the National Health Service Acts 1946 to 1973 of a reference to services under the National Health Service (Scotland) Acts 1947 to 1973”.

150 In Schedule 6 to that Act (minor and consequential amendments to enactments), after paragraph 156 there shall be inserted the following paragraph—

*“The Road Traffic Act 1972*

156A (1) In section 156(1)(c) of the Road Traffic Act 1972 (which provides that payment for hospital treatment of a traffic casualty will be made payable to the Secretary of State or to a Regional Hospital Board or Board of Management), for the Words from “Regional” to “Management” there shall be substituted the words “Health Board”.