



National Health Service Act 1977

1977 CHAPTER 49

PART I

SERVICES AND ADMINISTRATION

Functions of the Secretary of State

5 Other services.

(1) It is the Secretary of State's duty—

- (a) to provide for the medical . . . ^{F1} inspection at appropriate intervals of pupils in attendance at schools maintained by local education authorities ^{F2}. . . and for the medical . . . ^{F1} treatment of such pupils . . . ^{F3};
- (b) to arrange, to such extent as he considers necessary to meet all reasonable requirements in England and Wales, for the giving of advice on contraception, the medical examination of persons seeking advice on contraception, the treatment of such persons and the supply of contraceptive substances and appliances.

[^{F4}(1A) It is also the Secretary of State's duty to provide, to such extent as he considers necessary to meet all reasonable requirements—

- (a) for the dental inspection of pupils in attendance at schools maintained by local education authorities ^{F2}. . . ;
- (b) for the dental treatment of such pupils; and
- (c) for the education of such pupils in dental health.

(1B) Schedule 1 to this Act shall have effect.]

(2) The Secretary of State may—

- (a) 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 (and the additional provisions set out in Schedule 2 to this Act have effect in relation to this paragraph);

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- (b) ^{F5}
- (c) provide a microbiological service, which may include the provision of laboratories, for the control of the spread of infectious diseases [^{F6}and carry on such other activities as in his opinion can conveniently be carried on in conjunction with that service];
- (d) conduct, or assist by grants or otherwise (without prejudice to the general powers and duties conferred on him under the ^{MI}Ministry of Health Act 1919) any person to conduct, research into any matters relating to the causation, prevention, diagnosis or treatment of illness, and into any such other matters connected with any service provided under this Act as he considers appropriate.

[^{F7}(2A) Charges may be made for service or materials supplied by virtue of paragraph (c) of subsection (2) above; and the powers conferred by that paragraph may be exercised both for the purposes of the health service and for other purposes.]

[^{F8}(2B) The Secretary of State's functions may be performed outside England and Wales, in so far as they relate—

- (a) to holidays for patients;
- (b) to the transfer of patients to or from Scotland, Northern Ireland, the Isle of Man or the Channel Islands; or
- (c) to the return of patients who have received treatment in England and Wales to countries or territories outside the British Islands.]

(3) ^{F9}

(4) The Public Health Laboratory Service Board continues in being for the purpose of exercising such functions with respect to the [^{F10}powers conferred by paragraph (c) of subsection (2) above as the Secretary of State may determine].

(5) The Board shall continue to be constituted in accordance with Part I of Schedule 3 to this Act, and the additional provisions set out in Part II of that Schedule have effect in relation to the Board.

Textual Amendments

- F1** Words repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), ss. 10(1)(a), 25(2), **Sch. 3**
- F2** Words in s. 5(1)(a)(1A)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-23)
- F3** Words repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(2), **Sch. 3**
- F4** S. 5(1A)(1B) inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 10(1)(b)**
- F5** S. 5(2)(b) repealed (E.W.) (29.11.2002) by The National Health Service Act 1977 and National Health Service and Community Care Act 1990 (Amendment) Regulations 2002 (S.I. 2002/2759), **reg. 3(2)**
- F6** Words substituted by Public Health Laboratory Service Act 1979 (c. 23, SIF 113:1), **s. 1(1)**
- F7** S. 5(2A) inserted by Public Health Laboratory Service Act 1979 (c. 23, SIF 113:1), **s. 1(2)**
- F8** S. 5(2B) added by Health and Social Security Act 1984 (c. 48, SIF 113:1), **s. 9(1)**
- F9** S. 5(3) repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16(2), **Sch. 5**
- F10** Words substituted by Public Health Laboratory Service Act 1979 (c. 23, SIF 113:1), **s. 1(3)**

Modifications etc. (not altering text)

- C1** S. 5(1)-(1B) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**
S. 5(1)-(1B) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**
- C2** S. 5(1)(a)(b)(1A): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

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- C3** S. 5(2)(d): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(a), **Sch. 1** (as amended (E.) (1.4.2002) by S.I. 2002/555, reg. 3(3))
- C4** S. 5(2)(b)(d): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**
- C5** S. 5(2B) modified (23.5.1991) by S.I. 1991/1236, **art. 2(b)** (which S.I. revoked S.I. 1991/577)

Marginal Citations

- M1** 1919 c. 21(57).

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Changes and effects yet to be applied to :

- s. 5(1A) repealed by 2003 c. 43 s. 171(2)Sch. 14 Pt. 4
- s. 5(2)(d) words repealed by S.I. 2006/1407 Sch. 2
- s. 5(4)(5) repealed by 2003 c. 43 Sch. 13 para. 4(a)Sch. 14 Pt. 7

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by 2003 c. 43 Sch. 7 para. 3(7)
- Act repealed by 2006 c. 43 Sch. 4

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(4) inserted by 2003 c. 43 Sch. 11 para. 8
- s. 3(4)(a) words substituted by 2006 c. 28 Sch. 8 para. 7(4)(a)
- s. 3(4)(b) modified by S.I. 2004/865 art. 109(2)(a)
- s. 3(4)(b) words substituted by 2006 c. 28 Sch. 8 para. 7(4)(b)
- s. 8(9)(10) added by 2006 c. 28 s. 74(1)
- s. 11(4A)(4B) inserted by 2006 c. 28 s. 74(2)(a)
- s. 16B(4) inserted by 2003 c. 43 s. 182(1)
- s. 16BC(4) inserted by 2003 c. 43 s. 182(2)
- s. 16CA and heading inserted by 2003 c. 43 s. 170
- s. 16CB inserted by 2003 c. 43 s. 171(1)
- s. 16CC inserted by 2003 c. 43 s. 174
- s. 16CD16CE inserted by 2006 c. 28 s. 37
- s. 19A(2)(aa) inserted by 2003 c. 43 Sch. 9 para. 9
- s. 20A inserted by 2003 c. 4 s. 1(1)
- s. 21(4) inserted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 9
- s. 22(1A)(e) inserted by 2003 c. 43 Sch. 4 para. 25
- s. 28D(1)(b)-(bc) substituted for s. 28D(1)(b)(c) by 2003 c. 43 s. 177(2)
- s. 28D(1)(bc)(i) modified by S.I. 2004/865 art. 109(2)(a)
- s. 28D(1)(bc)(iii) words substituted by S.I. 2004/957 Sch. para. 3
- s. 28D(1A) inserted by 2003 c. 43 s. 177(3)
- s. 28E(3)(ca) inserted by 2003 c. 43 s. 177(7)
- s. 28E(3A)(3B) inserted by 2003 c. 43 s. 177(8)
- s. 28E(3C) inserted by 2003 c. 43 s. 177(9)
- s. 28E(3D) inserted by 2003 c. 43 s. 177(10)
- s. 28E(3E)(3F) inserted by 2003 c. 43 s. 177(11)
- s. 28K-28P and heading inserted by 2003 c. 43 s. 172(1)
- s. 28M(4) words substituted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 16
- s. 28Q-28W and heading(s) inserted by 2003 c. 43 s. 175(1)
- s. 28W(5) applied by S.I. 2004/478 reg. 100(3)
- s. 28W(5) applied by S.I. 2004/478 Sch. 6 para. 100(3)
- s. 28X applied (with modifications) by S.I. 2006/552 Sch. 1 para. 4
- s. 28X inserted by 2003 c. 43 s. 179(1)
- s. 28X heading words substituted by 2006 c. 28 s. 39(5)
- s. 28X(1A) inserted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 17(a)
- s. 28X(2A) inserted by 2006 c. 28 s. 39(2)
- s. 28X(3)(b) words substituted by 2006 c. 28 s. 39(3)
- s. 28X(3)(c) added by S.I. 2006/1407 Sch. 1 Pt. 1 para. 17(b)
- s. 28X(6A) inserted by 2006 c. 28 s. 39(4)
- s. 28Y inserted by 2003 c. 43 s. 180

- s. 28Y(1) applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 5](#)
- s. 28Y(1)(a) substituted by [2006 c. 28 s. 40\(2\)](#)
- s. 28Y(1)(b) words substituted by [2006 c. 28 s. 40\(3\)](#)
- s. 28Y(1)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 18](#)
- s. 28WA-28WF and cross-heading inserted by [2006 c. 28 s. 38](#)
- s. 29-34A repealed by [2003 c. 43 s. 175\(2\)Sch. 14 Pt. 4](#)
- s. 34A inserted by [1997 c. 46 s. 25\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 25(1) repealed (1.4.2004) without ever being in force by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1) (4), Sch. 14 Pt. 4 Note; S.I. 2004/288, art. 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345))
- s. 35(3)-(3B) substituted for s. 35(3) by [S.I. 2005/2011 Sch. 6 para. 1\(2\)\(a\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- s. 42(2A) inserted by [2001 c. 15 s. 40\(3\)](#)
- s. 42(2B)(2C) inserted by [2006 c. 28 s. 35](#)
- s. 42A42B inserted by [2006 c. 28 s. 34\(1\)](#)
- s. 43(4)(5) added by [1997 c. 19 Sch. para. 6](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 19 repealed (30.3.2007) by S.I. 2007/289, art. 1(2)(3), Sch. 1 para. 6; commencing date as notified in The Gazette, published 23.3.2007)
- s. 43A inserted by [1984 c. 48 s. 7\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(1) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43A43B substituted by [1999 c. 8 s. 10\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1))
- s. 43A43B substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 19](#)
- s. 43A(3) repealed by [1997 c. 46 Sch. 2 para. 77Sch. 3 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 77 repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43B added by [1984 c. 48 s. 7\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(3) repealed to the extent that it inserts section 43B of the National Health Service Act 1977 (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without that amendment ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 44(3A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 20\(c\)](#)
- s. 45A45B inserted by [2003 c. 43 Sch. 11 para. 23](#)
- s. 45A(3) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(3)(a) word repealed by [2006 c. 28 Sch. 8 para. 17\(2\)Sch. 9](#)
- s. 45A(3)(aa) inserted by [2006 c. 28 Sch. 8 para. 17\(2\)](#)
- s. 45A(4) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(4)(a) substituted by [2006 c. 28 Sch. 8 para. 17\(3\)](#)
- s. 45A(11) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45C inserted by [2006 c. 28 s. 41](#)
- s. 46-46C substituted for s. 46 by [1999 c. 8 s. 40\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed by 2001 c. 15, ss. 67, 70(2), Sch. 6 Pt. 1 (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the National Health Service Act 2006 (c. 41) (as to which see s. 227 of that 2006 Act) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), arts. 1(1), 2, Sch. 1 Pt. 2 para. 8(c))

- s. 54(1)(c) and word(s) inserted by 2003 c. 43 Sch. 11 para. 26(2)(c)
- s. 54(1)(c) modified by S.I. 2004/865 art. 109(2)(a)
- s. 72(5)(d) and word(s) inserted by 2003 c. 43 Sch. 11 para. 27(2)
- s. 72(5)(d) modified by S.I. 2004/865 art. 109(2)(a)
- s. 72(5)(d) words substituted by 2006 c. 28 Sch. 8 para. 21(b)(i)
- s. 72(5)(d) words substituted by 2006 c. 28 Sch. 8 para. 21(b)(ii)
- s. 77(4) inserted by 2003 c. 43 Sch. 11 para. 28
- s. 78A inserted by 1997 c. 46 s. 26(1) (This amendment not applied to legislation.gov.uk. S. 26(1) repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1))
- s. 79(5)(b) modified by 2003 c. 43 s. 183(4)
- s. 96(4) added by S.I. 2006/1407 Sch. 1 Pt. 1 para. 27
- s. 96A(12) inserted by 2003 c. 43 Sch. 4 para. 37
- s. 98(1A)-(1C) inserted by S.I. 2003/1324 Sch. 2 para. 1(2)
- s. 98(1A) substituted by S.I. 2004/1714 Sch. 2 para. 1(2)
- s. 98(1A)(e) inserted by S.I. 2006/960 Sch. 2 para. 1(2)
- s. 98(1C) words inserted by S.I. 2004/1714 Sch. 2 para. 1(4)
- s. 98(1C) words substituted by S.I. 2006/960 Sch. 2 para. 1(4)
- s. 98(1D) inserted by 2004 c. 23 Sch. 2 para. 2
- s. 98(1BA)(1BB) inserted by S.I. 2004/1714 Sch. 2 para. 1(3)
- s. 98(1BC) inserted by S.I. 2006/960 Sch. 2 para. 1(3)
- s. 98(4A) inserted by S.I. 2003/1324 Sch. 2 para. 1(4)
- s. 98(7)-(10) inserted by S.I. 2005/1074 art. 2(2)
- s. 103(4)(5) inserted by 2001 c. 15 Sch. 5 para. 5(12)(c) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 5(12)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 124A(3)(aa) inserted by 2002 c. 38 Sch. 3 para. 20
- s. 126(1A) inserted by 2003 c. 43 s. 183(3)(b)
- s. 126(4A) inserted by 2001 c. 15 Sch. 5 para. 5(13)(c) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 5(13)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 126(4A) inserted by 2003 c. 4 s. 1(2)
- Sch. 5 para. 12B inserted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 39(c)
- Sch. 5 para. 10(2A)-(2C) substituted for Sch. 5 para. 10(2A) by S.I. 2005/2011 Sch. 6 para. 1(4) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- Sch. 5A para. 20(1A) inserted by 2006 c. 28 s. 74(3)
- Sch. 5B para. 19(1A) inserted by 2006 c. 28 s. 74(4)
- Sch. 7A inserted by 2003 c. 4 s. 1(3) Sch. 1
- Sch. 7A para. 3(1)(fa) inserted by 2003 c. 43 Sch. 11 para. 40(2)(a)
- Sch. 7A para. 3(1)(g) words repealed by 2003 c. 43 Sch. 11 para. 40(2)(b) Sch. 14 Pt. 4
- Sch. 7A para. 3(2) words substituted by 2003 c. 43 Sch. 11 para. 40(3)
- Sch. 9A para. 10(a)(aa) substituted for s. Sch. 9A para. 10(a) by 2003 c. 43 Sch. 11 para. 42(4)(b)
- Sch. 9A para. 6(d)(i)(ii) substituted for words in para. 6(d) by S.I. 2006/1407 Sch. 1 Pt. 1 para. 40(b)
- Sch. 11 para. 5A inserted by S.I. 2004/3363 art. 7
- Sch. 12 para. 2A(6) added by S.I. 2006/1407 Sch. 1 Pt. 1 para. 42(g)
- Sch. 12 para. 2B amendment to earlier affecting provision 2006 c. 28, s. 41(3) by S.I. 2006/1407 Sch. 1 Pt. 2 para. 15 (The earlier affecting provision cited is incorrect. The correct provision should be s. 42(3).)
- Sch. 12 para. 2B inserted by 2006 c. 28 s. 42(3)
- Sch. 12 para. 2A(1)(b)(ba) substituted for Sch. 12 para. 2A(1)(b) by 2006 c. 28 s. 42(2)(a)

- Sch. 12A para. 7(4) inserted by 2001 c. 15 Sch. 5 para. 5(17)(c)
- Sch. 12B inserted by 2006 c. 28 s. 56(2)Sch. 3
- Sch. 12ZA inserted by 2003 c. 43 s. 183(2)

Commencement Orders yet to be applied to the National Health Service Act 1977
Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/53 art. 2-4 commences (2001 c. 15)
- S.I. 2003/713 art. 2 commences (2001 c. 15)
- S.I. 2003/833 art. 23 commences (2002 c. 17)
- S.I. 2003/2245 art. 2 commences (2001 c. 15)
- S.I. 2003/2246 art. 2 commences (2002 c. 17)
- S.I. 2003/2660 art. 2-4 commences (2003 c. 4)
- S.I. 2003/3064 art. 2 commences (2003 c. 4)
- S.I. 2003/3083 art. 2 commences (2002 c. 17)
- S.I. 2003/3346 art. 2-5 commences (2003 c. 43)
- S.I. 2004/103 art. 2-4 commences (2001 c. 15)
- S.I. 2004/287 art. 23 commences (1997 c. 46)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/289 art. 2 commences (1998 c. 8)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2004/1859 art. 2-6 commences (1999 c. 8)
- S.I. 2004/2626 art. 2 commences (2003 c. 43)
- S.I. 2005/457 art. 2 commences (2003 c. 43)
- S.I. 2005/558 art. 2Sch. 1 commences (2004 c. 23)
- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.I. 2005/2213 art. 23 commences (2002 c. 38)
- S.I. 2005/2800 art. 3-5 commences (2005 c. 10)
- S.I. 2005/2897 art. 2 commences (2002 c. 38)
- S.I. 2005/2925 art. 24-11 commences (2003 c. 43)
- S.I. 2005/2926 art. 23 commences (1997 c. 46)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/481 art. 23 commences (2001 c. 15)
- S.I. 2006/1014 art. 2Sch. 12 commences (2005 c. 4)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 3681213 commences (1997 c. 46)
- S.I. 2006/2603 art. 2-5 commences (2006 c. 28)
- S.I. 2006/3125 art. 2-4 commences (2006 c. 28)
- S.I. 2007/204 art. 2-4 commences (2006 c. 28)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)