



National Health Service (Scotland) Act 1978

CHAPTER 29

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

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SCHEDULE 1 — Health Boards

PART I — CONSTITUTION

- 1 A Health Board shall be a body corporate and shall...
- 2 A Health Board shall consist of a chairman appointed by...
- 3 Appointments under paragraph 2 shall be made after consultation with...
- 4 The Secretary of State may pay to the chairman of...
- 5 A Health Board may employ such officers and servants on...
- 6 Regulations may make provision with respect to the method of...
- 7 No officer or servant of a Health Board to whom...
- 8 Regulations under paragraph 6 shall not contain a requirement that...
- 9 The application of the seal of a Health Board to...

- 10 Every document purporting to be an instrument issued by a...

PART II — SUPPLEMENTARY PROVISIONS

- 11 Regulations may make provision— (a) as to the appointment, tenure...

- 12 The proceedings of a Health Board shall not be invalidated...
- 13 The Secretary of State shall pay to members of a...
- 14 Allowances shall not be paid under paragraph 13 except in...
- 15 Payment under paragraph 13 shall be made at such times...
- 16 A Health Board may by agreement transfer to the Hospital...
- 17 A Health Board may borrow from the Hospital Trust against...
- 18 The functions transferred to and exercisable by Health Boards under...
- 19 The Secretary of State may, with any necessary modifications, by...

SCHEDULE 2 — The Medical Practices Committee

- 1 The Medical Practices Committee shall consist of a chairman, who...
- 2 The chairman and members shall be appointed by the Secretary...
- 3 The Secretary of State may make regulations with respect to...
- 4 The Secretary of State may provide the services of such...
- 5 The proceedings of the Committee shall not be invalidated by...

SCHEDULE 3 — The Planning Council

- 1 The Planning Council shall consist of a chairman appointed by...
- 2 The Secretary of State shall have power to appoint a...
- 3 Regulations may make provision for— (a) the appointment, tenure and...
- 4 The proceedings of the Council or of any committee thereof...
- 5 The Secretary of State shall pay to members of the...
- 6 Allowances shall not be paid under paragraph 5 except in...
- 7 The Secretary of State shall have power, after consultation with...

SCHEDULE 4 — University Liaison Committees

SCHEDULE 5 — The Agency

- 1 The Agency shall be a body corporate and shall have...
- 2 The affairs of the Agency shall be managed by a...
- 3 The management committee shall consist of a chairman appointed by...
- 4 The proceedings of the management committee shall not be invalidated...
- 5 The Secretary of State shall pay to members of the...
- 6 Allowances shall not be paid under paragraph 5 except in...
- 7 The Agency may employ such officers and servants on such...
- 8 Regulations may make provision with respect to—
- 9 No officer or servant of the Agency to whom regulations...
- 10 The application of the seal of the Agency to any...
- 11 Every document purporting to be an instrument issued by the...
- 12 The Secretary of State may exercise the powers conferred by...

SCHEDULE 6 — The Hospital Trust

PART I — CONSTITUTION

- 1 The Hospital Trust (hereafter in this Schedule referred to as...
- 2 The Trust shall be a body corporate.
- 3 The proceedings of the Trust shall not be invalidated by...

PART II — POWERS

- 4 The Trust shall have the following powers—
- 5 (1) It shall be the duty of the Trust to...
- 6 (1) Regulations may prescribe the method of calculating the capital...
- 7 (1) The Trust shall, at such date or dates in...

- 8 The total annual expenses of administration of the Trust shall...
- 9 Regulations may make provision in respect of any of the...
- 10 (1) The accounts of the Trust shall be audited annually...

SCHEDULE 7 — The Research Trust

- 1 The Research Trust shall consist of a chairman appointed by...
- 2 The Research Trust shall be a body corporate.
- 3 The Secretary of State may make regulations for—
- 4 The Research Trust shall have power to purchase land and...
- 5 The Research Trust shall have, in relation to their funds,...
- 6 Where the Research Trust borrow money or draw upon capital...
- 7 The proceedings of the Research Trust shall not be invalidated...

SCHEDULE 8 — The Tribunal

- 1 The Tribunal for the purposes of section 29 shall consist...
- 2 The chairman shall be a practising advocate or solicitor of...
- 3 One of the other members shall be a person appointed...
- 4 The remaining member (hereafter referred to as "the practitioner member...
- 5 For the purposes of paragraph 4, the Secretary of State...
- 6 If any member of the Tribunal is unable to act...
- 7 Regulations may make provision— (a) with respect to the appointment,...

SCHEDULE 9 — Additional Provisions as to Prohibition of Sale of Medical Practices

Prohibition, and certificate of Practices Committee

- 1 (1) Any person who sells or buys the goodwill, or...

Certain transactions deemed sale of goodwill

- 2 (1) Where— (a) any medical practitioner or his personal representative...

SCHEDULE 10 — Additional Provisions as to the Control of Maximum Prices for Medical Supplies

Orders and directions

- 1 (1) Any power of making orders under section 49 includes...

Notices, authorisations and proof of documents

- 2 (1) A notice to be served on any person for...

Territorial extent

- 3 So far as any provisions contained in or having effect...

False documents and false statements

- 4 (1) A person shall not, with intent to deceive—

Restrictions on disclosing information

- 5 No person who obtains any information by virtue of section...

Offences by corporations

- 6 Where an offence under this Schedule committed by a body...

Penalties

- 7 (1) If any person contravenes or fails to comply with...

Production of documents

- 8 (1) For the purposes— (a) of securing compliance with any...
9 (1) If a sheriff, magistrate or justice of the peace...

SCHEDULE 11 — Additional Provisions as to Regulations for the Making and Recovery of Charges

Regulations under section 69—charges for drugs, medicines or appliances, or pharmaceutical services

- 1 (1) No charge shall be made under section 69(1) in...

Regulations under section 70—charges for dental or optical appliances

- 2 (1) The dental and optical appliances mentioned in the first...

Regulations under section 71—charges for dental treatment

- 3 (1) The amount of the charge payable under section 71(1)...

Miscellaneous Provisions

- 4 For the purposes of section 39(2) (which provides for the...
5 Regulations may provide for the remission or repayment of any...
6 For the purposes of sections 69 and 70 and of...

SCHEDULE 12 — Inquiries

- 1 The Secretary of State shall appoint a person to hold...
2 The Secretary of State or the person appointed to hold...
3 The person appointed to hold the inquiry may by notice...
4 The person appointed to hold the inquiry may administer oaths...
5 Any person who refuses or wilfully neglects to attend in...
6 The expenses incurred by the Secretary of State in relation...
7 The Secretary of State may make orders as to the...
8 Any order by the Secretary of State under paragraph 6...

SCHEDULE 13 — Acquisition of Property Other than Land

- 1 Where under this Act, in connection with the acquisition of...
2 If any objection is duly made the Secretary of State...
3 The property with respect to which a notice is served...
4 Where any property is acquired in accordance with this Schedule...
5 Where property in respect of which compensation is payable as...
6 Any such compensation shall carry interest, as from the time...
7 Where any sum by way of compensation is paid in...

SCHEDULE 14 — Action not subject to investigation by the Commissioner

- 1 Action taken by medical practitioners, dental practitioners, ophthalmic or dispensing...
- 2 Action taken in connection with the diagnosis of illness or...
- 3 Action taken by a Health Board or an Executive Council...
- 4 Action taken in respect of appointments or removals, pay, discipline,...
- 5 Action taken in matters relating to contractual or other commercial...
- 6 Action which has been or is the subject of an...
- 7 Action in relation to which the protective functions of the...

SCHEDULE 15 — Transitional Provisions and Savings

General

- 1 (1) In so far as— (a) any agreement, appointment, apportionment,...
- 2 Where any enactment passed before the commencement of this Act,...
- 3 Where any period of time specified in an enactment repealed...

Section 37 of the National Health Service (Scotland) Act 1947

- 4 Notwithstanding the repeal by this Act of section 37 of...

Persons authorised to provide pharmaceutical services

- 5 A person who for three years immediately before 16th December...

Disqualification of practitioners

- 6 Where by virtue of section 43(8) of the National Health...

Section 4 of the Health Services and Public Health Act 1968

- 7 An undertaking given before the coming into force of section...

Compensation of officers

- 8 Notwithstanding the repeal by the National Health Service (Scotland) Act...

Vehicles under section 33 of the Health Services and Public Health Act 1968

- 9 The provision of vehicles as mentioned in section 33 of...

Saving of amendments

- 10 Notwithstanding the repeal by this Act of sections 53 and...

Transfer of property of voluntary organisations

- 11 Notwithstanding the repeal by this Act of section 23(2) of...

Investigations by the Health Service Commissioner for Scotland

- 12 Notwithstanding the dissolution by the National Health Service (Scotland) Act...

Permission deemed to have been granted under section 9(5) of the Health Services Act 1976

13 Where under any arrangements terminated by virtue of section 9(5)...

Borrowing from the Hospital Trust by Boards of Management and Regional Hospital Boards

14 Notwithstanding the repeal by this Act of the provisions of...

Health functions of local authorities

15 Notwithstanding the repeal by this Act of section 27 of...

SCHEDULE 16 — Consequential Amendments of Enactments

The Polish Resettlement Act 1947

1 In section 11(3)(b) (application to Scotland), for the words "...

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

2 In section 1(1)(d) (compulsory purchase of land by the Secretary...

The National Assistance Act 1948

3 (1) In section 47 (removal of persons in need of...

The Law Reform (Personal Injuries) Act 1948

4 In section 2(4) (measure of damages), for the words "...

The Children Act 1948

5 In section 59(1) (interpretation), in the definition of "hospital for...

The Nurseries and Child Minders Regulation Act 1948

6 In section 13(2) (interpretation), in the definition of " hospital",...

The Nurses (Scotland) Act 1951

7 In section 22 (expenditure of training nurses), in subsection (1),...

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

8 In Schedule 2 (relevant service), in item 15, for the...

The Medical Act 1956

9 (1) In section 16(1) (employment in health centres), for the...

The Dentists Act 1957

10 In section 42(4) (restrictions on employment of ancillary dental workers),...

The Opticians Act 1958

11 (1) In section 21(2) (restrictions on supply and sale and...

The Mental Health (Scotland) Act 1960

- 12 In section 27 (medical recommendations), in paragraph (c), for the...
- 13 (1) In section 101(2) (pocket money for patients), for the...

The Public Bodies (Admission to Meetings) Act 1960

- 14 In paragraph (2) of the Schedule (bodies to which Act...

The Education (Scotland) Act 1962

- 15 In section 57 (regulations as to medical and dental examination...
- 16 In section 58(2) (medical inspection of pupils and young persons),...
- 17 In section 58A(2) (dental inspection of pupils and young persons),...
- 18 In section 145(22A) (interpretation), for the words "section 13" and...

The Emergency Laws (Re-enactments and Repeals) Act 1964

- 19 In section 15 (interpretation), for the words " 1947 to...

The Redundancy Payments Act 1965

- 20 In Schedule 3 (National Health Service Employers), in paragraph 7,...

The National Health Service Act 1966

- 21 In section 2(1), for the words " 1947 " substitute...
- 22 In section 10— (a) in subsection (1), for the words...
- 23 In section 11, for the words " 1947" substitute the...

The Superannuation (Miscellaneous Provisions) Act 1967

- 24 In section 7(5) (superannuation provisions of the National Health Service...

The Abortion Act 1967

- 25 In section 6 (interpretation), for the words " National Health...

The Health Services and Public Health Act 1968

- 26 (1) In section 59(2) (extension of power), for the words...
- 27 In section 64 (financial assistance to voluntary organisations)—
- 28 In section 65(6) (assistance by local authorities to voluntary organisations),...

The Social Work (Scotland) Act 1968

- 29 (1) In section 60(1)(f) (control of certain establishments), for the...

The Medicines Act 1968

- 30 In section 131(5) (meaning of certain expressions), for the words...
- 31 In section 132(1) (interpretation), in the definition of " health...

The Post Office Act 1969

- 32 In section 86(1) (interpretation), in paragraph (b) of the definition...

The Chronically Sick and Disabled Persons Act 1970

- 33 In section 17(1) (separation of younger from older patients), for...

The Vehicles and Excise Act 1971

- 34 In section 7(2) (miscellaneous exemptions from duty), in paragraph (b),...

The Tribunals and Inquiries Act 1971

- 35 In paragraph 41 of Part II of Schedule 1 (tribunals...

The Finance Act 1971

- 36 In Schedule 13 (health service agreement) in paragraph 1(1) for...

The Finance Act 1972

- 37 In section 70 (disabled person's vehicle maintenance grant), for the...

The Local Government (Scotland) Act 1973

- 38 In section 197 (inspection of documents) for the words "...

The Trade Union and Labour Relations Act 1974

- 39 In section 30(2) (interpretation), in paragraph (a), for the words...

The Social Security Act 1975

- 40 In section 37A(6) (mobility allowance), in paragraph (a) for the...

The Criminal Procedure (Scotland) Act 1975

- 41 In section 462 (interpretation), in the definition of " hospital...

The House of Commons Disqualification Act 1975

- 42 In Schedule 1 in Part II (bodies of which all...

The Health Services Act 1976

- 43 In section 23 (interpretation), in the definition of "the National...

The Social Security (Miscellaneous Provisions) Act 1977

- 44 In section 13(3), in paragraph (a), for the words "...

The Patents Act 1977

- 45 In section 56(4), in paragraph (a), for the words "...

SCHEDULE 17 — Repeals