



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART I

ORGANISATION

Co-operation and assistance

[^{F1} 16A Power to make payments towards expenditure on community services.

(1) A Health Board may, if they think fit, make payments in accordance with this section to any [^{F2}local authority] towards expenditure incurred or to be incurred by them in connection with the performance of the following functions—

(a) any function [^{F3}under any of the enactments mentioned in section 5(1B) of the Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments), other than section 3 of the Disabled Persons (Employment) Act 1958];

(b) any ^{F4} . . . functions under section 1 of the Education (Scotland) Act ^{M1} 1980 in making provision for—

(i) ^{F5}

(ii) further education,

within the meaning of [^{F6}that term] in that section;

[^{F7}(ba) any functions under section 4 or 5 of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) in making provision for additional support needs;]

(c) any ^{F4} . . . functions under Part VII of the Housing (Scotland) Act ^{M2} 1966 (provision of housing accommodation); and

(d) any ^{F4} . . . functions under the following provisions—

(i) Part III of the National Assistance Act ^{M3} 1948;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) section 116 of the Mental Health Act 1983;
 - (iii) section 1 or 2 of the Chronically Sick and Disabled Persons Act ^{M4} 1970;
 - (iv) section 23 or 297 of the Criminal Procedure (Scotland) Act ^{M5} 1975.
- (2) A Health Board may, if they think fit, make payments in accordance with this section to any of the following bodies towards expenditure incurred or to be incurred by them in connection with the provision of housing accommodation—
- [a registered housing association within the meaning of the Housing ^{F8}(a) Associations Act 1985;]
 - (b) any development corporation established under section 2 of the New Towns (Scotland) Act ^{M6} 1968;
 - (c) the Housing Corporation; and
 - (d) the Scottish Special Housing Association.
- (3) Where a voluntary organisation provides services similar to the functions referred to in this section, payments may be made in accordance with this section to any such organisation towards expenditure incurred or to be incurred in connection with the provision of those services and such payments may be made by-
- (a) any Health Board either instead of or in addition to making payments under this section to any council, authority or other body in respect of such services; and
 - (b) any such council, authority or other body which has received payments from a Health Board under this section, out of the sums so received.
- (4) Any payments made under this section, whether in respect of expenditure of a capital or of a revenue nature, or of both, shall be made in accordance with conditions prescribed for payments of that description by the Secretary of State in directions given under this subsection.]

Textual Amendments

- F1** S. 16A substituted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [s. 2](#)
- F2** Words in s. 16A(1) substituted (1.4.1996) by [S.I. 1996/974, art. 2\(1\)](#), [Sch. 1 Pt. I para. 5](#)
- F3** Words in s. 16A(1)(a) inserted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 112\(2\)\(a\)](#) (with s. 128(8); [S.I. 1996/323, art. 4](#)
- F4** Words in s. 16A(1)(b)-(c) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 112\(2\)\(b\)-\(d\)](#), [Sch. 14](#) (with ss. 128(8), 179); [S.I. 1996/323, art. 4\(1\)\(d\)](#), [Sch. 2](#)
- F5** S. 16A(1)(b)(i) repealed (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#), ss. 33, 35(1), [Sch. 3 para. 2\(a\)\(i\)](#); [S.S.I. 2005/564, art. 2](#)
- F6** Words in s. 16A(1)(b) substituted (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#), ss. 33, 35(1), [Sch. 3 para. 2\(a\)\(ii\)](#); [S.S.I. 2005/564, art. 2](#)
- F7** S. 16A(1)(ba) inserted (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#), ss. 33, 35(1), [Sch. 3 para. 2\(b\)](#); [S.S.I. 2005/564, art. 2](#)
- F8** Paragraph (a) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4(1), [Sch. 2 para. 41](#)

Modifications etc. (not altering text)

- C1** Pt. 1 applied (7.12.2019) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), art. 1(2), [sch. 1 Pt. 1](#) (with art. 4(4)(5))
- C2** S. 16A applied (1.4.1995) by [S.I. 1995/574, art. 5\(1\)\(2\)](#), [Sch. Pt I](#) (with art. 6)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

C3 S. 16A applied (7.12.2019) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

Marginal Citations

- M1** 1980 c.44(41:2).
- M2** 1966 c.49.
- M3** 1948 c.29(81:3).
- M4** 1970 c.44(81:3).
- M5** 1975 c.21(39:1).
- M6** 1968 c.16(123:4).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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

- s. 10C(3A) inserted by [2019 asp 6 s. 6\(3\)\(a\)](#)
- s. 10I(1)(b)(c) and word inserted by [2019 asp 6 s. 6\(4\)\(b\)](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)