



Health Services Act 1980

1980 CHAPTER 53

PART I

THE NATIONAL HEALTH SERVICE

Local administration of the health service in England and Wales

1 Power to make changes in the local administration of the health service in England and Wales

- (1) For the purposes of the administration of the health service in England and Wales after the passing of this Act—
 - (a) regions in England need not consist wholly of areas having Area Health Authorities or Area Health Authorities (Teaching); and
 - (b) Wales need not consist wholly of areas having such authorities,and the Secretary of State may, by order under section 8(1) of the National Health Service Act 1977 (in this Act referred to as " the Act of 1977 "), establish authorities for districts in English regions or in Wales in accordance with that section and may, by order under subsection (2) of that section, vary a district whether or not the variation entails the determination of a new or the abolition of an existing district.
- (2) The power to determine districts under that section may be exercised so that a district corresponds with an existing area and the power under that section to establish authorities for districts may be exercised by constituting the existing authority for an area the authority for a district (and re-naming it accordingly) without otherwise affecting its corporate status.
- (3) The authority for a district shall, according as is provided in the order establishing the authority, be called either—
 - (a) a District Health Authority, or
 - (b) a District Health Authority (Teaching), or
 - (c) by a special name indicating its connection with the district or any place in the district, with or without the word " Teaching " .

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- (4) The authority for a district may have, or cease to have, the word " Teaching " incorporated in its name in the same circumstances as, under section 9 of the Act of 1977, the authority for an area may have, or cease to have, the word " Teaching " incorporated in its name and that section shall apply in relation to the authority for a district as it applies in relation to the authority for an area.
- (5) In this Act and the Act of 1977, except where the context requires otherwise, " District Health Authority" and " Area Health Authority " mean respectively the authority for a district and the authority for an area whether or not the name of the authority incorporates the word "Teaching" or, in the case of the authority for a district, the word "District".
- (6) Subject to section 2 below, a District Health Authority shall have in relation to its district the same functions as an Area Health Authority has in relation to its area and may perform functions outside its district on behalf of the Secretary of State to the same extent as an Area Health Authority can do so.
- (7) In consequence of the foregoing provisions of this section the enactments specified in Part I of Schedule 1 to this Act shall have effect subject to the amendments provided for in that Part of that Schedule (which also includes certain minor corrections of the Act of 1977).
- (8) The Secretary of State may by order under this subsection make such repeals in or other modifications of the Act of 1977, this Act or any other enactment or instrument referring to Area Health Authorities as appear to him to be necessary having regard to the replacement of Area Health Authorities by District Health Authorities by virtue of this section.
- (9) The power to make an order under subsection (8) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Expressions used in this section and the Act of 1977 have the same meaning in this section as they have in that Act.

2 Family Practitioner Committees for several areas or districts

- (1) If directed to do so by the Secretary of State an Area Health Authority or a District Health Authority shall, instead of establishing a Family Practitioner Committee for its area or district in pursuance of section 10 of the Act of 1977, join with such other Area Health Authorities or such other District Health Authorities as are specified in the direction in establishing a Family Practitioner Committee for their combined areas or their combined districts in accordance with Part II of Schedule 5 to the Act of 1977.
- (2) Where two or more District Health Authorities are established for districts which together correspond with the area of an existing Area Health Authority those Authorities shall, if directed to do so by the Secretary of State when he makes the order establishing them, instead of each establishing a Family Practitioner Committee for its district in pursuance of section 10 of the Act of 1977, join in adopting the Family Practitioner Committee established by the Area Health Authority, and that Committee shall, for that purpose, continue in existence notwithstanding the dissolution of the Area Health Authority which established it.

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- (3) The power to give directions under subsection (1) or (2) above shall be exercisable by an instrument in writing and includes power to make such incidental or supplemental provision as the Secretary of State considers appropriate.
- (4) Where a Family Practitioner Committee is, under subsection (1) or (2) above, established by two or more Area Health Authorities or by two or more District Health Authorities or is adopted by two or more District Health Authorities then, subject to subsection (6) below—
 - (a) it is the duty of those authorities jointly, in accordance with regulations, to arrange for the provision under Part II of the Act of 1977 of general medical services, general dental services, general ophthalmic services and pharmaceutical services and jointly to perform any other functions relating to such Committees conferred or imposed on Area Health Authorities or District Health Authorities by that Act; and
 - (b) it is the duty of the Committee, in accordance with regulations, to administer on behalf of those authorities, the arrangements so made and to perform such other functions relating to those services as may be prescribed.
- (5) In consequence of the foregoing provisions of this section the enactments specified in Part II of Schedule 1 to this Act shall have effect subject to the amendments provided for in that Part of that Schedule and references in Part II of the Act of 1977 to the area or district or persons in the area or district of an authority shall be read, in the case of authorities acting jointly under this section, as references to the combined areas or the combined districts or persons in the combined areas or the combined districts of those authorities.
- (6) The Secretary of State may direct by which of the Area Health Authorities or District Health Authorities which have jointly established or adopted a Family Practitioner Committee under subsection (1) or (2) above, or in what manner, any joint function of theirs under the Act of 1977 relating to that Committee is to be performed.
- (7) Sections 126 and 127 of the Act of 1977 (exercise of, and Parliamentary control over, powers to make subordinate instruments) shall apply as if this section were contained in that Act.
- (8) Expressions used in this section and the Act of 1977 have the same meaning in this section as they have in that Act.

Financial provisions relating to the health services in England, Wales and Scotland

3 Extension of the powers to make services available to local authorities etc. under s. 26 of the Act of 1977 and s. 15 of the Scottish Act of 1978

- (1) At the end of section 26 of the Act of 1977 (which confers functions on the Secretary of State for the supply of goods and services to local authorities and others) there shall be added the following subsection—
 - “(4) The Secretary of State may arrange to make available to local authorities the services of persons of the following descriptions, that is to say—
 - (a) persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services, and
 - (b) persons providing health authorities with services of a kind provided as part of the health service,

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so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.”

- (2) In section 15 of the Scottish Act of 1978 (which empowers the Secretary of State, Health Boards and the Agency to supply goods and services to local authorities and others), in subsection (1), in paragraph (c), after the word " by " there shall be inserted the words " or having contracts with ".

4 Power to make grants towards expenditure on services of common concern to health authorities etc. and local authorities

- (1) After section 28 of the Act of 1977 there shall be inserted the following section—

“28A Power to make grants towards expenditure on services of common concern to health authorities and local authorities.

- (1) An Area Health Authority or District Health Authority may, if they think fit, make grants subject to and in accordance with the provisions of this section to the following local authorities towards expenditure to be incurred by them in connection with the performance of the following functions, that is to say—
- (a) to any local social services authority, in respect of expenditure in connection with the performance of any function which, by virtue of section 2(1) or (2) of the Local Authority Social Services Act 1970, is to be performed through the social services committee of the authority ;
 - (b) to any district council in respect of expenditure in connection with the performance by the council of any function of theirs under section 8 of the Residential Homes Act 1980 or the corresponding enactment repealed by that Act (meals and recreation for old people).
- (2) A grant under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (3) No grant shall be made under subsection (1) above in respect of any expenditure unless—
- (a) the expenditure has been recommended for a grant under this section by the joint consultative committee on which, in accordance with section 22 above, the health authority and the local authority concerned are represented and the conditions subject to which the grant is to be made accord with the advice given by that committee in making the recommendation; and
 - (b) the conditions subject to which it is to be made conform with the conditions prescribed for grants of that description by the Secretary of State in directions under this paragraph.
- (4) Where expenditure which has been recommended in pursuance of the said section 22 for a grant under this section is expenditure in connection with the provision of services to be provided by a voluntary organisation then, subject to subsection (5) below—
- (a) the Area Health Authority or District Health Authority may, instead of or in addition to making grants under subsection (1) above to the local authority concerned in the provision of the services, make grants to

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- the voluntary organisation towards the expenditure to be incurred by the organisation in connection with the provision of those services; or
- (b) the local authority may, out of the sums payable to the authority under subsection (1) above, make grants to the voluntary organisation towards expenditure to be incurred by the organisation in connection with the provision of those services.
- (5) No grant shall be made under subsection (4) above in respect of any expenditure except subject to conditions which conform with the conditions prescribed for grants of that description by the Secretary of State under subsection (3)(b) above and which accord with the advice given by the joint consultative committee in recommending the expenditure for a grant under this section.
- (6) In subsection (1)(a) above the reference to functions which, by virtue of section 2(1) of the Act of 1970, are to be performed through the social services committee of a local authority does not include a reference to the functions of a local authority under section 3 of the Disabled Persons (Employment) Act 1958 (facilities for enabling disabled persons to be employed or work under special conditions).”
- (2) After section 16 of the Scottish Act of 1978 there shall be inserted the following section—

“16A Power to make grants towards expenditure on services of common concern to Health Boards and local authorities.

- (1) A Health Board may, if they think fit, make grants subject to and in accordance with the provisions of this section to any regional or islands council towards expenditure to be incurred by them in connection with the performance of the following functions, that is to say—
- (a) any function relating to a matter which, by virtue of section 2(2) of the Social Work (Scotland) Act 1968 or any other enactment, stands referred to the social work committee of the council;
- (b) any function of the council under—
- (i) Part III of the National Assistance Act 1948;
- (ii) section 10 of the Mental Health Act 1959;
- (iii) section 1 or 2 of the Chronically Sick and Disabled Persons Act 1970;
- (iv) section 23 or 297 of the Criminal Procedure (Scotland) Act 1975 ;
- (v) Schedule 5 to the Supplementary Benefits Act 1976.
- (2) A grant under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (3) No grant shall be made under subsection (1) in respect of any expenditure unless the conditions subject to which it is to be made conform with the conditions prescribed for grants of that description by the Secretary of State in directions under this subsection.
- (4) Where a voluntary organisation provides services which are similar to the functions referred to in subsection (1), then—

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- (a) the Health Board may, instead of or in addition to making grants under that subsection to the council performing those functions, make grants to the voluntary organisation towards the expenditure to be incurred by the organisation in connection with the provision of those services;
- (b) the council may, out of the sums payable to them under subsection (1), make grants to the voluntary organisation towards expenditure to be incurred by the organisation in connection with the provision of those services;

but no grant shall be made under paragraph (a) or (b) except subject to conditions which conform with the conditions prescribed for grants of that description by the Secretary of State under subsection (3).

- (5) In subsection (1)(a) the reference to functions relating to matters which, by virtue of section 2(2) of the Social Work (Scotland) Act 1968 or any other enactment, stand referred to the social work committee of a regional or islands council does not include a reference to the functions of such a council under section 3 of the Disabled Persons Employment Act 1958 (facilities for enabling disabled persons to be employed or work under special conditions)."

5 **Power of health authorities, etc. to raise money etc. by appeals, collections, etc.**

- (1) After section 96 of the Act of 1977 there shall be inserted the following section—

“96A Power of health authorities, etc. to raise money, etc., by appeals, collections, etc.

- (1) A health authority shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist the authority in providing or improving any services or any facilities or accommodation which is or are or is or are to be provided as part of the health service or to assist them in connection with their functions with respect to research.
- (2) A Board of Governors of a teaching hospital shall, so long as it is a preserved Board by virtue of section 15 of the National Health Service Reorganisation Act 1973, have the like power in relation to services, facilities or accommodation provided or to be provided at or by the hospital or their functions with respect to research.
- (3) Subject to any directions of the Secretary of State excluding specified descriptions of activity, the activities authorised by this section include public appeals or collections and competitions, entertainments, bazaars, sales of produce or other goods and other similar activities and the activities may involve the use of land, premises or other property held by or for the benefit of the health authority or Board exercising the power subject however to any restrictions on the purposes for which trust property may be used.
- (4) Subject to the following provisions of this section, the health authority or Board at whose instance property is given in pursuance of this section shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply the property on trust for or for the purpose for which it was given.
- (5) Where property is given in pursuance of this section to or on trust for any purposes of a hospital for which special trustees have been appointed, the

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property may be held, administered and applied by the special trustees instead of by the Area or District Health Authority exercising functions on behalf of the Secretary of State in respect of the hospital if the special trustees and the Authority agree.

- (6) Property given in pursuance of this section on trust may be transferred to another health authority or to special trustees by order of the Secretary of State under section 92 above in the same circumstances as other trust property may be transferred under that section, and sections 94 and 96 above shall apply as they apply to other trust property transferred under the said section 92.
 - (7) Where property held by a health authority or Board under this section is more than sufficient to enable the purpose for which it was given to be fulfilled the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the authority or Board as the authority or Board think fit.
 - (8) Where property held by a health authority or Board under this section is insufficient to enable the purpose for which it was given to be fulfilled then—
 - (a) the authority or Board may apply so much of the capital or income at their disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purpose for which the trust property may be applied and, in the case of money paid or payable by the Secretary of State or by a Regional Health Authority under section 97 below, to any directions he or that Authority may give; but
 - (b) where the capital or income applicable under paragraph (a) above is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the health authority or Board shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the authority or Board as the authority or Board think fit.
 - (9) Where under subsection (7) or (8) above property becomes applicable for purposes other than that for which it was given the authority or Board shall have regard to the desirability of applying the property for a purpose similar to that for which it was given.
 - (10) In this section " special trustees " has the same meaning as in section 95 above and references to the purposes for which trust property may be used or applied are to be taken, in the case of trust property which has been transferred under section 92 above, to include references to those purposes as enlarged by section 94 above."
- (2) After section 84 of the Scottish Act of 1978 there shall be inserted the following section—

“84A Power to raise money, etc., by appeals, collections, etc.

- (1) A Health Board shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist them in providing or improving any services or any facilities or

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accommodation which is or are or is or are to be provided as part of the health service or to assist them in connection with their functions with respect to research.

- (2) A local health council shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist them in carrying out any function conferred upon them by or under any enactment.
- (3) Subject to any directions of the Secretary of State excluding specified descriptions of activity, the activities authorised by this section include public appeals or collections and competitions, entertainments, bazaars, sales of produce or other goods and other similar activities and the activities may involve the use of land, premises or other property held by or for the benefit of the Board or local health council exercising the power subject however to any restrictions on the purposes for which trust property may be used.
- (4) Subject to subsections (5) and (6), the Health Board or local health council at whose instance property is given in pursuance of this section shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply the property on trust for or for the purpose for which it was given.
- (5) Where property held by a Health Board or local health council under this section is more than sufficient to enable the purpose for which it was given to be fulfilled, the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the Board or council as the Board or council think fit.
- (6) Where property held by a Health Board or local health council under this section is insufficient to enable the purpose for which it was given to be fulfilled then—
 - (a) the Board or the council may apply so much of the capital or income at their disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purposes for which the trust property may be applied, and in the case of money paid or payable by the Secretary of State under section 85(1), to any directions he may give; but
 - (b) where the capital or income applicable under paragraph (a) is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the Board or the council shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the Board or council as the Board or council think fit.
- (7) Where under subsections (5) or (6) property becomes applicable for purposes other than that for which it was given, the Health Board or local health council shall have regard to the desirability of applying the property for a purpose similar to that for which it was given.”.

6 Provision of public money for, and financial duties of, health authorities, Health Boards, etc.

- (1) For section 97 of the Act of 1977 (under which the Secretary of State and Regional Health Authorities are required to pay to other health authorities the sums needed to defray their approved expenditure or, in the case of special health authorities, sums equal to their expenses) there shall be substituted the following sections—

“97 Means of meeting expenditure of health authorities out of public funds.

- (1) It is the Secretary of State's duty to pay in respect of each financial year—
- (a) to each Regional Health Authority or, in Wales, to each Area Health Authority and each District Health Authority sums not exceeding the amount allotted or further allotted by him to the Authority for that year towards meeting the expenditure attributable to the performance by the Authority of their functions in that year;
 - (b) to each Family Practitioner Committee sums equal to the expenditure which he determines is attributable to the performance by the Committee in that year of their functions under this Act;
 - (c) to each special health authority sums not exceeding the amount allotted or further allotted by him to the authority for that year towards meeting the expenditure attributable to the performance by the authority in that year of their functions under this Act.
- (2) Subject to subsection (3) below, it is the duty of every Regional Health Authority to pay in respect of each financial year to each Area Health Authority and each District Health Authority whose area or district is included in the region sums not exceeding the amount allotted or further allotted by the Regional Health Authority to the Area or District Health Authority for that year towards meeting the expenditure attributable to the performance by the Authority of their functions in that year.
- (3) The Secretary of State may give directions to a Regional Health Authority or an Area Health Authority or District Health Authority whose area or district is in Wales with respect to the application of the sums paid to them under subsection (1) above.
- (4) Where directions have been given under subsection (3) above to a Regional Health Authority with respect to the application of the sums paid to the Authority under subsection (1) above, the Regional Health Authority may give directions to an Area Health Authority or District Health Authority whose area or district is in the region with respect to the application of any sums paid out of those sums to the Area Health Authority or District Health Authority under subsection (2) above.
- (5) It shall be the duty of any health authority to whom directions have been given under subsection (3) or (4) above to comply with the directions.
- (6) Where an order establishing a special health authority provides for any expenditure of the authority to be met by a Regional, Area or District Health Authority or by two or more such Authorities in portions determined by or in accordance with the order, it is the duty of each Authority in question to

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pay to the special health authority sums equal to, or to the appropriate portion of, that expenditure.

- (7) Sums falling to be paid under this section shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.

97A Financial duties of health authorities.

- (1) It is the duty of every Regional Health Authority, in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance by the Regional Health Authority and the Area Health Authorities and District Health Authorities whose areas or districts are in the region of their functions in that year does not exceed the aggregate of—
- (a) the amounts allotted to the Regional Health Authority for that year under section 97(1) above;
 - (b) any other sums received under this Act in that year by the Regional Health Authority or the Area Health Authorities or District Health Authorities whose areas or districts are in the region; and
 - (c) any sums received otherwise than under this Act in that year by any of those Authorities for the purpose of enabling the Authority to defray any such expenditure.
- (2) It is the duty of every Area Health Authority and every District Health Authority, in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of their functions in that year does not exceed the aggregate of—
- (a) the amounts allotted to the Authority for that year under section 97(1) or (2) above ;
 - (b) any other sums received by the Authority under this Act in that year; and
 - (c) any sums received otherwise than under this Act in that year by the Authority for the purpose of enabling the Authority to defray any such expenditure.
- (3) It is the duty of every special health authority, in respect of each financial year, so to perform their functions under this Act as to secure that the expenditure attributable to the performance of their functions in that year does not exceed the aggregate of—
- (a) the amounts allotted to the authority for that year under section 97(1) above ;
 - (b) any other sums received by the Authority under this Act in that year; and
 - (c) any sums received otherwise than under this Act in that year by the authority for the purpose of enabling the authority to defray any such expenditure.
- (4) The Secretary of State may give such directions to a health authority as appear to him to be requisite to secure that the authority comply with the duty imposed on them by subsection (1), (2) or (3) above and it shall be the duty of the authority to comply with the directions.

Directions under this subsection may be specific in character.

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- (5) To the extent to which—
- (a) any expenditure is defrayed by a health authority as trustee or on a health authority's behalf by special trustees; or
 - (b) any sums are received by a health authority as trustee or under section 96A above,
- that expenditure and, subject to subsection (6) below, those sums shall be disregarded for the purposes of this section and, for those purposes, sums which, in the hands of an authority, cease to be trust funds and become applicable by the authority otherwise than as trustee shall be treated, on their becoming so applicable, as having been received by the authority otherwise than as trustee.
- (6) Of the sums received by a health authority under section 96A above so much only as accrues to the authority after defraying any expenses incurred in obtaining them shall be disregarded under subsection (5) above.
- (7) Subject to subsection (5) above, the Secretary of State may, by directions, determine—
- (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by an authority of a description so specified ;
 - (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable to the performance of functions by an authority of a description so specified; or
 - (c) the extent to which and the circumstances in which sums received but not yet spent by an authority under section 97(1) or (2) above are to be treated for the purposes of this section as part of the expenditure of the authority and to which financial year's expenditure they are to be attributed.”.
- (2) For the purposes of section 15(3) of the National Health Service Reorganisation Act 1973 (which relates to a preserved Board of Governors) the sections 97 and 97A substituted for section 97 of the Act of 1977 by subsection (1) above shall be treated as if they were enactments repealed by that Act which applied to preserved Boards and may be modified accordingly in their application to such Boards by an order under the said section 15(3).
- (3) For subsections (1) and (2) of section 85 of the Scottish Act of 1978 there shall be substituted the following subsections—
- “(1) Subject to subsection (2), there shall, in respect of each financial year, be paid by the Secretary of State sums not exceeding the amount allotted or further allotted by him for that year to each of the following bodies towards meeting the expenditure attributable to the performance by that body of their functions in that year—
- (a) the Planning Council;
 - (b) every Health Board ;
 - (c) the Agency;
 - (d) the Medical Practices Committee ;
 - (e) the Dental Estimates Board ;
 - (f) the Tribunal;

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- (g) every local health council.
- (2) Subsection (1) does not apply in respect of the expenditure of a Health Board which is attributable to the performance of their functions under Part II, but in that respect there shall, in respect of each financial year, be paid by the Secretary of State sums equal to the expenditure which he determines is attributable to the performance of those functions in that year.
- (2A) The Secretary of State may give directions to a body referred to in subsection (1) with respect to the application of the sums paid to them under that subsection and it shall be the duty of any body to whom directions have been given under this subsection to comply with the directions.”.
- (4) After the said section 85 there shall be inserted the following section—

“85A Financial duties of bodies referred to in section 85.

- (1) It is the duty of each such body as is referred to in section 85(1), in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of their functions in that year does not exceed the aggregate of—
 - (a) the amounts allotted to that body for that year under section 85(1);
 - (b) any other sums received under this Act in that year by that body ; and
 - (c) any sums received otherwise than under this Act in that year by that body for the purposes of enabling them to defray any such expenditure.
- (2) Subsection (3) of section 85 shall apply for the purposes of this section as it applies for the purposes of that section.
- (3) The Secretary of State may give such directions to a body referred to in section 85(1) as appear to him to be requisite to secure that the body comply with the duty imposed on them by subsection (1) and it shall be the duty of the body to comply with the directions.

Directions under this subsection may be specific in character.
- (4) To the extent to which—
 - (a) any expenditure of a Health Board or a local health council is defrayed by that body as trustee; or
 - (b) any sums are received by such a body as trustee or under section 84A, that expenditure and, subject to subsection (5), those sums shall be disregarded for the purposes of this section, and, for those purposes, sums which, in the hands of such a body, cease to be trust funds and become applicable by the body otherwise than as trustee shall be treated, on their becoming so applicable, as having been received by the body otherwise than as trustee.
- (5) Of the sums received by a body under section 84A so much only as accrues to the body after defraying any expenses incurred in obtaining them shall be disregarded under subsection (4).
- (6) Subject to subsection (4), the Secretary of State may, by directions, determine—

- (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by a body of a description so specified;
 - (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable to the performance of functions by a body of a description so specified; or
 - (c) the extent to which and the circumstances in which sums received but not yet spent by a body under section 85(1) are to be treated for the purposes of this section as part of the expenditure of the body and to which financial year's expenditure they are to be attributed.”.
- (5) The foregoing provisions of this section shall have effect in relation to the financial year 1980 to 1981 and subsequent years.

7 Services provided by relatives of doctors providing general medical services

The following subsection shall be added at the end of section 29 of the Act of 1977 (arrangements and regulations for general medical services) as subsection (5) of that section and at the end of section 19 of the Scottish Act of 1978 (which makes corresponding provision for Scotland) as subsection (4) of that section: —

“Regulations shall—

- (a) include provision for the making to a medical practitioner providing general medical services of payments in respect of qualifying services provided by a spouse or other relative of his ; and
- (b) provide that the rates and conditions of payment and the qualifying services in respect of which the payments may be made shall be such as may be determined by the Secretary of State after consultation with such bodies as he may recognise as representing such medical practitioners.”

Dissolution of the Central Health Services Council

8 Dissolution of the Central Health Services Council

- (1) On the passing of this Act the Central Health Services Council (which under section 6(1) of the Act of 1977 advises the Secretary of State on general matters relating to the health service) shall cease to exist.
- (2) The standing advisory committees constituted under subsection (3) of that section shall continue in being but shall consist wholly of members appointed by the Secretary of State after consultation with such representative organisations as he recognises for the purpose and the persons who, immediately before the passing of this Act, were members of those committees but not of the Council shall be deemed to have been appointed under this subsection.
- (3) In consequence of the foregoing provisions of this section so much of section 6 of and Schedule 4 to the Act of 1977 as relates to the Council shall cease to have effect and the following amendments shall be made in that section, that is to say—
 - (a) at the end of subsection (3), there shall be added the words " and the provisions of Schedule 4 to this Act shall have effect in relation to such committees "; and

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(b) for subsection (4), there shall be substituted the following—

“(4) Any committee so constituted shall consist of persons appointed by the Secretary of State after consultation with such representative organisations as he recognises for the purpose.”.

PART II

PRIVATE PRACTICE

Pay beds and Health Services Board, etc.

9 **Repeal of provisions relating to withdrawal of pay beds and dissolution of Board, etc.**

- (1) On the commencement date—
 - (a) sections 67 to 71 of the Act of 1977 and sections 59 to 63 of the Scottish Act of 1978 (withdrawal of pay beds) shall cease to have effect; and
 - (b) the Health Services Board established under section 1 of the Health Services Act 1976 (in this Act referred to as " the Act of 1976 ") and the Scottish and Welsh Committees constituted in accordance with Part II of Schedule 1 to that Act shall cease to exist.
- (2) Subject to subsection (1)(a) above, all functions of that Board or either of those Committees shall be transferred, as from the commencement date, to the Secretary of State or, if they relate to a hearing afforded or to be afforded to an applicant for an authorisation under Part III of the Act of 1976, such person or persons as the Secretary of State may appoint.
- (3) All property, rights and liabilities to which the Board or either Committee is entitled or subject immediately before the commencement date shall be transferred, as from that date, to the Secretary of State.
- (4) This section shall not affect the validity of anything done by or in relation to the Board or either Committee before the commencement date; and anything which at that date is in the process of being done by or in relation to the Board or either Committee (including any legal proceedings to which any of them is a party) may be continued by or in relation to the Secretary of State or, as the case may require, such person or persons as he may appoint.
- (5) In consequence of the foregoing provisions of this section—
 - (a) section 1 of and Schedule 1 to the Act of 1976, sections 73 to 76 of the Act of 1977 and sections 65 to 68 of the Scottish Act of 1978 shall cease to have effect;
 - (b) the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments provided for in that Schedule; and
 - (c) any instrument or document made before the commencement date shall have effect as if any reference to the Board or either Committee were a reference to the Secretary of State or, as the case may require, such person or persons as he may appoint.
- (6) In this section " commencement date " means the date of the passing of this Act.

Treatment of private patients in national health service hospitals

10 General power to make accommodation and services available

- (1) For section 58 of the Act of 1977 (additional powers as to accommodation and services) there shall be substituted the following section—

“58 Power as to accommodation and services.

- (1) Subject to subsection (2) and section 62 below, the Secretary of State may allow persons to make use (on such terms, including terms as to the payment of charges, as he thinks fit) of any accommodation or services provided under this Act and may provide the accommodation or services in question to an extent greater than that necessary apart from this section if he thinks it expedient to do so in order to allow persons to make use of them.
- (2) The Secretary of State shall exercise the power conferred by this section only if and to the extent that he is satisfied that anything which he proposes to allow under that power could not be authorised or allowed under section 65 or 66 below.”.

- (2) For section 50 of the Scottish Act of 1978 (additional powers as to accommodation and services) there shall be substituted the following section—

“50 Power as to accommodation and services.

- (1) Subject to subsection (2) and section 54, the Secretary of State may allow persons to make use (on such terms, including terms as to the payment of charges, as he thinks fit) of any accommodation or services provided under this Act and may provide the accommodation or services in question to an extent greater than that necessary apart from this section if he thinks it expedient to do so in order to allow persons to make use of them.
- (2) The Secretary of State shall exercise the power conferred by this section only if and to the extent that he is satisfied that anything which he proposes to allow under that power could not be authorised or allowed under section 57 or 58.”.
- (3) The following provisions, namely—
- (a) sections 59 and 60 of the Act of 1977 (which are superseded by subsection (1) above); and
 - (b) sections 51 and 52 of the Scottish Act of 1978 (which are superseded by subsection (2) above),
- shall cease to have effect.

11 Powers to make accommodation and services available for private patients

- (1) In subsection (1) of section 65 of the Act of 1977 (accommodation and services for private resident patients) and subsection (1) of section 66 of that Act (accommodation and services for private non-resident patients) for the words " Subject to section 71 " there shall be substituted the words " Subject to section 66A " and after the said section 66 there shall be inserted the following section—

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“66A Restriction of powers under ss. 65 and 66.

- (1) Section 62 above shall apply in relation to the exercise of the powers conferred on the Secretary of State by sections 65 and 66 above as it applies in relation to the exercise of the powers conferred on him by sections 25, 58 and 61 above.
- (2) The Secretary of State shall revoke an authorisation under section 65 or 66 above only if and to the extent that he is satisfied that sufficient accommodation and facilities for the private practice of medicine and dentistry are otherwise reasonably available (whether privately or at health service hospitals) to meet the reasonable demand for them in the area or areas served by the hospital or hospitals in question.”.
- (2) In subsection (1) of section 57 of the Scottish Act of 1978 (accommodation and services for private resident patients) and subsection (1) of section 58 of that Act (accommodation and services for private non-resident patients) for the words " Subject to section 63 " there shall be substituted the words " Subject to section 58A " and after the said section 58 there shall be inserted the following section—

“58A Restriction of powers under ss. 57 and 58.

- (1) Section 54 shall apply in relation to the exercise of the powers conferred on the Secretary of State by sections 57 and 58 as it applies in relation to the exercise of the powers conferred on him by sections 44, 50 and 53.
- (2) The Secretary of State shall revoke an authorisation under section 57 or 58 only if and to the extent that he is satisfied that sufficient accommodation and facilities for the private practice of medicine and dentistry are otherwise reasonably available (whether privately or at health service hospitals) to meet the reasonable demand for them in the area or areas served by the hospital or hospitals in question.”.
- (3) The following provisions, namely—
 - (a) subsection (6) of the said section 65 and subsection (3) of the said section 66 (which are superseded by subsection (1) above); and
 - (b) subsection (6) of the said section 57 and subsection (3) of the said section 58 (which are superseded by subsection (2) above),
 shall cease to have effect.

Control of hospitals outside the national health service

12 Meaning of " controlled premises "

- (1) In subsection (2) of section 12 of the Act of 1976 (control of construction and extension of controlled premises)—
 - (a) for the definition of " controlled premises " there shall be substituted the following definition—

“ controlled premises ' means hospital premises which provide or will provide beds for the use of patients, being hospital premises—

 - (a) in the case of which the number of beds which are or will be so provided is one hundred and twenty or more; or

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- (b) which are or are to be situated in an area designated by the Secretary of State under subsection (2A) below ;” ; and
- (b) after the definition of " controlled works " there shall be inserted the following definitions—
- “ hospital premises ' means premises at which there are or are to be facilities for the provision of hospital services;
- ' hospital services ' means all or any of the following services, namely—
- (a) the carrying out of surgical procedures under general anaesthesia;
- (b) obstetrics;
- (c) radiotherapy;
- (d) haemodialysis or peritoneal dialysis ;
- (e) pathology or diagnostic radiology;
- ' relevant hospital premises ' means hospital premises occupied otherwise than by or on behalf of the Crown or for the purposes of a visiting force.”.
- (2) After the said subsection (2) there shall be inserted the following subsections—
- “(2A) If, on an application by a health authority, the Secretary of State is satisfied that relevant hospital premises in the whole or any part of their area or district provide or will provide, if taken together, one hundred and twenty or more beds for the use of patients, he may, after consulting with such persons and representative bodies as appear to him to be concerned, by regulations designate the whole or, as the case may be, that part of the authority's area or district as an area in which all hospital premises which provide or will provide beds for the use of patients shall be controlled premises; and regulations under this subsection—
- (a) may contain such transitional provisions as appear to the Secretary of State to be necessary or expedient ; and
- (b) shall have effect for such period not exceeding five years as may be prescribed.
- (2B) In determining for the purposes of subsection (2A) above how many beds relevant hospital premises will provide, the Secretary of State shall not take into account the proposed execution of any works unless—
- (a) an authorisation for the execution of those works has been granted ; or
- (b) a contract for the execution of those works has been entered into.
- (2C) The Secretary of State shall not exercise the power conferred by subsection (2A) above unless, having regard to the matters mentioned in subsection (3)(a) of section 13 below, he considers that the execution of works which, if the power were exercised, would be controlled works would be likely to interfere as mentioned in paragraph (a) or operate as mentioned in paragraph (b) of subsection (2) of that section.”.

13 Exemptions from control

- (1) In subsection (1) of section 12 of the Act of 1976 (control of construction and extension of controlled premises) for the words " Subject to subsection (3)" there shall be substituted the words " Subject to subsections (3) and (4) ".
- (2) After subsection (3) of that section there shall be inserted the following subsections—

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“(4) Subsection (1) above does not apply in the case of works for the construction of a controlled extension of controlled premises if—

- (a) the premises are situated elsewhere than in an area designated by the Secretary of State under subsection (2A) above; and
- (b) the premises were constructed as controlled premises, or were converted into controlled premises, whether before or after the coming into force of this Part of this Act; and
- (c) where the works will enable additional beds to be provided, the aggregate number of additional beds which will then have been provided at the premises since the beginning of the current three year period (or, if later, the time when the premises were constructed or converted) will not exceed the permitted number.

(5) In subsection (4) above—

' permitted number ', in relation to a three year period, means one fifth of the number of beds provided at the premises in question at the beginning of that period or, if later, the time when the premises were constructed or converted;

' three year period ' means the period of three years beginning with the passing of the Health Services Act 1980 and each successive period of three years.”.

14 Notice of notifiable changes

(1) In subsection (1) of section 14 of the Act of 1976 (notice of notifiable works)—

(a) for the words " an application for planning permission for any notifiable works " there shall be substituted the following paragraphs—

- “(a) an application for planning permission for any notifiable works; or
- (b) a notifiable change.”;

(b) after the words " the application " and " the proposed application" there shall be inserted the words " or change "; and

(c) the reference to the coming into force of Part III of that Act shall be construed, so far as it relates to the making of notifiable changes, as a reference to the coming into force of this section.

(2) In subsection (2) of that section—

(a) in paragraph (a) there shall be inserted after the words " applied for " the words " or the notifiable change " ; and

(b) in paragraph (b) there shall be inserted at the beginning the words " in the case of notifiable works, ".

(3) For subsection (6) of that section there shall be substituted the following subsection—

“(6) Subsection (1) above—

- (a) does not apply in the case of works that are to be executed or a change that is to be made by or on behalf of the Crown or for the purposes of a visiting force; but
- (b) in the case of works that are to be executed or a change that is to be made otherwise than as aforesaid, shall apply notwithstanding any interest of the Crown in the land on which, or in any premises in

connection with which, the works are to be executed or the change is to be made.”.

(4) In subsection (7) of that section for the definition of " hospital premises" there shall be substituted the following definition—

“notifiable change ' means—

- (a) any change in the nature or extent of the hospital services provided at controlled premises ; or
- (b) any change in the facilities or the number of beds provided at any premises which results in their becoming controlled premises ;”.

15 Minor and consequential amendments of the Act of 1976

The Act of 1976 shall have effect subject to the amendments provided for in Schedule 3 to this Act, being minor amendments and amendments consequential on the amendments made by sections 12 to 14 above.

Nursing homes and mental nursing homes, etc.

16 Nursing homes and mental nursing homes, etc.

The enactments specified in Schedule 4 to this Act (which relate to the registration of nursing homes, mental nursing homes and private hospitals within the meaning of the Mental Health (Scotland) Act 1960) shall have effect subject to the amendments provided for in that Schedule.

PART III

MISCELLANEOUS

The General Practice Finance Corporation

17 Powers of the General Practice Finance Corporation in relation to premises and land

Section 2 of the National Health Service Act 1966 (which enables the General Practice Finance Corporation to make loans to medical practitioners providing general medical services for the provision of premises and to acquire and lease to such practitioners sites required for such services) shall be amended—

- (a) by substituting, in subsection (2), for the words " land as is mentioned in paragraph (c) of " the words " premises or other land as is mentioned in "; and
- (b) by inserting, in subsection (3), after the word " to " the words " premises or other ".

18 Increase in borrowing powers of the General Practice Finance Corporation

In section 6(3) of the National Health Service Act 1966 (which limits the aggregate amount which may be outstanding in respect of the principal of money borrowed by the General Practice Finance Corporation to £10 million or such greater amount not exceeding £25 million as the Secretary of State may by order specify) for the words

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" ten million pounds " and " twenty-five million pounds " there shall be substituted respectively the words " £40 million " and " £100 million ".

19 Remuneration etc. of members of the General Practice Finance Corporation

- (1) In the Schedule to the National Health Service Act 1966 there shall be substituted for paragraph 7 (which provides for the payment of remuneration and allowances to members of the General Practice Finance Corporation out of money provided by Parliament) the following paragraph, that is to say—

“7. The Corporation may pay to its members such remuneration and such reasonable allowances in respect of expenses incurred by them in the performance of their duties as it may determine subject to any directions given by the Minister and the Secretary of State acting jointly with the approval of the Minister for the Civil Service.”.

- (2) The amendment made by subsection (1) above has effect in relation to the financial year of the Corporation beginning 1st April 1980 and subsequent years.

Pharmaceutical services

20 Extension of pharmaceutical services in connection with dental treatment provided by health authorities, etc.

- (1) Section 41 of the Act of 1977 (which imposes a duty on health authorities to arrange for the supply of proper and sufficient drugs and medicines ordered by medical practitioners and of listed drugs and medicines ordered by dental practitioners) shall be amended by substituting for paragraph (b) the following paragraphs, that is to say—

- “(b) proper and sufficient drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by that Authority of dental services; and
(c) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by him of general dental services.”.

- (2) Section 27(1) of the Scottish Act of 1978 (which imposes a corresponding duty on Health Boards) shall be amended by substituting for paragraph (b) the following paragraphs, that is to say—

- “(b) proper and sufficient drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by that Board of dental services; and
(c) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by him of general dental services.”.

21 Regulation of right to provide pharmaceutical services

- (1) In section 42(6) of the Act of 1977 (under which persons who so wish are entitled to be included in the list of persons undertaking to provide pharmaceutical services subject to the provisions of Part II of that Act relating to disqualification), after the words " subject to " there shall be inserted the words " any provision made by or under the regulations and to the provisions of ".

- (2) In section 43(1) and (2) of the Act of 1977 (which contains restrictions, to which regulations may provide exceptions, as to the persons who may be authorised to provide pharmaceutical services), after the words " provided by ", there shall be inserted the words " or under ".

Miscellaneous and supplementary

22 Amendment of the Act of 1977 in respect of membership of Regional Health Authorities

In Schedule 5 to the Act of 1977, Part I, paragraph 1(2) (c), after the words " medical practitioners ", there shall be inserted the words " including medical practitioners qualified in homoeopathy ".

23 Correction of meaning of " local authority " in Part IV of the National Assistance Act 1948

Section 195 of the Local Government Act 1972 (which amends existing enactments conferring social services functions, including the National Assistance Act 1948, so as to vest those functions in the authorities which are local authorities for the purposes of the Local Authority Social Services Act 1970) shall have effect, and be deemed always to have had effect, as if at the end of the section there were added the following subsection—

“(7) In section 64(1) of the National Assistance Act 1948 (interpretation), in the definition of " local authority ", the words " county borough " shall be omitted and, after the word " district " , there shall be inserted the words " or London borough or the Common Council of the City of London. ””

24 Expenses and receipts of the Secretary of State, etc.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State for the purposes of this Act, and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided,

and any sums received by the Secretary of State by virtue of this Act shall be paid into the Consolidated Fund.

25 Interpretation and minor amendments and repeals

- (1) In this Act—

" the Act of 1976 " means the Health Services Act 1976 ;

" the Act of 1977 " means the National Health Service Act 1977; and

" the Scottish Act of 1978 " means the National Health Service (Scotland) Act 1978.

- (2) Schedule 12 to the Act of 1977 and Schedule 11 to the Scottish Act of 1978 (additional provisions as to regulations for the making and recovery of charges) shall be amended as provided in Parts I and II respectively of Schedule 5 to this Act.

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- (3) The minor amendments specified in Schedule 6 to this Act shall have effect.
- (4) The enactments specified in Schedule 7 to this Act (which include enactments that are spent or unnecessary) are hereby repealed to the extent specified in the third column of that Schedule.

26 Short title, commencement and extent

- (1) This Act may be cited as the Health Services Act 1980.
- (2) The following provisions of this Act, namely—
 - (a) section 14 ;
 - (b) section 16 and Schedule 4 ;
 - (c) section 21 ;
 - (d) section 25(2) and Schedule 5 ; and
 - (e) in Schedule 7, the repeals in the Nursing Homes Registration (Scotland) Act 1938, the Nursing Homes Act 1975 and the Nurses, Midwives and Health Visitors Act 1979 (and section 25(4) so far as it relates to those repeals),shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument and different days may be appointed under this subsection for different provisions.
- (3) With the exception of the provisions specified in subsection (2) above, this Act shall come into force on its passing.
- (4) This Act does not extend to Northern Ireland.