



Health Services Act 1980

1980 CHAPTER 53

PART II

PRIVATE PRACTICE

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

(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;

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' 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—

“(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 ;”.

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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.