



Health and Social Security Act 1984

1984 CHAPTER 48

PART I

HEALTH

National Health Service

5 Family Practitioner Committees

- (1) The following section shall be substituted for section 10 of the National Health Service Act 1977—

“10 Family Practitioner Committees.

- (1) It is the duty of the Secretary of State by order to establish, in accordance with Part II of Schedule 5 to this Act, authorities to be called Family Practitioner Committees.
- (2) Family Practitioner Committees shall be known by such names, in addition to that title, as the order may specify.
- (3) When the Secretary of State makes an order under subsection (1) above establishing a Family Practitioner Committee, he shall also (either in the same or another instrument) make an order in relation to that Committee specifying a locality for which the Committee is to act.
- (4) The Secretary of State may by order—
 - (a) vary a Committee's locality ;
 - (b) abolish a Committee ;
 - (c) establish a new one.
- (5) The Secretary of State shall so exercise his powers under subsections (3) and (4) above as to secure—

Status: This is the original version (as it was originally enacted).

- (a) that the localities for which Family Practitioner Committees are at any time acting together comprise the whole of England and Wales; but
 - (b) that none of them extends both into England and into Wales.
- (6) Without prejudice to the generality of section 126(4) below, the power to make incidental or supplemental provision conferred by that subsection includes, in its application to orders under this section, power to make provision for the transfer of staff, property, rights and liabilities.
- (7) It is the Secretary of State's duty before he makes an order under subsection (4) above to consult with respect to the order—
- (a) such bodies as he may recognise as representing officers who in his opinion are likely to be affected by the order; and
 - (b) such other bodies as he considers are concerned with the order.”.
- (2) In subsection (1) of section 15 of that Act (duty of Family Practitioner Committee) the following paragraph shall be substituted for paragraph (a)—
- “(a) to administer the arrangements made in pursuance of this Act for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services for their locality ;”.
- (3) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), in the entry beginning " Chairman in receipt of remuneration of any Regional Health Authority " after the words " District Health Authority " there shall be inserted the words " Family Practitioner Committee ".
- (4) Schedule 3 to this Act shall have effect.
- (5) The Secretary of State shall by order specify a date not later than 1st April 1985 on which Family Practitioner Committees established by orders under section 10(1) of the National Health Service Act 1977 are to begin to act for their localities.
- (6) Notwithstanding the substitution made by subsection (1) above, Family Practitioner Committees established or adopted by District Health Authorities shall continue to discharge their functions until the date specified by an order under subsection (5) above but shall cease to exist on that date.
- (7) The Secretary of State may by order make such repeals in or other modifications of any enactment or instrument as appear to him to be necessary or expedient in consequence of subsection (1), (2) or (4) above.
- (8) An order under subsection (5) or (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6 Finance in National Health Service

- (1) The following subsection shall be inserted after subsection (2) of section 97 of the National Health Service Act 1977 (means of meeting expenditure of health authorities)
-
- “(2A) The date on which an allotment to an authority under subsection (1) or (2) above (including an allotment increasing or reducing an allotment previously made) takes effect is the date on which the authority are notified of its

Status: This is the original version (as it was originally enacted).

amount by the Secretary of State or, as the case may be, the Regional Health Authority.”.

- (2) The following subsection shall be inserted after subsection (2) of section 98 of that Act (accounts and audit)—

“(2A) The accounts prepared and transmitted by a District Health Authority in pursuance of subsection (2) above shall include annual accounts of a Community Health Council if—

- (a) the Council is established for the Authority's district; or
- (b) the Authority is the prescribed Authority in relation to the Council.”.

- (3) The following subsection shall be inserted after subsection (1) of section 85 of the National Health Service (Scotland) Act 1978 (expenses)—

“(1A) The date on which an allotment under subsection (1) above (including an allotment increasing or reducing an allotment previously made) takes effect is the date on which the body receiving the allotment are notified of its amount by the Secretary of State.”.

- (4) In subsection (11) of section 121 of the Mental Health Act 1983 (Mental Health Act Commission) for the words " sub-paragraphs (4) and (5) were omitted " there shall be substituted the words " the reference to a member in sub-paragraph (4) included a reference to the chairman ".

7 Professional remuneration in National Health Service

- (1) The following shall be inserted after section 43 of the National Health Service Act 1977—

“Remuneration for services

43A Regulations as to remuneration.

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
- (2) Subject to sections 29(4) and 35(2) above, remuneration under the regulations may consist of payments by way of—
- (a) salary;
 - (b) fees;
 - (c) allowances;
 - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services,
- and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.
- (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words " section 10 of the National Health Service Act 1966 and section" shall be substituted for the words " sections 29(4) and " in subsection (2) above.”.

- (2) The following shall be inserted after section 28 of the National Health Service (Scotland) Act 1978—

“Remuneration for services

28A Regulations as to remuneration.

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
- (2) Subject to sections 19(3) and 25(3), remuneration under the regulations may consist of payments by way of—
- (a) salary;
 - (b) fees;
 - (c) allowances;
 - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services,
- and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.
- (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words " section 10 of the National Health Service Act 1966 and section " shall be substituted for the words " sections 19(3) and " in subsection (2) above.”.
- (3) The following section shall be added after each of the sections inserted by subsections (1) and (2) above, as section 43B of the National Health Service Act 1977 and section 28B of the National Health Service (Scotland) Act 1978—

“Remuneration—supplementary.

- (1) The authority specified in regulations under the preceding section may be the Secretary of State or some other person or persons and is referred to in this section as a " determining authority ".
- (2) The power conferred by the preceding section includes power to make regulations providing for a determination in more than one stage and by more than one determining authority.
- (3) Regulations under the preceding section shall provide—
- (a) that a determination may be made with respect either to any of the descriptions of services mentioned in subsection (1) of the preceding section generally or to any category of services falling within such a description ;
 - (b) that, before making such a determination, the determining authority shall consult—
 - (i) a prescribed body established to provide advice in connection with the matters to be determined ; or
 - (ii) an organisation appearing to the Secretary of State to be representative of persons to whose remuneration the determination would relate,

Status: This is the original version (as it was originally enacted).

or both such a body and such an organisation.

- (4) Regulations under the preceding section may provide—
- (a) that a determination such as is mentioned in subsection (3) above shall have effect in relation to remuneration in respect of a period beginning on or after a date specified in the determination, which may be the date of the determination or an earlier or later date, but may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates ; and
 - (b) that any such determination which does not specify such a date shall have effect in relation to remuneration in respect of a period beginning—
 - (i) if it is required to be published, on the date of publication;
 - (ii) if it is not so required, on the date on which it is made.
- (5) Regulations under the preceding section may provide—
- (a) for determinations of the remuneration of particular persons or descriptions of persons for particular items of service or in particular circumstances;
 - (b) that a determining authority shall have a discretion, when making a determination by virtue of this subsection,—
 - (i) as to the amount of remuneration to be paid; and
 - (ii) as to the persons to whom and conditions on which it is to be paid; and
 - (c) that a determination made by virtue of this subsection may be revised—
 - (i) to correct an error; or
 - (ii) where it appears to the determining authority that it was made in ignorance of or under a mistake as to a relevant fact.
- (6) Regulations under the preceding section may provide—
- (a) that determinations may be made by reference to any of the following—
 - (i) rates or conditions of remuneration of any persons or any descriptions of persons which are fixed or determined, or to be fixed or determined, otherwise than by way of a determination under the regulations;
 - (ii) scales, indices or other data of any description specified in the regulations; and
 - (b) that any determination which in accordance with regulations made by virtue of paragraph (a)(ii) above falls to be made by reference to a scale or an index or to any other data may be made not only by reference to that index or scale or those data in the form current at the time of the determination but also by reference to the scale, index or data in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.
- (7) Any determination under regulations under the previous section shall be made after taking into account all the matters which are considered to be relevant by the determining authority and, without prejudice to the generality of this subsection, such matters may include—

Status: This is the original version (as it was originally enacted).

- (a) the amount or estimated amount of expenses (taking into account any discounts) incurred in the past or likely to be incurred in the future (whether or not by persons to whose remuneration the determination will relate) in connection with the provision of services of a kind to which the determination will relate;
 - (b) the amount or estimated amount of any remuneration paid or likely to be paid to persons providing such services;
 - (c) the amount or estimated amount of any other payments or repayments or other benefits received or likely to be received by any such persons;
 - (d) the extent to which it is desirable to encourage the provision of particular descriptions of services either generally or in particular localities;
 - (e) the desirability of promoting services which are—
 - (i) economic and efficient; and
 - (ii) of an appropriate standard.”.
- (4) Any determination in relation to remuneration in respect of services under Part II of the National Health Service Act 1977 or Part II of the National Health Service (Scotland) Act 1978 which was made—
- (a) before the passing of this Act; or
 - (b) after it but at a time before the coming into force of a provision inserted by this section,
- shall be deemed to be validly made if regulations authorising such a determination could have been made had that provision been in force at that time.

8 Increase in borrowing powers of 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 £40 million or such greater amount not exceeding £100 million as the Secretary of State may by order specify) for the words "£40 million" and "£100 million" there shall be substituted, respectively, the words "£150 million" and "£250 million".

9 Holidays for patients etc.

- (1) The following subsection shall be added after section 5(2A) of the National Health Service Act 1977—
- “(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.”.
- (2) The following section shall be added after section 99 of the National Health Service (Scotland) Act 1978—

“99A Holidays for patients etc.

The Secretary of State's functions may be performed outside Scotland, in so far as they relate—

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