



# National Health Service and Community Care Act 1990

## 1990 CHAPTER 19

### PART V

#### MISCELLANEOUS AND GENERAL

#### 60 Removal of Crown immunities.

- (1) Subject to the following provisions of this section, on and after the day appointed for the coming into force of this subsection, no health service body shall be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and so far as concerns land in which the Secretary of State has an interest, at any time when—
- (a) by virtue of directions under any provision of the <sup>M1</sup>National Health Service Act 1977, the Mental Health (Scotland) Act 1984 or the <sup>M2</sup>Health and Medicines Act 1988 or by virtue of orders under section 2 or section 10 of the <sup>M3</sup>National Health Service (Scotland) Act 1978, powers of disposal or management with respect to the land are conferred on a health service body, or
  - (b) the land is otherwise held, used or occupied by a health service body,
- the interest of the Secretary of State shall be treated for the purposes of any enactment or rule of law relating to Crown land or interests as if it were an interest held otherwise than by the Secretary of State (or any other emanation of the Crown).
- (2) In Schedule 8 to this Act—
- (a) Part I has effect to continue certain exemptions for health service bodies and property held, used or occupied by such bodies;
  - (b) the amendments in Part II have effect, being amendments consequential on subsection (1) above; and
  - (c) the transitional provisions in Part III have effect in connection with the operation of subsection (1) above.

*Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.*

**Changes to legislation:** National Health Service and Community Care Act 1990, Section 60 is up to date with all changes known to be in force on or before 05 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Where, as a result of the provisions of subsection (1) above, by virtue of his employment during any period after the day appointed for the coming into force of that subsection—
  - (a) an employee has contractual rights against a health service body to benefits in the event of his redundancy, and
  - (b) he also has statutory rights against the health service body under [<sup>F1</sup>Part XI of the Employment Rights Act 1996] (redundancy payments),
 any benefits provided to him by virtue of the contractual rights referred to in paragraph (a) above shall be taken as satisfying his entitlement to benefits under [<sup>F1</sup>that Part of that Act].
  
- (4) Nothing in subsection (1) above affects the extent of the expression “the services of the Crown” where it appears in—
  - (a) Schedule 1 to the <sup>M4</sup>Registered Designs Act 1949 (provisions as to the use of registered designs for the services of the Crown etc.); and
  - (b) sections 55 to 59 of the <sup>M5</sup>Patents Act 1977 (use of patented inventions for the services of the Crown);
 and, accordingly, services provided in pursuance of any power or duty of the Secretary of State under Part I of the <sup>M6</sup>National Health Service Act 1977 or Part I or Part III of the <sup>M7</sup>National Health Service (Scotland) Act 1978 shall continue to be regarded as included in that expression, whether the services are in fact provided by a health service body, a National Health Service trust or any other person.
  
- (5) The Secretary of State may by order made by statutory instrument provide that, in relation to any enactment contained in a local Act and specified in the order, the operation of subsection (1) above shall be excluded or modified to the extent specified in the order.
  
- (6) No order shall be made under subsection (5) above unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
  
- (7) In this section “health service body” means—
  - [<sup>F2</sup>(a) [<sup>F3</sup>a Strategic Health Authority or]a Health Authority established under section 8 of the <sup>M8</sup>National Health Service Act 1977;
  - (aa) a Special Health Authority established under section 11 of that Act;]
  - (b) a Health Board or Special Health Board constituted under section 2 of the <sup>M9</sup>National Health Service (Scotland) Act 1978;
  - (c) a State Hospital Management Committee constituted under section 91 of the <sup>M10</sup>Mental Health (Scotland) Act 1984;
  - <sup>F4</sup>(d) .....
  - (e) the Common Services Agency for the Scottish Health Service;
  - (f) the Dental Practice Board;
  - (g) the Scottish Dental Practice Board; <sup>F5</sup> . . .
  - (h) <sup>F5</sup> .....

**Textual Amendments**

**F1** Words in s. 60(3) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 45(4)**

**F2** S. 60(7)(a)(aa) substituted (1.4.1996 subject to s. 8 of the amending Act) for s. 60(7)(a) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 83(a)** (with Sch. 2 paras. 6, 16)

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- F3** Words in s. 60(7)(a) inserted (E.W.) (1.10.2002) by 2002 c. 17, s. 1(3), **Sch. 1 Pt. 2 para. 45**; S.I. 2002/2478, **art. 3(1)(c)** (with **art. 3(3)** and transitional provision in **art. 4**)
- F4** S. 60(7)(d) repealed (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, ss. 2(1)(3), 5, **Sch. 1 Pt. II para. 83(b)**, **Sch. 3** (with **Sch. 2 paras. 6, 16**)
- F5** S. 60(7)(h) and preceding word repealed (1.4.2005 for E.W.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 190(2), 196, 199(1), **Sch. 13 para. 6(c)**, **Sch. 14 Pt. 7**; S.I. 2005/457, **art. 2(1)(a)(b)**

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#### Commencement Information

- I1** S. 60 wholly in force at 1.4.1991 see s. 67(2) and S.I. 1990/1329, art. 2(8), **Sch. 3**.
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#### Marginal Citations

- M1** 1977 c. 49.  
**M2** 1988 c. 49.  
**M3** 1978 c. 29.  
**M4** 1949 c. 88.  
**M5** 1977 c. 37.  
**M6** 1977 c. 49.  
**M7** 1978 c. 29.  
**M8** 1977 c. 49.  
**M9** 1978 c. 29.  
**M10** 1984 c. 36.

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