

SCHEDULE

Section 29.

MINOR AMENDMENTS OF THE ACTS OF 1946 AND 1947

PART I

MINOR AMENDMENTS OF THE ACT OF 1946

In subsection (2) of section five (which provides for the treatment, at hospitals providing hospital and specialist services, of the patients of medical practitioners on the staff of such hospitals), after the words " medical practitioner," wherever they occur, the words " or dental practitioner " shall be inserted.

At the end of paragraph (a) of subsection (1) of section twenty-one (which requires facilities at health centres to be available for the provision of general medical services), there shall be inserted the words " and, on such terms and conditions as may be determined by the Minister, for the provision by medical practitioners of such other personal medical services (if any) as may be so determined in the case of a particular health centre. "

In subsection (2) of section twenty-two (which empowers a local health authority to recover from persons availing themselves of maternity and child welfare services charges in respect of articles provided by the authority) for the words " any articles" there shall be substituted the words " residential accommodation, food or articles ".

At the end of subsection (1) of section twenty-three (which makes the local health authority the local supervising authority for the purposes of the Midwives Acts, 1902 to 1936) there shall be added the words " and in section five of the Midwives Act, 1902, for the words ' councils of the several counties and county boroughs' and the subsequent word ' councils' there shall be substituted the words ' local health authorities,' and in section two of the Midwives Act, 1918, for the words ' several counties and county boroughs' there shall be substituted the words ' local health authorities' and for the words ' those counties and county boroughs ' there shall be substituted the words ' the areas of the local health authorities.' "

In subsection (4) of section thirty-one (which empowers the Minister to establish a joint committee for the areas of two or more Executive Councils and to provide, in relation to that committee, for any of the matters for which, in relation to an Executive Council, regulations made under the Fifth Schedule to the Act may provide), for the words " matters for which, in relation to an Executive Council, regulations made under the Fifth Schedule to this Act may provide " there shall be substituted the words " matters for which, in relation to an Executive Council, provision is or may be made by or under the supplementary provisions of the Fifth Schedule to this Act ".

In subsection (1) of section thirty-two (which relates to local representative committees) at the end of paragraph (c) there shall be inserted the words "or

(d) of the ophthalmic opticians and dispensing opticians providing supplementary ophthalmic services in that area",

after " Local Pharmaceutical Committee " the word " or " shall be omitted and after the words " Local Dental Committee " there shall be inserted the words " or the Local Optical Committee ".

At the end of the said section thirty-two there shall be added the following subsections:—

“(3) The Executive Council may, on the request of the Local Medical Committee or the Local Pharmaceutical Committee or the Local Dental Committee or the Local Optical Committee for their area, allot to that Committee out of the moneys available to the

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Council for the remuneration of persons of whom that Committee is representative and who provide general medical services, pharmaceutical services, general dental services, or, as the case may be, supplementary ophthalmic services under this Part of this Act, such sums for defraying the administrative expenses of the Committee, including travelling and subsistence allowances payable to members of the Committee, as may be determined by the Executive Council with the approval of the Minister, and the amount of any such sums shall be deducted, in such manner as may be so determined with such approval, from the remuneration of the persons aforesaid.

- (4) Any such Committee as aforesaid may, with the approval of the Minister, delegate any of their functions, with or without restrictions or conditions, to sub-committees composed of members of the Committee.”

In paragraph (d) of subsection (2) of section thirty-three (which provides for the issue by medical practitioners providing general medical services of certificates reasonably required under or for the purposes of any enactment) after the word "of" there shall be inserted the words " such certificates as may be prescribed, being. "

In section forty-six (which provides for the use of health centres by practitioners) after the words " general medical services " there shall be inserted the words " or other personal medical services or ", after the words " subject to regulations " there shall be inserted the words " and to any determination by the Minister under section twenty-one of this Act ", and after the words " the Executive Council may " there shall be inserted the words " subject to any such determination as aforesaid ".

In subsection (5) of section fifty-four (which provides for defraying out of moneys provided by Parliament any payments made in respect of loss of remunerative time or travelling or subsistence expenses to members of any body constituted under the Act) for the words " any loss of remunerative time or any travelling or subsistence expenses " there shall be substituted the words " any loss of earnings or additional expenses (including travelling and subsistence expenses). ".

At the end of paragraph (b) of subsection (1) of section sixty-seven (which relates to the superannuation of, among others, officers of voluntary organisations providing services under certain enactments) there shall be added the words " or under Part III of the National Assistance Act, 1948. ".

In paragraph 2 of the First Schedule (which enables the Minister to make regulations for the making of payments to members of the Central Council and of standing advisory committees constituted under the Act and of committees and sub-committees set up under that Schedule in respect of loss of remunerative time and travelling and subsistence expenses) for the words " any loss of remunerative time or any travelling or subsistence expenses " there shall be substituted the words " any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Central Council or standing advisory committee, or committee or sub-committee set up as aforesaid. ".

For sub-paragraph (c) of paragraph 2 of Part IV of the Third Schedule (which enables the Minister to make regulations for the making of payments to members of Regional Hospital Boards, Boards of Governors of teaching hospitals and Hospital Management Committees in respect of loss of remunerative time, or if special circumstances justify it, in respect of travelling or subsistence expenses) there shall be substituted the following sub-paragraph:—

- “(c) for the making of such payments as may be prescribed to members of those bodies or committees in respect of—

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- (i) any loss of earnings they would otherwise have made or any additional expenses (other than expenses on account of travelling or subsistence) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform any approved duty; or
- (ii) any travelling or subsistence expenses necessarily incurred by them for the purpose of enabling them to perform any approved duty required to be performed at a distance of more than three miles from their usual place of residence.”

At the end of the said paragraph 2 there shall be added the following sub-paragraph:—

- “(e) for the payment by a Regional Hospital Board, Board of Governors of a teaching hospital or a Hospital Management Committee of such sums as may be approved by the Minister, as subscriptions to the funds of any association whose objects are approved by the Minister for the purpose of this sub-paragraph.”

At the end of the said Part IV of the Third Schedule the following paragraph shall be added:—

- “5 In this Schedule, the expression ' approved duty', in relation to a member of a body corporate constituted under the foregoing provisions of this Schedule or any committee of that body, means any of the following duties, that is to say—
 - (a) attendance at a meeting of the body or any committee thereof;
 - (b) the doing of any other thing approved by the body for the purpose of, or in connection with the discharge of the functions of the body or any committee thereof;
 - (c) in the case of a member of the body, attendance as a representative of the body at a conference or meeting convened by one or more such bodies or by any association of such bodies.”

Paragraph 1 of the Fifth Schedule (which relates to the constitution of Executive Councils) shall be amended as follows—

- (a) for the words " a chairman appointed by the Minister and twenty-four other members " there shall be substituted the words " twenty-five members " ;
- (b) in sub-paragraph (b), for the word " four " there shall be substituted the word " five " ;
- (c) at the end of the paragraph, the following words shall be added—

“The members of an Executive Council shall from time to time, in accordance with such procedure as may be prescribed, appoint one of their members to be chairman of the Council”.

After paragraph 2 of the said Fifth Schedule there shall be inserted the following new paragraph:

- “2A The term of office of the chairman of an Executive Council shall be such as the Council, when making the appointment, determine:

Provided that if the chairman ceases to be a member of the Council he shall also cease to be chairman.”

For sub-paragraph (c) of paragraph 3 of the said Fifth Schedule (which enables the Minister to make regulations for the making of payments to members of Executive Councils or committees thereof in respect of loss of remunerative time, or, if special circumstances justify it, in respect of travelling or subsistence expenses), there shall be substituted the following sub-paragraph:—

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- “(c) for the making of such payments as may be prescribed to members of the Council or any such committee in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform any approved duty.”

In sub-paragraph (e) of the said paragraph 3 the words " and for the payment at the prescribed rates of any expenses reasonably incurred by representatives in attending meetings of any such association " shall be omitted.

At the end of the said paragraph 3 the following proviso shall be added:—

“Provided that—

- (i) a member of an Executive Council or the area of a local health authority who are the council of a county borough or a member of a committee appointed by such an Executive Council shall not be entitled to any payments under sub-paragraph (c) of this paragraph in respect of travelling or subsistence expenses in respect of a duty performed within the area of the Executive Council, except where the Minister authorises such payments in the case of any individual; and
- (ii) a member of an Executive Council for the area of a local health authority who are the council of a county or for the area of two or more local health authorities or a member of a committee appointed by such an Executive Council, shall not be entitled to any payments under the said sub-paragraph (c) in respect of travelling or subsistence expenses in respect of a duty performed within the area of the Executive Council except in respect of duties performed at a distance of more than three miles from his usual place of residence”.

At the end of the said Fifth Schedule the following paragraph shall be added:—

- “7 In this Schedule, the expression ' approved duty', in relation to a member of an Executive Council or any committee thereof, means any of the following duties, that is to say—
- (a) attendance at a meeting of the Council or of any committee thereof;
 - (b) the doing of any other thing approved by the Council for the purpose of, or in connection with, the discharge of the functions of the Council or any committee thereof;
 - (c) attendance as a representative of the Council at a conference or meeting convened by one or more Executive Councils or by any association of Executive Councils whose objects are approved by the Minister.”

The provision of the Tenth Schedule which imposes a duty on medical officers of health who receive certificates or notices under certain sections of the Public Health Act, 1936, relating to infectious diseases to send copies thereof within twelve hours after receipt to the local health authority, shall be amended as follows:—

- (a) after the words " a certificate or notice under section one hundred and forty-four, section one hundred and forty-six, or section two hundred and forty-two of the said Act " there shall be inserted the words " or in respect of a disease notifiable in accordance with regulations made under section one hundred and forty-three of the said Act " ;
- (b) for the words " within twelve hours " there shall be substituted the words " within twelve hours, if possible, and in any case within forty-eight hours ".

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PART II

MINOR AMENDMENTS OF THE ACT OF 1947

In subsection (2) of section five (which provides for the treatment, at hospitals providing hospital and specialist services, of the patients of medical practitioners on the staff of such hospitals), after the words " medical practitioner ", wherever they occur, the words " or dental practitioner " shall be inserted.

At the end of section fifteen (which requires facilities at health centres to be available for inter alia the provision of general medical services) there shall be added the following subsection:—

“(6) Any medical practitioner providing general medical services at a health centre, may, with the consent of the Secretary of State, make use of the facilities available at the centre for the provision of such other personal medical services on such terms, including terms as to the payment of charges by the practitioner, and such conditions as the Secretary of State may determine.”

In subsection (2) of section twenty-two (which empowers a local health authority to recover from persons availing themselves of maternity and child welfare services charges in respect of articles provided by the authority) for the words from " the aforesaid " to " prescribed " there shall be substituted the words " under the aforesaid arrangements there is provided anything that may be prescribed including residential accommodation, food or any other thing "; for the words " so supplied " there shall be substituted the words " for whom such provision is made " : and for the words " of supply " there shall be substituted the words " of such provision " .

In subsection (4) of section thirty-two (which empowers the Secretary of State to establish a joint committee for the areas of two or more Executive Councils and to provide, in relation to that committee, for any of the matters for which, in relation to an Executive Council, regulations made under the Sixth Schedule to the Act may provide), for the words " matters for which in relation to an Executive Council regulations made under the Sixth Schedule to this Act may provide " there shall be substituted the words " matters for which, in relation to an Executive Council, provision is or may be made by or under the supplementary provisions of the Sixth Schedule to this Act " .

In subsection (1) of section thirty-three (which relates to local representative committees) at the end of paragraph (c) there shall be inserted the words “or

(d) of the ophthalmic opticians and dispensing opticians providing supplementary ophthalmic services in that area”,

after " Local Dental Committee " the word " or " shall be omitted, and after the words " Local Pharmaceutical Committee " there shall be inserted the words " or the Local Optical Committee " .

At the end of the said section thirty-three there shall be added the following subsections:—

“(3) The Executive Council may, on the request of the Local Medical Committee or the Local Dental Committee or the Local Pharmaceutical Committee or the Local Optical Committee for their area, allot to that Committee out of the moneys available to the Council for the remuneration of persons of whom that Committee is representative and who provide general medical services, general dental services, pharmaceutical services, or, as the case may be, supplementary ophthalmic services under this Part of this Act, such sums for defraying the administrative expenses of the Committee, including travelling and subsistence allowances payable to members of the Committee, as may be determined by the Executive Council with the approval of the Secretary of

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State, and the amount of any such sums shall be deducted, in such manner as may be so determined with such approval, from the remuneration of the persons aforesaid.

- (4) Any such Committee as aforesaid may, with the approval of the Secretary of State, delegate any of their functions, with or without restrictions or conditions, to sub-committees composed of members of the Committee.”

In paragraph (d) of subsection (2) of section thirty-four (which provides for the issue by medical practitioners providing general medical services of certificates reasonably required under or for the purposes of any enactment) after the word " of" there shall be inserted the words " such certificates as may be prescribed, being ".

In subsection (3) of section fifty-four (which provides for defraying out of moneys provided by Parliament payments made in respect of loss of remunerative time or travelling or subsistence expenses to members of any body constituted under the Act) for the words " any loss of remunerative time or any travelling or subsistence expenses" there shall be substituted the words " any loss of earnings or additional expenses (including travelling and subsistence expenses) ".

At the end of paragraph (b) of subsection (1) of section sixty-six (which relates to the superannuation of, among others, officers of voluntary organisations providing services under certain enactments) there shall be added the words " or under Part III of the National Assistance Act, 1948. ".

In paragraph 2 of the First Schedule (which enables the Secretary of State to make regulations for the making of payments to members of the Health Services Council and of standing advisory committees constituted under the Act and of committees and sub-committees set up under that Schedule in respect of loss of remunerative time and travelling and subsistence expenses) for the words " any loss of remunerative time or any travelling or subsistence expenses" there shall be substituted the words " any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Health Services Council or standing advisory committee, or committee or sub-committee set up as aforesaid. ".

In paragraph 3 of the Second Schedule (which enables the Secretary of State to make regulations for the making of payments to members of the Hospitals Endowments Commission in respect of loss of remunerative time and travelling and subsistence expenses) for the words " any loss of remunerative time or any travelling or subsistence expenses " there shall be substituted the words " any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Commission. ".

For sub-paragraph (c) of paragraph 2 of Part IV of the Fourth Schedule (which enables the Secretary of State to make regulations for the making of payments to members of Regional Hospital Boards, Medical Education Committees and Boards of Management in respect of loss of remunerative time, or, if special circumstances justify it, in respect of travelling or subsistence expenses) there shall be substituted the following sub-paragraph:—

“(c) for the making of payments to members of those bodies or committees in respect of—

- (i) any loss of earnings they would otherwise have made or any additional expenses (other than expenses on account of travelling or subsistence) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred for the purpose of enabling them to perform any approved duty; or

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- (ii) any travelling or subsistence expenses necessarily incurred for the purpose of enabling them to perform any approved duty required to be performed at a distance of more than three miles from their usual place of residence.”

At the end of the said paragraph 2 there shall be added the following sub-paragraph:—

- “(e) for the payment by a Regional Hospital Board or Board of Management of such sums as may be approved by the Secretary of State, as subscriptions to the fund of any association whose objects are approved by the Secretary of State for the purpose of this sub-paragraph.”

At the end of the said Part IV of the Fourth Schedule the following paragraph shall be added:—

- “5 In this Schedule, the expression ' approved duty', in relation to a member of a body constituted under the foregoing provisions of this Schedule or any committee of that body, means any of the following duties, that is to say,—
 - (a) attendance at a meeting of the body or any committee thereof;
 - (b) the doing of any other thing approved by the body for the purpose of, or in connection with, the discharge of the functions of the body or any committee thereof;
 - (c) in the case of a member of the body, attendance as a representative of the body at a conference or meeting convened by one or more such bodies or by any association of such bodies.”

Paragraph 1 of the Sixth Schedule (which relates to the constitution of Executive Councils) shall be amended as follows—

- (a) for the words " a chairman appointed by the Secretary of State and twenty-four other members" there shall be substituted the words " twenty-five members ";
- (b) in sub-paragraph (b), for the word " four" there shall be substituted the word " five ";
- (c) at the end of the paragraph, the following words shall be added " The members of an Executive Council shall from time to time, in accordance with such procedure as may be prescribed, appoint one of their members to be chairman of the Council ".

After paragraph 3 of the said Sixth Schedule there shall be inserted the following new paragraph:

- “3A The term of office of the chairman of an Executive Council shall be such as the Council, when making the appointment, determine:

Provided that if the chairman ceases to be a member of the Council he shall also cease to be chairman.”

For sub-paragraph (c) of paragraph 4 of the said Sixth Schedule (which enables the Secretary of State to make regulations for the making of payments to members of Executive Councils or committees thereof in respect of loss of remunerative time, or, if special circumstances justify it, in respect of travelling or subsistence expenses), there shall be substituted the following sub-paragraph:—

- “(c) for the making of payments to members of the Council or any such committee in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred for the purpose of enabling them to perform any approved duty.”

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In sub-paragraph (e) of the said paragraph 4 the words " and for the payment at the prescribed rates of any expenses reasonably incurred by representatives in attending meetings of any such association " shall be omitted.

At the end of the said paragraph 4 the following proviso shall be added:—

“Provided that—

- (i) a member of an Executive Council for the area of a local health authority who are the town council of a large burgh or a member of a committee appointed by such an Executive Council shall not be entitled to any payments under sub-paragraph (c) of this paragraph in respect of travelling or subsistence expenses in respect of a duty performed within the area of the Executive Council, except where the Secretary of State authorises such payments in the case of any individual; and
- (ii) a member of an Executive Council for any area other than as aforesaid or a member of a committee appointed by such an Executive Council shall not be entitled to any payments under the said sub-paragraph (c) in respect of travelling or subsistence expenses in respect of a duty performed within the area of the Executive Council except in respect of duties performed at a distance of more than three miles from his usual place of residence”.

At the end of the said Sixth Schedule the following paragraph shall be added:—

- “8 In this Schedule, the expression ' approved duty', in relation to a member of an Executive Council or any committee thereof, means any of the following duties, that is to say—
- (a) attendance at a meeting of the Council or any committee thereof;
 - (b) the doing of any other thing approved by the Council for the purpose of, or in connection with, the discharge of the functions of the Council or any committee thereof;
 - (c) attendance as a representative of the Council at a conference or meeting convened by one or more Executive Councils or by any association of Executive Councils whose objects are approved by the Secretary of State.”

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lunacy (Scotland) Act, 1866	29 & 30 Vict. c. 51.
Arbitration Act, 1889	52 & 53 Vict. c. 49.
Partnership Act, 1890	53 & 54 Vict. c. 39.
Lunacy Act, 1890	53 & 54 Vict. c. 5.
Conciliation Act, 1896	59 & 60 Vict. c. 30.
Mental Deficiency Act, 1913	3 & 4 Geo. 5. c. 28.
Mental Deficiency and Lunacy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 38.
Midwives (Scotland) Act, 1915	5 & 6 Geo. 5. c. 91.
Midwives Act, 1918	8 & 9 Geo. 5. c. 43.
Industrial Courts Act, 1919	9 & 10 Geo. 5. c. 69.

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Short Title	Session and Chapter
Midwives Act, 1926	16 & 17 Geo. 5. c. 32.
Midwives (Scotland) Act, 1927	17 & 18 Geo. 5. c. 17.
Mental Treatment Act, 1930	20 & 21 Geo. 5. c. 23.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Cancer Act, 1939	2 & 3 Geo. 6. c. 13.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.