



# National Health Service (Amendment) Act 1986

## 1986 CHAPTER 66

### **[<sup>F1</sup>1 Application of food legislation to health authorities and health service premises.**

- (1) For the purposes of the food legislation—
  - (a) a health authority shall not be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown; and
  - (b) premises used by a health authority shall not be regarded as property of or property held on behalf of the Crown.
- (2) The [<sup>F2</sup>Ministers] may by regulations—
  - (a) provide who is to be treated as the occupier or owner of any such premises for any of those purposes; and
  - (b) make such modifications of the food legislation, in its application to health authorities, as appear to the [<sup>F3</sup>Ministers] to be necessary for its effective operation in relation to them.
- (3) The powers to make regulations conferred by subsection (2) above shall be exercisable by statutory instrument.
- (4) A statutory instrument containing regulations made in the exercise of the power conferred by paragraph (a) of that subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) A statutory instrument containing regulations made in the exercise of the power conferred by paragraph (b) shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.
- (6) Section 125 of the 1977 Act and section 101 of the 1978 Act shall have no effect in relation to any action, liability, claim or demand arising out of the food legislation.

[ In this section— “the Ministers” has the same meaning as in the Food Safety Act 1990;  
<sup>F4</sup>(7) “the food legislation” means the Food Safety Act 1990 and any regulations or orders made (or having effect as if made) under it; “health authority”—

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**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Amendment) Act 1986, Section 1. (See end of Document for details)

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- (a) as respects England and Wales, has the meaning assigned to it by section 128 of the 1977 Act; and
  - (b) as respects Scotland, means a Health Board constituted under section 2 of the 1978 Act, the Common Services Agency constituted under section 10 of that Act or a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984.]
- (8) This section shall have no effect in relation to anything done or omitted before its commencement.]

#### Textual Amendments

- F1** S. 1 repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**
- F2** Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(1), **Sch. 3 para. 36(1)(a)**
- F3** Word substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(1), **Sch. 3 para. 36(1)(b)**
- F4** S. 1(7) substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(1), **Sch. 3 para. 36(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the National Health Service (Amendment) Act 1986, Section 1.