



# Health Services and Public Health Act 1968

## 1968 CHAPTER 46

An Act to amend the National Health Service Act 1946 and the National Health Service (Scotland) Act 1947 and make other amendments connected with the national health service; to make amendments connected with local authorities' services under the National Assistance Act 1948; to amend the law relating to notifiable diseases and food poisoning; to amend the Nurseries and Child-Minders Regulation Act 1948; to amend the law relating to food and drugs; to enable assistance to be given to certain voluntary organisations; to enable the Minister of Health and Secretary of State to purchase goods for supply to certain authorities; to make other amendments in the law relating to the public health; and for purposes connected with the matters aforesaid. [26th July 1968]

### Editorial Information

- X1** The text of ss. 44–46, 77 and 79 was taken from S.I.F. Group 81:3 (Local Government: Social Services); ss. 47-50, 52-66, 70-79 and Schs. 3,4 appeared in S.I.F. Group 100:3; provisions omitted from S.I.F. have been dealt with as referred to in other commentary.

### Modifications etc. (not altering text)

- C1** Act: transfer of powers (1.7.1999) by [S.I. 1999/672](#), [art. 2](#)

### Commencement Information

- I1** Act not in force at Royal Assent see [s. 79\(2\)](#); Act wholly in force at 18. 3. 1974 see [S.I. 1974/317](#).

## PART I

1—43. .... <sup>F1</sup>

*Status: Point in time view as at 25/08/2000.*

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#### Textual Amendments

- F1** Ss. 1–43 repealed by (E.W.) National Health Service Act 1977 (c. 49), s. 129, Sch. 14 para. 10, **Sch. 16** and (S.) National Health Service (Scotland) Act 1978 (c. 29), s. 109, **Sch. 17**

## PART II

### AMENDMENTS CONNECTED WITH LOCAL AUTHORITIES' SERVICES UNDER THE NATIONAL ASSISTANCE ACT 1948

#### **44 Extension of power, under the National Assistance Act 1948, of local authority to provide accommodation elsewhere than in premises managed by them or another such authority.**

[<sup>F2</sup>(1) For subsection (1) of section 26 of the <sup>M1</sup>National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), there shall be substituted the following subsections:—

“(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, but subject to the next following subsection, a scheme under section twenty-one thereof may provide that a local authority—

- (a) may make, in lieu or in supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (a) of subsection (1) of the said section twenty-one, arrangements—
  - (i) with a voluntary organisation managing any premises, for the provision in those premises of accommodation of that kind;
  - (ii) with a person registered under section thirty-seven of this Act in respect of a disabled persons' or old persons' home, for the provision in that home of accommodation of that kind; and
- (b) may make, in lieu or supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (b) of the said subsection (1), arrangements with a voluntary organisation managing any premises for the provision in those premises of accommodation of that kind.

(1A) No arrangements shall be made by virtue of paragraph (a) of the foregoing subsection by a local authority with a person who has been convicted of an offence against regulations under section forty of this Act.”]

(2) In subsection (2) of the said section 26 (which requires arrangements under subsection (1) of that section provide for the making by the local authority of payments to the voluntary organisation with which they are made) for the words “the organisation” there shall be substituted the words “the other party thereto”.

#### Textual Amendments

- F2** S. 44(1) repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**

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**Modifications etc. (not altering text)**

**C2** The text of ss. 44, 60(3)(5)(6)(8)(10)–(13) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M1** 1948 c. 29

**45 Promotion by local authorities, of the welfare of old people.**

(1) A local authority may with the approval of [<sup>F3</sup>the Secretary of State], and to such extent as he may direct shall, make arrangements for promoting the welfare of old people.

(2) ..... <sup>F4</sup>

(3) A local authority may employ as their agent for the purposes of this section [<sup>F5</sup>any voluntary organisation having for its sole or principal object, or among its principal objects, the promotion of the welfare of old people][<sup>F5</sup>any voluntary organisation or any person carrying on, professionally or by way of trade or business, activities which consist of or include the provision of services for old people, being an organisation or person appearing to the authority to be capable of promoting the welfare of old people].

(4) No arrangements under this section shall provide—

- (a) for the payment of money to old people except in so far as the arrangements may provide for the remuneration of old people engaged in suitable work in accordance with the arrangements;
- (b) for making available any accommodation or services required to be provided under the [<sup>F6M2</sup>National Health Service Act 1977].

[<sup>F7</sup>(4A) No arrangements under this section may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies solely—

- (a) because he is destitute; or
- (b) because of the physical effects, or anticipated physical effects, of his being destitute.

(4B) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (4A) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local authority.]

(5) The <sup>M3</sup>National Assistance Act 1948 shall have effect as if the following references included a reference to this section, that is to say,—

- (a) the reference, in section 32, to section 29 of that Act;
- (b) the references, in sections 35, [<sup>F8</sup>36,]45, 52 . . . <sup>F9</sup>to Part III of that Act;
- (c) the references, in sections [<sup>F10</sup>54,] 56 and 59, to that Act.

(6) ..... <sup>F11</sup>

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- (9) The <sup>M4</sup>Health Visiting and Social Work (Training) Act 1962 shall have effect in relation to functions of local authorities under this section as it does in relation to functions of local authorities under Part III of the National Assistance Act 1948.
- (10) Section 31(1) of the National Assistance Act 1948 (which empowers local authorities to make arrangements for the provision of meals and recreation for old people) shall cease to have effect except as respects the councils of county districts.
- (11) In this section “local authority” (except where used in the expression “public or local authority”) means the council of a county, [<sup>F12</sup>other than a metropolitan county or of a [<sup>F13</sup>county borough,] metropolitan district] or London borough or the Common Council of the City of London, and “voluntary organisation” means a body the activities of which are carried on otherwise than for profit but does not include any public or local authority.
- (12) ..... <sup>F14</sup>

#### Textual Amendments

- F3** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**
- F4** S. 45(2) repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, **Sch. 10 Pt. I**
- F5** Words "any voluntary organisation or any person" to "capable of promoting the welfare of old people" substituted (1.4.1991) for the words "any voluntary organisation having for its sole or principal object, or among its principal objects, the promotion of the welfare of old people" by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 42(7)
- F6** Words substituted by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 15 para. 43**
- F7** S. 45(4A)(4B) inserted (6.12.1999) by 1999 c. 33, **s.117(1)** (with Sch. 15 para. 6); S.I. 1999/3190, art. 2, **Sch.**
- F8** Figure "36," repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**
- F9** Words repealed by [Local Authority Social Services Act 1970 \(c. 42\)](#), **Sch. 3** and Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XII**
- F10** Figure "54," repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**
- F11** Ss. 45(6)–(8), 68 repealed by [Local Authority Social Services Act 1970 \(c. 42\)](#), **Sch. 3**
- F12** Words substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 23 para. 15(3)**
- F13** Words in s. 45(11) inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 5(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F14** S. 45(12) repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 9 Pt. I**

#### Modifications etc. (not altering text)

- C3** S. 45 repealed (S.) by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#). Sch. 9 Pt. I; amended (E.W.) by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), **Sch. 1**
- C4** S. 45 restricted (8.1.2003) by 2002 c. 41, s. 54, **Sch. 3 para. 1(1)(b)** (with s.159); S.I. 2002/2811, art. 2, **Sch.**

#### Marginal Citations

- M2** 1977 c. 49.  
**M3** 1948 c. 29.  
**M4** 1962 c. 33.

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**46 Application to Isles of Scilly.**

Section 66 of the <sup>M5</sup>National Assistance Act 1948 (application to the Isles of Scilly) shall have effect as if the reference to that Act included a reference to this Part of this Act.

**Marginal Citations**

**M5** 1948 c. 29.

**PART III**

**47** ..... **F15**

**Textual Amendments**

**F15** Ss. 47, 53, 70 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

**48** ..... **F16**  
**50.**

**Textual Amendments**

**F16** Ss. 48–50, 52, 54–58 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

**51** ..... **F17**

**Textual Amendments**

**F17** S. 51 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

**52** ..... **F18**

**Textual Amendments**

**F18** Ss. 48–50, 52, 54–58 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

**53** ..... **F19**

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**Textual Amendments**

**F19** Ss. 47, 53, 70 repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)

54— ..... F20  
 58.

**Textual Amendments**

**F20** Ss. 48–50, 52, 54–58 repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)

**PART IV**

MISCELLANEOUS MATTERS

*Provision of general Application*

**59 Extension of power of user by Crown of patented invention to user for certain health services.**

- (1) The powers exercisable in relation to a patented invention under section 46 of the <sup>M6</sup>Patents Act 1949 by a government department or a person authorised by a government department shall include power to make, use, exercise and vend the invention for the production or supply of drugs and medicines required for the provision of pharmaceutical services, [<sup>F21</sup>general medical services, personal medical services, general dental services or personal dental services], and prescribed for the purposes of this section by regulations made by [<sup>F22</sup>the Secretaries of State respectively concerned with health in England, in Wales and in Scotland] acting jointly; and any reference in that section or in section 47 or 48 of the Patents Act 1949 to the services of the Crown shall be construed accordingly.
- (2) In the foregoing subsection references to pharmaceutical services, general medical services and general dental services shall be construed as referring to services of those respective kinds under [<sup>F23</sup>Part II of the <sup>M7</sup>National Health Service Act 1977], Part [<sup>F24</sup>II] of the <sup>M8</sup>National Health Service (Scotland) Act [<sup>F24</sup>1978] or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.
- [<sup>F25</sup>(2A) In subsection (1), references to personal medical services and personal dental services are to be construed as references to services of those respective kinds under section 28C of the 1977 Act, section 17C of the 1978 Act or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.]
- (3) The power conferred by subsection (1) above to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section shall extend to the Isle of Man.

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#### Textual Amendments

- F21** Words in s. 59(1) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I**, para. 1(2); S.I. 1998/631, art. 2(1), **Sch. 1**, **Sch. 2** (subject as mentioned in art. 3(1)(3)(4))
- F22** Words substituted by S.I. 1969/388, **Sch. 1**
- F23** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15 para. 44**
- F24** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(1)**
- F25** S. 59(2A) inserted (1.4.1998) by 1997 c. 46, s. 41(1), **Sch. 2 Pt. I**, para. 1(2); S.I. 1998/631, art. 2(1), **Sch. 1**, **Sch. 2** (subject as mentioned in art. 3)

#### Marginal Citations

- M6** 1949 c. 87.
- M7** 1977 c. 49.
- M8** 1978 c. 29.

### *Provisions applicable to England and Wales and Scotland*

**F26** **60** .....

#### Textual Amendments

- F26** S. 60 repealed (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2).

**61** ..... **F27**

#### Textual Amendments

- F27** S. 61 repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16, **Sch. 5**

### **62 Hover vehicles brought within scope of Acts relating to public health and food and drugs.**

- (1) In the <sup>M9</sup>Public Health Act 1936 references to vessels, . . . <sup>F28</sup>, shall be construed as including references to [<sup>F29</sup>hovercraft within the meaning of the <sup>M10</sup>Hovercraft Act 1968] and [<sup>F30</sup>in that Act]“master” shall be construed accordingly.
- (2) This section shall have effect in Scotland as if, [<sup>F31</sup>the reference to the Public Health Act 1936 included references to both] the Public Health (Scotland) Acts 1897 to 1945 and the <sup>M11</sup>Food and Drugs (Scotland) Act 1956.

#### Textual Amendments

- F28** Words repealed by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 10 para. 13(a)(i)**, Sch. 11
- F29** Words substituted by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 123**
- F30** Words substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 10 para. 13(a)(ii)**
- F31** Words substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134, **Sch. 10 para. 13(b)**

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#### Marginal Citations

- M9** 1936 c. 49.  
**M10** 1968 c. 59.  
**M11** 1956 c. 30.

### 63 Provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare.

- (1) [<sup>F32</sup>The Secretary of State] may, either directly or by entering into arrangements with others,—
- (a) provide, for persons employed or having it in contemplation to be employed as officers, or servants of a [<sup>F33</sup>Health Authority [<sup>F34</sup>or Special Health Authority, Health Board or Primary Care Trust]] such instruction as appears to him conducive to securing their efficiency as such officers or servants;
  - (b) provide, for persons (other than such as are mentioned in the foregoing paragraph) of such class as may be [<sup>F35</sup>determined by him] who are employed, or have it in contemplation to be employed, in an activity to which this paragraph applies, such instruction as appears to him conducive to the efficient carrying on of that activity; and
  - (c) provide material and premises necessary for, or in connection with, the provision of any such instruction as aforesaid.
- (2) Paragraph (b) of the foregoing subsection applies to the following activities, namely—
- (a) an activity involved in the provision of a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Minister of Health or the council of a [<sup>F36</sup>non-metropolitan county [<sup>F37</sup>county borough], metropolitan district] or London borough or the Common Council of the City of London . . .  
<sup>F38</sup>,
  - (b) the provision of a service for the provision of which [<sup>F33</sup>a Health Authority] is, by virtue of [<sup>F39</sup>Part II of the 1977 Act], under a duty to make arrangements and an activity involved in or connected with the provision of such a service;
  - [<sup>F40</sup>(ba) the provision or performance of a service in accordance with arrangements made under section 28C of the 1977 Act or section 17C of the <sup>M12</sup>National Health Service (Scotland) Act 1978 and an activity involved in or connected with the provision or performance of such a service;]
  - (c) an activity involved in the provision of a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Secretary of State or a county council or a town council of a large burgh or a joint county council;
  - (d) the provision of a service for the provision of which [<sup>F41</sup>a Health Board] is, by virtue of Part [<sup>F42</sup>II] of the [<sup>F42</sup>1978] Act, under a duty to make arrangements and an activity involved in or connected with the provision of such a service; and
  - (e) an activity involved in the provision of a service under the law in force in Northern Ireland corresponding to a service mentioned in paragraph (a) above;
  - (f) the provision of a service under the law in force in Northern Ireland corresponding to a service mentioned in paragraph (b) above, and an activity involved in or connected with the provision of such a service.



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- (3) ..... F43
- (4) ..... F44
- (5) Instruction under this section may be provided on such terms, including terms as to payment of charges, as [F32the Secretary of State] thinks fit.
- [F45(5A) The Secretary of State may by regulations provide for any functions exercisable by a Health Authority [F46Special Health Authority or Primary Care Trust] under or in relation to arrangements made under subsection (1) above to be exercisable by the Health Authority [F46Special Health Authority or Primary Care Trust] jointly with one or more other relevant health service bodies; and section 126 of the 1977 Act shall apply in relation to regulations made under this subsection as if this subsection were contained in that Act.
- (5B) For the purposes of subsection (5A) above the following are relevant health service bodies—
- (a) Health Authorities;
  - (b) Special Health Authorities;
  - [ Primary Care Trusts]
- F47(bb)  
; and
- (c) NHS trusts.]
- (6) [F32The Secretary of State] may, with the approval of the Treasury,—
- (a) make grants and pay fees to persons or bodies with whom arrangements under subsection (1) above are made for the provision of instruction under this section [F48and for ancillary administrative purposes]; and
  - (b) pay travelling and other allowances to persons availing themselves of such instruction.
- (7) ..... F49
- (8) In this section—
- ..... F50
- [“F511977 Act” means the M13National Health Service Act 1977];
- “1947 Act” means the M14National Health Service (Scotland) Act 1947;
- “the relevant enactments” means—
- (a) in relation to subsection (2)(a) above, [F52any enactment functions under which for the time being stand referred to committees established in pursuance of section 2 of the M15Local Authority Social Services Act 1970 [F53 and the M16National Health Service Act 1977]];
  - (b) in relation to subsection (2)(c) above, . . . F54 Part III of the M17National Assistance Act 1948, [F55section 39 of the M18National Health Service Scotland Act 1978][F56section 45 of this Act and the M19National Health Service Act 1977].
- [F57(8A) Expressions used in both this section and the 1977 Act have the same meaning in this section as in that Act.]
- (9) This section shall have effect in Scotland as if, for any reference therein (other than a reference in subsection (2) thereof) to the Minister of Health, there were substituted a reference to the Secretary of State; . . . F58

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(10) Section 48 of the 1946 Act and section 48 of the 1947 Act shall cease to have effect.

### Textual Amendments

- F32** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**
- F33** Words in s. 63(1)(a)(2)(b) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by virtue of 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III, para. 95(2)(a)(b)** (with Sch. 2 paras. 6, 16)
- F34** Words in s. 63(1)(a) substituted (1.4.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65, 67(2), **Sch. 4 para. 3(a)**; S.I. 1999/2342, **art. 2(3)(a)**
- F35** Words substituted (E.W.) by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 124(2)**, (S.) by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 135(b)**
- F36** Words substituted by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 124(3)**
- F37** Words in s. 63(2)(a) inserted (29.4.1996) by S.I. 1996/1008, art. 2, **Sch. 1 Pt. I para. 1**
- F38** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F39** Words substituted by National Health Service Act 1977 (c. 49, SIF 113:2), s. 129, **Sch. 15 para. 45(1)**
- F40** S. 63(2)(ba) inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 1(4)**; S.I. 1998/631, art. 2(1), Sch. 1, **Sch. 2** (subject to art. 3(1)(2)(4))
- F41** Words substituted by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 135(c)**
- F42** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(2)(a)**
- F43** S. 63(3) repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25, **Sch. 3**
- F44** S. 63(4) repealed (E.W.) by National Health Service (Reorganisation) Act 1973 (c. 32), **Sch. 5**, (S.) by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II**
- F45** S. 63(5A)(5B) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 95(2)(c)** (with Sch. 2 paras. 6, 16)
- F46** Words in s. 63(5A) substituted (1.4.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65, 67(2), **Sch. 4 para. 3(b)**; S.I. 1999/2342, **art. 2(3)(a)**
- F47** S. 63(5B)(bb) inserted (1.4.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65, 67(2), **Sch. 4 para. 3(c)**; S.I. 1999/2342, **art. 2(3)(a)**
- F48** Words inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 20(a)
- F49** Ss. 63(7), 67 repealed (E.W.) by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**, (S.) by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II**
- F50** Words repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**
- F51** Definition substituted by National Health Service Act 1977 (c. 49), **Sch. 15 para. 45(2)(a)**
- F52** Words substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 20(b)
- F53** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15**, para. 45(2)(b)
- F54** Words repealed by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 17**
- F55** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(2)(b)**
- F56** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15 para. 45(2)(c)**
- F57** S. 63(8A) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 95(2)(d)** (with Sch. 2 paras. 6, 16)
- F58** Words repealed by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II**

### Modifications etc. (not altering text)

- C5** References to the Minister of Health in this section (except in s. 63(9)) have been replaced by references to the Secretary of State
- C6** S. 63(1)(5)(6): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(a), **Sch. 1**
- C7** S. 63(1)(5)(6) transfer of functions (E.) (1.4.2001) by S.I. 2001/747, reg. 2(1), **Sch. 1** (with regs. 3, 4)
- C8** S. 63(1) modified as to exercise of functions of a Health Authority (E.) (1.4.2001) by S.I. 2001/747, **regs. 5(5), 6(4)**

*Status: Point in time view as at 25/08/2000.*

*Changes to legislation: Health Services and Public Health Act 1968 is up to date with all changes known to be in force on or before 30 August 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)*

**C9** The text of ss. 63(10), 78(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

- M12** 1978 c. 29.
- M13** 1977 c. 49.
- M14** 1947 c. 27.
- M15** 1970 c.42.
- M16** 1977 c. 49.
- M17** 1948 c. 29
- M18** 1978 c. 29.
- M19** 1977 c. 49.

**[<sup>F59</sup>64 Financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations.**

(1) [<sup>F60</sup>The Secretary of State] may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a voluntary organisation to which this section applies assistance by way of grant or by way of loan, or partly in the one way and partly in the other.

(2) This section applies to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided.

(3) In this section—

- [ “the relevant enactments” means—
- <sup>F61</sup>(a) (i) Parts III and IV of the <sup>M20</sup>Children and Young Persons Act 1933, <sup>F62</sup>
  - (ii) .....
  - (iii) Part III of the <sup>M21</sup>National Assistance Act 1948, <sup>F63</sup>
  - (iv) .....
  - (v) .....
  - <sup>F65</sup>(vi) .....
  - <sup>F65</sup>(vii) .....
  - (viii) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
  - <sup>F65</sup>(ix) .....
  - (x) the <sup>M22</sup>Children and Young Persons Act 1963, except Part II and section 56,
  - (xi) this Act,
  - (xii) .....
  - (xiii) section 7(4) of the <sup>M23</sup>Family Law Reform Act 1969,
  - (xiv) the <sup>M24</sup>Children and Young Persons Act 1969, . . . <sup>F67</sup>
  - <sup>F65</sup>(xv) .....
  - (xvi) .....
  - (xvii) the <sup>M25</sup>Children Act 1975]
- [ the National Health Service Act 1977]

*Status: Point in time view as at 25/08/2000.*

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- <sup>F69</sup>(xviii)  
[ the <sup>M26</sup>Adoption Act 1976]
- <sup>F70</sup>(xviii)  
[ the Children Act 1989.]
- <sup>F71F72</sup>(xx)  
[ sections 63 to 66 and 92 of, and Schedules 6 and 7 to, the Powers of <sup>F71</sup>(xxi) Criminal Courts (Sentencing) Act 2000;]
- (b) “relevant service” means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by [<sup>F73</sup>the Secretary of State] or the council of a [<sup>F74</sup>non-metropolitan county, [<sup>F75</sup>county borough]metropolitan district] or London borough or the Common Council of the City of London or a service for the provision of which [<sup>F76</sup>a Health Authority are, by virtue of Part II of the <sup>M27</sup>National Health Service Act 1977,], under a duty to make arrangements; and
- (c) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.
- (4) This section shall have effect in Scotland as if, in subsection (1) thereof, for the reference to the Minister of Health, there were substituted a reference to the Secretary of State; and as if, in subsection (3) thereof, for paragraphs (a) and (b), there were substituted the following paragraphs:—
- “(a) “the relevant enactments” means . . . <sup>F77</sup>, Part III of the National Assistance Act 1948 and Part I of this Act and section 45 thereof [<sup>F78</sup>and the National Health Service Scotland Act [<sup>F79</sup>1978]];
- (b) “relevant service” means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Secretary of State or by a county council or by the town council of a large burgh; or a service for the provision of which [<sup>F80</sup>a Health Board] is, by virtue of Part [<sup>F81</sup>II] of the National Health Service (Scotland) Act [<sup>F81</sup>1978] under a duty to make arrangements; and”]

### Textual Amendments

- F59** S. 64 repealed so far as it relates to (S.) by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 3, **Sch. 10 Pt. 1**
- F60** Words substituted by virtue of [S.I. 1968/1699](#), **arts. 2, 5(4)(a)**
- F61** S. 64(3)(a) substituted by [Children Act 1975 \(c. 72\)](#), **Sch. 3 para. 46**
- F62** S. 64(3)(a)(ii) repealed by [National Health Service Act 1977 \(c. 49\)](#) Sch. 16
- F63** S. 64(3)(a)(iv) repealed by [Child Care Act 1980 \(c.5, SIF 20\)](#), s. 89, **Sch. 6**
- F64** S. 64(3)(a)(v) repealed by [Adoption Act 1976 \(c. 36\)](#), s. 74(2), **Sch. 4**
- F65** S. 64(3)(a)(vi)(vii)(ix)(xv) repealed (E.W.)(14. 10. 1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), **Sch. 15**, (with Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), **art. 3(2)**.
- F66** S. 64(3)(a)(xii) repealed by [Adoption Act 1976 \(c. 36\)](#), s. 74(2), **Sch. 4**
- F67** Words repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, **Sch. 6**
- F68** S. 64(3)(a)(xvi) repealed by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 16**
- F69** S. 64(3)(a)(xviii) added by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 15 para. 46(c)**
- F70** S. 64(3)(a)(xviii) added by [Adoption Act 1976 \(c. 36\)](#), s. 74(2), **Sch. 3 Pt. I para. 9**
- F71** S. 64(3)(a)(xxi) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 32**

*Status: Point in time view as at 25/08/2000.*

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- F72** S. 64(3)(a)(xx) substituted (E.W.) (14. 10. 1991) for s. 64(3)(a)(xix) (which was added (E.W.) by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 5 para. 19**), by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 17(1)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.
- F73** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**
- F74** Words substituted by National Health Service Reorganisation Act 1973 (c. 32, SIF 113:2), s. 57, **Sch. 4 para. 125(2)**
- F75** Words in s. 64(3)(b) inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 5(2)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F76** Words in s. 64(3)(b) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III**, para. 95(3)
- F77** Words repealed by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 17**
- F78** Words added by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 136(a)**
- F79** Word substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 27(a)**
- F80** Words substituted by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 136(b)**
- F81** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 27(b)**

#### **Modifications etc. (not altering text)**

- C10** S. 64(1): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(a), **Sch. 1**  
S. 64(1): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), **Sch. 1** (with regs. 3, 4)
- C11** The references to the Minister of Health in s. 64(1)(3)(b) have been replaced by references to the Secretary of State

#### **Marginal Citations**

- M20** 1933 c. 12.  
**M21** 1948 c. 29.  
**M22** 1963 c. 37.  
**M23** 1969 c. 46.  
**M24** 1969 c. 54.  
**M25** 1975 c. 72.  
**M26** 1976 c. 36.  
**M27** 1946 c. 81.

## **65 Financial and other assistance by local authorities to certain voluntary organisations.**

- (1) A local authority may give assistance by way of grant or by way of loan, or partly in the one way and partly in the other, to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided, . . . <sup>F82</sup>.
- (2) A local authority may also assist any such voluntary organisation as aforesaid by permitting them to use premises belonging to the authority on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift, or loan or otherwise) and the services of any staff who are employed by the authority in connection with the premises or other things which they permit the organisation to use, . . . <sup>F83</sup>
- (3) In this section—

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- (a) “local authority” (except where used in the expression “public or local authority”) means the council of a county, [<sup>F84</sup>other than a metropolitan county, or of a [<sup>F85</sup>county borough,] metropolitan district] or London borough or the Common Council of the City of London;
- [<sup>F86</sup>(b) “the relevant enactments” means—
- (i) Parts III and IV of the <sup>M28</sup>Children and Young Persons Act 1933,
  - (ii) ..... <sup>F87</sup>
  - (iii) Part III of the <sup>M29</sup>National Assistance Act 1948,
  - (iv) ..... <sup>F88</sup>
  - (v) the <sup>M30</sup>Adoption Act 1958,
  - (vi) section 3 of the <sup>M31</sup>Disabled Persons (Employment) Act 1958,  
[ the <sup>M32</sup>Children Act 1958,]
  - <sup>F89</sup>(vii) [ section 9 of the <sup>M33</sup>Mental Health Act 1959,]
  - <sup>F90</sup>(viii) (ix) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,  
[ section 9 of the <sup>M34</sup>Domestic Proceedings and Magistrates’ Courts Act <sup>F91</sup>(x) 1978]],
  - (xi) the <sup>M35</sup>Children and Young Persons Act 1963, except Part II and section 56,
  - (xii) this Act,
  - (xiii) the <sup>M36</sup>Adoption Act 1968,
  - (xiv) section 7(4) of the <sup>M37</sup>Family Law Reform Act 1969,
  - (xv) the <sup>M38</sup>Children and Young Persons Act 1969,
  - (xvi) section 43 of the <sup>M39</sup>Matrimonial Causes Act 1973,
  - (xvii) ..... <sup>F92</sup>
  - (xviii) the <sup>M40</sup>Children Act 1975,
  - [<sup>F93</sup>(xix) the <sup>M41</sup>National Health Service Act 1977],
  - [<sup>F94</sup>(xix) the <sup>M42</sup>Adoption Act 1976],
  - [<sup>F95</sup><sup>F96</sup>(xxi) the Children Act 1989.]
  - [<sup>F95</sup>(xxii) sections 63 to 66 of, and Schedules 6 and 7 to, the Powers of Criminal Courts (Sentencing) Act 2000;]
- (c) “relevant service” means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and
- (d) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.
- (4) The foregoing provisions of this section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(5) and 28(3) and (so far as it relates to such organisations) section 63 of the <sup>M43</sup>National Health Service Act 1946, sections 26(6) and 30(2) of the <sup>M44</sup>National Assistance Act 1948, sections 45(4) and 46(3) of the <sup>M45</sup>London Government Act 1963 and, except in so far as it applies to the councils of county districts, section 31(3) of the National Assistance Act 1948.
- (5) Subsection (1) of section 46 of the <sup>M46</sup>Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that

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section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.

(6) This section (except in so far as it relates to the Greater London Council) shall have effect in Scotland as if for subsections (3), (4) and (5) thereof, there were substituted the following subsections:—

“(2A) Without prejudice to the powers conferred on local authorities by the foregoing provisions of this section, a [<sup>F97</sup>local authority] may assist any voluntary organisation whose activities consist in or include the provision of meals or recreation for old people to provide such meals or such recreation by contributing to the funds of the organisation, by permitting them to use premises belonging to the [<sup>F97</sup>local authority] on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift or loan or otherwise) and the services of any staff who are employed by the [<sup>F97</sup>local authority] in connection with the premises or other things which they permit the organisation to use.

F98

(2B) In this section—

- (a) “local authority” (except where used in the expression “public or local authority”) means, [<sup>F99</sup>the [<sup>F100</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];
- (b) .....<sup>F101</sup>
- [<sup>F102</sup>(c) “the relevant enactments” means the National Health Service (Scotland) Acts [<sup>F103</sup>1978], Part III of the National Assistance Act 1948 and section 3 of the Disabled Persons (Employment) Act 1958;]
- (d) “relevant service” means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and
- (e) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(2C) This section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(3) and 27(3) and (so far as it authorises local health authorities to give assistance to such organisations) section 63 of the National Health Service (Scotland) Act 1947, and section 26(6), 30(2) and 31(3) of the National Assistance Act 1948”

#### Textual Amendments

- F82** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F83** Words repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 5](#)
- F84** Words substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 23 para. 15\(4\)](#)
- F85** Words in s. 65(3)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(4), [Sch. 10 para. 5\(3\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(12\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F86** s. 65(3)(b) substituted by [Children Act 1975 \(c. 72\)](#), [Sch. 3 para. 47](#)
- F87** S. 65(3)(b)(ii) repealed by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 16](#)
- F88** S. 65(3)(b)(iv) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, [Sch. 6](#)
- F89** S. 65(3)(b)(vii) which was substituted (E.W.) by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), s. 23(2), [Sch. 2 Pt. I](#) was repealed (E.W.) (14. 10. 1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch. 15](#)

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- (with Sch. 14 paras. 1(1), 27(4); S.I. 1991/828, **art. 3(2)**); the Children Act 1958 was repealed (S.) by Foster Children (Scotland) Act 1984 c. 56, s. 22, **Sch. 3** and the reference to the Children Act 1958 should be construed in accordance with the Interpretation Act 1978 (c. 30, SIF 115:1), s. **17(2)(a)**.
- F90** S. 65(3)(b)(viii)(x) repealed (E.W.) (*14. 10. 1991*) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 15 (with Sch. 14 paras. 1(1), **27(4)**); S.I. 1991/828, **art. 3(2)**.
- F91** S. 65(3)(b)(x) substituted by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), s. 89, **Sch. 2 para. 23**
- F92** S. 65(3)(b)(xvii) repealed by National Health Service Act 1977 (c. 49), **Sch. 16**
- F93** S. 65(3)(b)(xix) added by National Health Service Act 1977 (c. 49), **Sch. 15**
- F94** S. 65(3)(b)(xix) added by Adoption Act 1976 (c. 36), s. 74(2), **Sch. 3 Pt. I para. 10**
- F95** S. 65(3)(b)(xxii) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 33**
- F96** S. 65(3)(b)(xxi) substituted (E.W.) (*14. 10. 1991*) for s. 65(3)(b)(xx) (which was added (E.W.) by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 5 para. 20**), by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 17(2) (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**.
- F97** S. 65(6): words in substituted subsection (2A) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 74(3)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F98** Para. repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**
- F99** Words substituted by Local Government (Scotland) Act 1973 (c. 65) Sch. 27 Pt. II para. 175(b)
- F100** S. 65(6): words in substituted subsection (2B)(a) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 74(3)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F101** S. 65(6)(2B)(b) repealed by Local Government (Scotland) Act 1973 (c. 65) Sch. 29
- F102** S. 65(6)(2B)(c) substituted by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 137**
- F103** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 28**

#### Modifications etc. (not altering text)

- C12** S. 65 restricted (S.) by Social Work (Scotland) Act 1968 (c. 49), s. **10(5)**

#### Marginal Citations

- M28** 1933 c. 12.  
**M29** 1948 c. 29.  
**M30** 1958 c. 5 (7 & 8 Eliz. 2).  
**M31** 1958 c. 33 (6 & 7 Eliz. 2).  
**M32** 1958 c. 65  
**M33** 1959 c. 72.  
**M34** 1978 c. 22.  
**M35** 1963 c. 37.  
**M36** 1968 c. 53.  
**M37** 1969 c. 46.  
**M38** 1969 c. 54.  
**M39** 1973 c. 18.  
**M40** 1975 c. 72.  
**M41** 1977 c. 49.  
**M42** 1976 c. 36.  
**M43** 1946 c. 81.  
**M44** 1948 c. 29.  
**M45** 1963 c. 33.  
**M46** 1958 c. 55.



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**66 Payments in respect of travelling expenses of visitors to patients in special hospitals and State hospitals.**

- (1) [<sup>F104</sup>The Secretary of State] may, in accordance with arrangements made by him with the approval of the Treasury, make payments, at such rates as may be determined under those arrangements, to persons of such class or description as may be so determined in respect of travelling expenses necessarily incurred by them in making visits to patients for the time being detained under the Mental Health Act 1959 in [<sup>F105</sup>hospitals at which high security psychiatric services are provided].
- (2) The foregoing subsection shall have effect in Scotland, as if, for the references therein to the Minister of Health, the <sup>M47</sup>Mental Health Act 1959 and [<sup>F105</sup>hospitals at which high security psychiatric services are provided], there were substituted references respectively to the Secretary of State, the <sup>M48</sup>Mental Health (Scotland) Act 1960 and State hospitals.

**Textual Amendments**

**F104** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**

**F105** Words in s. 66(1)(2) substituted (1.4.2000) by S.I. 2000/90, **art. 3(2), Sch. 2 para. 2** (with **art. 2(5)**)

**Modifications etc. (not altering text)**

**C13** The reference to the Minister of Health in s. 66(1) has been replaced by a reference to the Secretary of State

**Marginal Citations**

**M47** 1959 c. 72.

**M48** 1960 c. 61.

**67** ..... **F106**

**Textual Amendments**

**F106** Ss. 63(7), 67 repealed (S.) by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II** and (E.W.) by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**

**68** ..... **F107**

**Textual Amendments**

**F107** Ss. 45(6)–(8), 68 repealed by Local Authority Social Services Act 1970 (c. 42), **Sch. 3**

**69** ..... **F108**

*Status: Point in time view as at 25/08/2000.*

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#### Textual Amendments

**F108** S. 69, Sch. 1 repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), s. 57, **Sch. 5**

70

F109

#### Textual Amendments

**F109** Ss. 47, 53, 70 repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

#### *Provisions applicable to Scotland only*

### 71 Compensation for stopping employment to prevent spread of disease in Scotland.

- (1) With a view to preventing the spread of—
- (a) any infectious disease, or
  - (b) any food poisoning to which section 22(1) of the <sup>M49</sup>Food and Drugs (Scotland) Act 1956 applies,

a person who is at work may be requested by the [<sup>F110</sup>designated medical officer] for the place where the person is at work, by notice in writing, to discontinue his work.

- (2) The local authority for the place in question shall compensate a person who has suffered any loss in complying with a request under this section; and any dispute arising under this subsection, whether as to the fact of loss or as to the amount of any compensation, shall be determined by a single arbiter, who, failing agreement between the parties, shall be appointed by the sheriff.

<sup>F111</sup>(3) .....

- (4) This section applies to Scotland only.

#### Textual Amendments

**F110** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 138**

**F111** S. 71(3) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 177** and repealed (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), **Sch. 14**; [S.I. 1996/323, art. 4\(1\)\(c\)](#)

#### Marginal Citations

**M49** 1956 c. 30.

### [<sup>F112</sup>71A Fees for certificates relating to notifiable diseases and food poisoning.

- (1) Subject to any exceptions which he may specify, the Secretary of State may direct that a Health Board shall pay to a medical practitioner a fee of such amount as the direction may specify for each certificate duly sent by him under—

- (a) section 3(1) of the Infectious Diseases (Notification) Act 1889 (notification of infectious diseases);

*Status: Point in time view as at 25/08/2000.*

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- (b) regulations made under section 1 of the Public Health (Scotland) Act 1945 (power to make regulation with a view to preventing the spread of certain diseases);
  - (c) section 22(1) of the Food and Drugs (Scotland) Act 1956 (notification of cases of food poisoning).
- (2) The Secretary of State may direct that different fees shall be paid under this section in relation to different circumstances.
- (3) A direction under this section may make provision in relation to fees payable after a date specified in the direction.
- (4) The date may be before or after the date of the direction but may not be before if it would be to the detriment of medical practitioners.
- (5) Before giving a direction as to a fee under this section the Secretary of State shall consult any body accepted by him as a proper body for negotiating fees for medical practitioners.
- (6) For the avoidance of doubt it is hereby declared that the fact that a medical practitioner who gives any such certificate as is referred to in subsection (1) above holds the office to whose holder the certificate is required to be sent does not disentitle him to payment of the fee (if any) payable for the certificate.
- (7) This section applies to Scotland only.]

#### Textual Amendments

**F112** S. 71A inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 26(2)

## 72 Powers of sheriff, &c. to order a medical examination in Scotland.

- (1) If the sheriff (acting, if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the [F113designated medical officer] for any district—
- (a) that there is reason to believe that some person in the district is or has been suffering from an infectious disease, or, though not suffering from such a disease, is carrying an organism that is capable of causing it, and
  - (b) that in his own interest, or in the interest of his family, or in the public interest, it is expedient that he should be medically examined, and
  - (c) that he is not under the treatment of a registered medical practitioner, or that the registered medical practitioner who is treating him consents to the making of an order under this section,
- the sheriff may order him to be medically examined by the [F113designated medical officer], or by a registered medical practitioner nominated by the [F113designated medical officer].
- (2) If the sheriff (acting if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the [F113designated medical officer] for any district—
- (a) that there is reason to believe that one of a group of persons, though not suffering from an infectious disease, is carrying an organism that is capable of causing it; and

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- (b) that in the interest of those persons or their families, or in the public interest, it is expedient that those persons should be medically examined, the sheriff may order them to be medically examined by the [F113designated medical officer] or by a registered medical practitioner nominated by the [F113designated medical officer].
- (3) In this section, references to a person's being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations, and references to the sheriff shall be construed, in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.
- (4) This section applies to Scotland only.

#### Textual Amendments

**F113** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 139](#)

### 73 Power of medical officers of health to enter premises in Scotland.

- (1) Subject to the provisions of this section, the [F114designated medical officer] for any district shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises in that district at all reasonable hours for the purpose of the performance of any duty imposed on him by—
- the <sup>M50</sup>Infectious Disease (Notification) Act 1889; or
  - the Public Health (Scotland) Acts 1897 to 1945; or
  - this Act;
- or, if he has reason to believe that any infectious disease exists, or has recently existed, in the premises, for the purpose of inspecting the premises.
- (2) If the sheriff, on a written certificate issued by the [F114designated medical officer] for any district,—
- is satisfied that there are reasonable grounds for entry into any premises for any such purpose as aforesaid, and
  - is also satisfied either—
    - that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
    - that an application for admission, or the giving of such a notice, would defeat the object of the entry, or
    - that the case is one of urgency, or
    - that the premises are unoccupied or that the occupier is temporarily absent,
- he may by warrant under his hand authorise the [F114designated medical officer] to enter the premises, if need be by force.
- (3) A [F114designated medical officer] entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectively secured against unauthorised entry as he found them.

*Status: Point in time view as at 25/08/2000.*

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- (4) Every warrant granted under this section shall continue in force for a period of one month.
- (5) If—
- (a) any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, enters a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret; or
  - (b) any person to whom by reason of his official position any information obtained as aforesaid is communicated, discloses that information to any person,
- he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this section.
- (6) A person who wilfully obstructs any person acting in the execution of this section or of a warrant issued thereunder shall be guilty of an offence against this section.
- (7) A person who fails to give to any person acting in the execution of this section or of any warrant issued thereunder any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by any enactment to call for or may reasonably require, or who, when required to give any such information, knowingly makes any mis-statement in respect thereof, shall be guilty of an offence against this section:
- Provided that nothing in this subsection shall be construed as requiring a person to answer any question, or give any information, if to do so might incriminate him.
- (8) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [<sup>F115</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
- (9) In this section . . . <sup>F116</sup> references to the sheriff shall be construed in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.
- (10) This section applies to Scotland only.

**Textual Amendments**

**F114** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), s. 64\(1\), Sch. 6 para. 140](#)

**F115** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

**F116** Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 7 Pt. II](#)

**Modifications etc. (not altering text)**

**C14** Functions of burgh magistrates now exercisable by justices of the peace: [District Courts \(Scotland\) Act 1975 \(c. 20\), s. 1\(2\)](#)

**Marginal Citations**

**M50** [1889 c. 72.](#)

*Status: Point in time view as at 25/08/2000.*

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#### Textual Amendments

**F117** S. 74 repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. XII**

75 ..... **F118**

#### Textual Amendments

**F118** S. 75 repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. XII** and also expressed to be repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), **Sch. 5**

76 ..... **F119**

#### Textual Amendments

**F119** S. 76 repealed (with saving) by S.I. 1981/127, arts. 3, 4, 5, **Sch. 1**

## PART V

### GENERAL

#### 77 Expenses and receipts.

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) any expenses incurred by [<sup>F120</sup>the Secretary of State] or the Secretary of State in the exercise of any of their powers under this Act;
  - (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other Act.
- (2) All sums received, by virtue of this Act, by [<sup>F120</sup>the Secretary of State] or the Secretary of State shall be paid into the Exchequer.

#### Textual Amendments

**F120** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**

#### 78 Consequential amendments and repeals.

- (1) The enactments specified in Part I of Schedule 3 to this Act and the schemes mentioned in Part II of that Schedule shall have effect subject to the amendments specified in relation thereto in that Schedule, being amendments consequential on the foregoing provisions of this Act; and in that Schedule “the <sup>M51</sup>1946 Act” means the National Health Service Act 1946, and “the <sup>M52</sup>1947 Act” means the National Health Service (Scotland) Act 1947.

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- (2) The enactments specified in columns 1 and 2 of Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

**Modifications etc. (not altering text)**

**C15** The text of ss. 63(10), 78(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M51** 1946 c. 81.

**M52** 1947 c. 27.

**79 Short title, citation, commencement, and extent.**

- (1) This Act may be cited as the Health Services and Public Health Act 1968, . . . <sup>F121</sup>
- (2) This Act, in its application to England and Wales, shall come into force on such date as the Minister may by order made by statutory instrument appoint, and, in its application to Scotland, on such date as the Secretary of State may by order so made appoint; and different dates may be appointed under this section for different provisions of this Act or for different purposes.
- (3) This Act, except section 59 thereof, shall not extend to Northern Ireland.

**Textual Amendments**

**F121** Words repealed by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 16](#) and [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), [Sch. 17](#)

**Modifications etc. (not altering text)**

**C16** Power of appointment conferred by s. 79(2) fully exercised: [S.I. 1968/1362](#), 1387, 1662; 1969/158, 225, 296, 364; 1970/831; 1971/423, 555; 1972/826; 1973/1187; 1974/286 and 317

*Status: Point in time view as at 25/08/2000.*

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## SCHEDULES

### F122F122 SCHEDULE 1

#### Textual Amendments

**F122** S. 69, Sch. 1 repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), s. 57, **Sch. 5**

F122

### SCHEDULE 2

#### PART I

F123

...

#### Textual Amendments

**F123** Sch. 2 Pt. I repealed by [National Health Service Act 1977 \(c. 49\)](#), s. 129, **Sch. 16**

#### PART II

F124

...

#### Textual Amendments

**F124** Sch. 2 Pt. II repealed by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), **Sch. 17**



*Status: Point in time view as at 25/08/2000.*

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## SCHEDULE 3

Section 78.

### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS AND SCHEMES

#### PART I

#### ENACTMENTS

##### Modifications etc. (not altering text)

**C17** Pt. I is printed with the omission of provisions which (a) amend [Local Government Act 1958 \(c. 55\), s. 46\(1\)](#) and (b) have been repealed by [Local Authority Social Services Act 1970 \(c. 42\), Sch. 3](#), [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 7 Pt. I](#), [National Health Service Reorganisation Act 1973 \(c. 32\), Sch. 5](#) and [National Health Service \(Scotland\) Act 1978 \(c. 29\), Sch. 17](#)

*The National Assistance Act 1948(11 & 12 Geo. 6. c. 29)*

In section 29(6)(b), the reference to accommodation and services required to be provided under the 1946 or the 1947 Act shall be construed as including a reference to accommodation or services required to be provided under Part I of this Act.

... **F125**

##### Textual Amendments

**F125** Entries repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. VIII](#)

... **F126**

##### Textual Amendments

**F126** Entries repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. VIII](#)

*The Health Visiting and Social Work (Training) Act 1962(10 & 11 Eliz. 2. c. 33)*

In section . . . <sup>F127</sup>5, references to functions under Part III of the 1946 Act shall be construed as including references to functions under Part I of this Act in its application to England and Wales, and references to functions under Part III of the <sup>M53</sup>National Assistance Act 1948 shall be construed as including references to functions under section 26 of that Act as amended by section 44 of this Act and under section 45 of this Act.

##### Textual Amendments

**F127** Words repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36, SIF 83:1\), s. 23\(5\), Sch. 8](#)

*Status: Point in time view as at 25/08/2000.*

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**Marginal Citations**

**M53** 1948 c. 29.

*The London Government Act 1963(1963 c. 33)*

The reference in paragraph (a) of section 45(2) to Part III of the 1946 Act shall be construed as including a reference to sections . . . <sup>F128</sup> 12 and 13 of this Act.

**Textual Amendments**

**F128** Words repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 5**

*The General Rate Act 1967(1967 c. 9)*

In section 45(b), the references to purposes mentioned in and arrangements made under section 28(1) of the 1946 Act shall be construed respectively as including references to purposes mentioned in and arrangements made under section 12 of this Act.

**PART II**

SCHEMES

All delegation schemes in force under section 46 of the <sup>M54</sup>Local Government Act 1958 immediately before the coming into operation of this Part of this Schedule shall be amended as follows:—

- (a) references to sections 23, 28 and 29 of the 1946 Act shall be construed as referring respectively to sections 10, 12 and 13 of this Act;
- (b) . . . . . <sup>F129</sup>
- (c) any reference to section 29 of the <sup>M55</sup>National Assistance Act 1948 shall be construed as including a reference to section 45 of this Act;
- (d) references to sections 22 and 28 of the 1946 Act and section 30 of the National Assistance Act 1948 shall be construed as including references to section 65 of this Act.

**Textual Amendments**

**F129** Para. (b) repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 5**

**Marginal Citations**

**M54** 1958 c. 55

**M55** 1948 c. 29.

**Textual Amendments**

**F129** Para. (b) repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 5**

**Marginal Citations**

**M54** 1958 c. 55

*Status: Point in time view as at 25/08/2000.*

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M55 1948 c. 29.

SCHEDULE 4

Section 78.

ENACTMENTS REPEALED

**Modifications etc. (not altering text)**

**C18** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and except for the entries relating to entries relating to (a) sections 31 and 33 of the National Assistance Act 1948 and (b) the National Assistance Act 1948 (Amendment) Act 1962 which have been repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\)](#), [Sch. 1 Pt. XI](#), it does not reflect any amendments or repeals which may have been made prior to 1.2.1991

SCHEDULE 4

SCHEDULE 4

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 72.	The Infectious Disease (Notification) Act 1889.	In section 4(2) the words " and shall pay " onwards.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act 1897.	Section 45.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Sections 144 to 146. Section 172.

SCHEDULE 4

SCHEDULE 4

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 81.	The National Health Service Act 1946.	Section 5. Section 7(3)(c) and (d). In section 11, in subsection (9), in paragraph (i), the words " and compensation ", except in relation to an order made in consequence of the occurrence, before the coming into operation of section 35 of this Act, of any of the events mentioned in paragraphs (a) to (c) of that subsection, and paragraph (ii). Section 23(5). Section 23. In section 28, subsection (1) subsection (2) (except in relation to services provided before the coming into operation of section 12 of this Act) and subsection (3). In section 29, subsection (1) and (except in relation to help provided before the coming into operation of section 13 of this Act) subsection (2). In section 31, in subsection (5), the words " and their compensation by the Minister ", except in relation to an order made under subsection (2), (3) or (4) of that section before the coming into operation of section 35 of this Act or an order made before the coming into operation of that section revoking an order made under any of those subsections. In section 40(2)(e), the words " and also for the remuneration of members of the Board ". Section 41(2) and (4). Section 48. In section 54, in subsection (3), the words " or by an Ophthalmic Services Committee on behalf of the Council ", and subsection (5). In section 57(1), the words " Ophthalmic Services Committee ". In section 63, the words from " or by any voluntary " to " 1959 ".

SCHEDULE 4

SCHEDULE 4

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Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 81—cont.	The National Health Service Act 1946—cont.	In Schedule 1, in paragraph 2, the words from “and for the making of such payments” onwards. In Schedule 3, in Part IV, paragraphs 2(c) and 5. In Schedule 6, paragraph 3(b). In Schedule 7, paragraph 6(b). In Schedule 10, the words from “Where the local authority” to “by the local health authority”.
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act 1947.	Section 5. In section 11, in subsection (10), in paragraph (i), the words “and compensation”, except in relation to an order made in consequence of the occurrence, before the coming into operation of section 35 of this Act, of any of the events mentioned in paragraphs (a) and (b) of that subsection. In section 22, subsection (3). Section 23. In section 27, subsection (3). In section 28, subsection (1) and (except in relation to help provided before the coming into operation of section 13 of this Act) subsection (2). In section 32, in subsection (5) the words “and their compensation by the Secretary of State” except in relation to an order made under subsections (2), (3) or (4) of that section before the coming into operation of section 35 of this Act or an order made before the coming into operation of that section revoking an order made under any of those subsections. In section 39, in subsection (2)(e) the words “and also for the remuneration of members of the Board”. In section 42, subsections (2) (as originally enacted) and (4). Section 48. In section 54, in subsection (1), the words from “and expenditure” where second occurring to the end of the subsection, and subsection (3).

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Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 27—cont.	The National Health Service (Scotland) Act 1947—cont.	In Schedule 1 in paragraph 2 the words from “and for the making of such payments” onwards. In Schedule 4 Part IV paragraphs 2(c) and 5. In Schedule 6, paragraph 4(c), the proviso to paragraph 4, and paragraph 8. In Schedule 7 paragraph 3(b). In Schedule 8 paragraph 6(b).
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	Section 26(6). Section 30(2). Section 31, except in relation to councils of county districts in England and Wales. In section 33, in the proviso, the words from “and in subsection (3) of the said section thirty-one” to the end of the proviso.
11 & 12 Geo. 6. c. 33.	The Nurseries and Child-Minders Regulation Act 1948.	In section 4(4), the proviso, except in relation to an offence committed before the coming into operation of section 60 of this Act. In section 7(2), the words “is refused admission to the home of a person registered under section one of this Act, or” and the words “admission has been refused or, as the case may be, that”.
12, 13 & 14 Geo. 6. c. 93.	The National Health Service (Amendment) Act 1949.	Section 12. In section 21, the words “or ophthalmic or dispensing optician”, the words “or optician” and the words “or to the satisfaction of the Minister acting on the advice of such a committee”. Section 22. In section 29(1), the words “the Fifth Schedule to the Act of 1946 and”. In the Schedule, in Part I, the words from “In subsection (2) of section twenty-two” to “food or articles”, the words from “In subsection (5) of section 54” to “(including travelling and subsistence expenses)”, the words from “In paragraph 2 of the First

## SCHEDULE 4 SCHEDULE 4

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**Changes to legislation:** Health Services and Public Health Act 1968 is up to date with all changes known to be in force on or before 30 August 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)

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 93 —cont.	The National Health Service (Amendment) Act 1949—cont.	Schedule " to "usual place of residence" and the words from "At the end of the said Part IV" onwards and in Part II the words from "In subsection (2) of section twenty-two" to "of such provision", the words from "In subsection (3) of section 24" to "(including travelling and subsistence expenses)", the words from "in paragraph 2 of the First Schedule" to "set up as aforesaid", the words from "For sub-paragraph (c) of paragraph 2" to "usual place of residence", the words from "at the end of the said Part IV" to "such bodies", the words from "For sub-paragraph (c) of paragraph 4" to "any approved duty" and the words from "At the end of the said paragraph 4" onwards.
14 & 15 Geo. 6. c. 53.	The Midwives Act 1951.	In section 11(2), the words "or maternity nurses".
15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.	The National Health Service Act 1952.	Section 5(2) and (3).
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	Section 6(4).
4 & 5 Eliz. 2. c. 16.	The Food and Drugs Act 1955.	Section 26.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	Sections 6 and 7. Section 13(3). In Schedule 6, paragraph 1. In Schedule 7, the amendment of section 63 of the National Health Service Act 1946.
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	In Schedule 4, the amendment of section 63 of the National Health Service (Scotland) Act 1947.
9 & 10 Eliz. 2. c. 43.	The Public Authorities (Allowances) Act 1961.	Sections 4, 5 and 6.

SCHEDULE 4  
 SCHEDULE 4

Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 24.	The National Assistance Act 1948 (Amendment) Act 1962.	As respects England and Wales, in section 1(1), the section substituted for section 31 of the National Assistance Act 1948, but except in relation to councils of county districts and, as respects Scotland, the whole Act.
1963 c. 33.	The London Government Act 1963.	Section 45(4). Section 46(3).
1964 c. xxxv.	The Newcastle upon Tyne Corporation Act 1964.	Section 29.
1967 c. 39.	The National Health Service (Family Planning) Act 1967.	In section 2, subsection (2) from the beginning to "section, and". In section 3(1)(a), the words "or section 61 of the Local Government Act 1958".

**Status:**

Point in time view as at 25/08/2000.

**Changes to legislation:**

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