



# Health Services and Public Health Act 1968

## 1968 CHAPTER 46

### PART I

#### AMENDMENTS CONNECTED WITH THE NATIONAL HEALTH SERVICE

##### *Health Services provided by local health Authorities*

#### **10 Midwifery services**

- (1) It shall be the duty of every local health authority to secure, whether by making arrangements with Boards of Governors of teaching hospitals, Hospital Management Committees or voluntary organisations for the employment by those Boards, Committees or organisations of certified midwives or by themselves employing such midwives, that the number of such midwives so employed who are available in the authority's area for attendance on women in their homes as midwives is adequate for the needs of the area and that the midwives so available as aforesaid are enabled to render all services reasonably necessary for the proper care of the women upon whom they so attend.
- (2) A local health authority may make provision in their area in manner aforesaid for the attendance on women, elsewhere than in their homes or in hospitals vested in the Minister, as midwives of certified midwives so employed.
- (3) A local health authority may make arrangements with a Hospital Management Committee exercising functions with respect to the management and control of a hospital or with a Board of Governors exercising functions with respect to the administration of a teaching hospital for there to be made available in the hospital, on such terms and conditions as may be agreed, the services of certified midwives employed by the authority for the purposes of either of the two foregoing subsections and may make arrangements with another local health authority for there to be made available in that other authority's area, on such terms and conditions as may be agreed, the services of such midwives as aforesaid.

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- (4) For the purposes of this section a woman named in an order having effect by virtue of section 6 of the Emergency Laws (Miscellaneous Provisions) Act 1953 (exemption of certain women from Midwives Act 1951) shall, while the order is in force with respect to her, be deemed to be a certified midwife.
- (5) Section 20 of the 1946 Act (submission to the Minister by local health authorities of proposals for carrying out their duties under sections 21 to 28 of that Act) shall have effect as if any reference to those duties included a reference to the duty of local health authorities under this section.
- (6) This section shall have effect in place of section 23 of the 1946 Act and, so far as concerns arrangements for making the services of midwives available in hospitals, in place of section 29 of the Newcastle upon Tyne Corporation Act 1964, and accordingly—
- (a) any arrangements made under the first-mentioned section by a local health authority which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (1) above, have effect as if so made, and the submission under section 20 of the 1946 Act of proposals for carrying out the duty of the local health authority under this section by means of those arrangements shall not be requisite ;
  - (b) any proposals submitted by a local health authority under the said section 20 for carrying out their duties under the said section 23 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made before that date under subsection (2) of the said section 20 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted;
  - (c) any arrangements made under the said section 29 by the Corporation of Newcastle upon Tyne which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (3) above, have effect as if so made.
- (7) This section shall have effect in Scotland in place of section 23 of the 1947 Act, as if—
- (a) in subsections (1) and (3) thereof, for any reference to a Hospital Management Committee, there were substituted a reference to a Regional Hospital Board, and any reference to a teaching hospital, or to the Board of Governors of any such hospital, were omitted;
  - (b) in subsection (5) thereof, for the references to section 20 and sections 21 to 28 of the 1946 Act, there were substituted references respectively to section 21 and sections 22 to 27 of the 1947 Act; and
  - (c) subsections (4) and (6) thereof were omitted ;
- and for transitional purposes the following provisions shall have effect:—
- (i) any arrangements made under section 23 of the 1947 Act by a local health authority which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (1) above, have effect as if so made, and the submission under section 21 of the 1947 Act of proposals for carrying out the duty of the local health authority under this section by means of those arrangements shall not be requisite ;
  - (ii) any proposals submitted by a local health authority under the said section 21 for carrying out their duties under the said section 23 which are pending at the date of the coming into operation of this section, and any notice served

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or recommendation made before that date under subsection (2) of the said section 21 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted.

## **11 Health visiting and district nursing**

- (1) A local health authority may make provision in their area for the visiting by health visitors, for the purpose mentioned in section 24 of the 1946 Act (health visiting), of persons elsewhere than in their homes.
- (2) A local health authority may make provision in their area for securing the attendance of nurses on persons who require nursing elsewhere than in their own homes.
- (3) The power under subsection (1) above of a local health authority may be exercised in like manner as that in which their duty under section 24 of the 1946 Act may be discharged, and the power under subsection (2) above of such an authority may be exercised in like manner as that in which their duty under section 25 of that Act may be discharged.
- (4) A local health authority may make arrangements with another local health authority for there to be made available in that other authority's area, on such terms and conditions as may be agreed, the services of health visitors employed by the authority for the purposes of subsection (1) above or section 24 of the 1946 Act, and the services of nurses employed by them for the purposes of subsection (2) above or section 25 of that Act.
- (5) This section shall have effect in Scotland as if, for the references therein to sections 24 and 25 of the 1946 Act, there were substituted references respectively to sections 24 and 25 of the 1947 Act.

## **12 Prophylaxis, care and after-care**

- (1) Subject to the next following subsection, a local health authority may, with the approval of the Minister, and to such extent as he may direct shall, make arrangements for the purpose of the prevention of illness and for the care of persons suffering from illness and for the after-care of persons who have been so suffering and in particular, but without prejudice to the generality of the foregoing provisions, for—
  - (a) the provision, equipment and maintenance of residential accommodation for the care of persons with a view to preventing them from becoming ill, the care of persons suffering from illness and the after-care of persons who have been so suffering;
  - (b) the provision, for persons whose care is undertaken with a view to preventing them from becoming ill, persons suffering from illness and persons who have been so suffering, of centres or other facilities for training them or keeping them suitably occupied and the equipment and maintenance of such centres;
  - (c) the provision, for the benefit of such persons as are mentioned in the last foregoing paragraph, of ancillary or supplementary services; and
  - (d) as regards persons suffering from mental disorder within the meaning of the Mental Health Act 1959, the appointment of officers to act as mental welfare officers under that Act and, in the case of such persons so suffering as are received into guardianship under Part IV of that Act (whether the guardianship

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of the local health authority or of other persons), the exercise of the functions of the authority in respect of them.

- (2) Such an authority shall neither have the power nor be subject to a duty to make under this section arrangements for the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944.
- (3) No arrangements under this section shall provide for the payment of money to persons for whose benefit they are made except—
  - (a) in so far as they may provide for the remuneration of such persons engaged in suitable work in accordance with the arrangements ; or
  - (b) to persons who are, or have been, suffering from mental disorder within the meaning of the Mental Health Act 1959, are under the age of sixteen years and are resident in accommodation provided under the arrangements, of such amounts as the local health authority think fit in respect of their occasional personal expenses where it appears to that authority that no such payment would otherwise be made.
- (4) The Minister may make regulations as to the conduct of premises in which, in pursuance of arrangements made under this section, are provided for persons whose care is undertaken with a view to preventing them from becoming sufferers from such mental disorder as aforesaid or who are, or have been, suffering therefrom residential accommodation or facilities for training them or keeping them suitably occupied, and any such regulations may in particular confer on officers of the Minister authorised thereunder such powers of inspection as may be prescribed by the regulations.
- (5) A local health authority may, with the approval of the Minister, recover from persons availing themselves of services provided in pursuance of arrangements made under this section such charges (if any) as the authority consider reasonable, having regard to the means of those persons.
- (6) Section 20 of the 1946 Act shall have effect as if any reference to duties of local health authorities under sections 21 to 28 of that Act included a reference to the duty of local health authorities under this section.
- (7) Subsections (1) to (3) of this section shall have effect in place of section 28(1) of the 1946 Act as extended by section 6 of the Mental Health Act 1959, and subsection (4) of this section shall have effect in place of section 7 of the said Act of 1959, and accordingly—
  - (a) any arrangements made under the said section 28 by a local health authority which are in force immediately before the coming into operation of this section shall,
    - (i) so far as they could be made under subsection (1) above, have effect as if so made;
    - (ii) so far as they relate to any matters falling within section 3(1) of the Disabled Persons (Employment) Act 1958, have effect as if made under that section ;
  - (b) the submission under section 20 of the 1946 Act of proposals for carrying out the duty of the local health authority under this section by means of such arrangements which are so in force shall not be requisite;
  - (c) any proposals submitted by a local health authority under the said section 20 for carrying out their duties under the said section 28 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made under subsection (2) of the said section 20 in relation

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to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted;

- (d) any regulations under the said section 7 which are in force at the coming into operation of this section, so far as they could be made under this section, shall have effect as if so made.

- (8) This section does not apply to Scotland.

### **13 Home help and laundry facilities**

- (1) It shall be the duty of every local health authority to provide on such a scale as is adequate for the needs of their area, or to arrange for the provision on such a scale as is so adequate of, home help for households where such help is required owing to the presence of a person who is suffering from illness, lying-in, an expectant mother, aged, handicapped as a result of having suffered from illness or by congenital deformity or a child who has not attained the age which, for the purposes of the Education Act 1944 is, in his case, the upper limit of the compulsory school age, and every such authority shall have power to provide or arrange for the provision of laundry facilities for households for which home help is being, or can be, provided under this subsection.
- (2) A local health authority may, with the approval of the Minister, recover from persons availing themselves of help or facilities provided under this section, such charges (if any) as the authority consider reasonable, having regard to the means of those persons.
- (3) This section shall have effect in place of section 29 of the 1946 Act.
- (4) This section shall have effect in Scotland in place of section 28 of the 1947 Act; as if, in subsection (1) thereof, for the reference to the Education Act 1944, there were substituted a reference to the Education (Scotland) Act 1962 and the word " compulsory " were omitted; and as if subsection (3) thereof were omitted.

### **14 Amendment of section 22 of 1946 Act and section 22 of 1947 Act**

- (1) Subsection (2) of section 22 of the 1946 Act (which enables local health authorities to charge for residential accommodation, day nurseries, food or articles provided under that section for mothers and young children) shall have effect with the substitution, for the words " residential accommodation, day nurseries, food or articles ", of the words " residential accommodation, day nurseries, child-minders, food or articles ".
- (2) For subsection (2) of section 22 of the 1947 Act (which enables local health authorities to charge for residential accommodation, day nurseries, food and other things provided under that section for mothers and young children) there shall be substituted the following subsection:—

“(2) Where under the aforesaid arrangements there is provided residential accommodation, day nurseries, child-minders, food or anything that may be prescribed, not being a drug, a medicine, or an appliance of a type normally supplied, the local health authority may recover from any person for whom such provision is made such charge as the authority may determine, having regard to the cost of such provision:

Provided that the authority may remit the said charge in whole or in part if, in the circumstances of any particular case, they consider it reasonable to do so”.

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## **15 Provision of advice and c, for purposes of family planning in Scotland**

- (1) Any local health authority may, with the approval of the Minister, and shall to such extent as the Minister may direct, make arrangements for the giving of advice on contraception, the medical examination of persons seeking advice on contraception for the purpose of determining what advice to give, and the supply of contraceptive substances or contraceptive appliances.
- (2) A local health authority may, with the approval of the Minister, recover from persons to whom advice is given under this section, or to whom substances or appliances are supplied thereunder, or from such persons of any class or description such charges (if any) as the authority consider reasonable, having regard to the means of those persons.
- (3) The 1947 Act shall have effect as if this section were included in Part III thereof; and section 21 of that Act (submission by local health authorities of proposals for carrying out their duties under sections 22 to 27 of that Act) shall have effect as if any references therein to those duties included a reference to the functions of local health authorities under this section.
- (4) This section applies to Scotland only.