



Health Services and Public Health Act 1968

1968 CHAPTER 46

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 ^{M1}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, [^{F1}local pharmaceutical services,]^{F2}primary medical services,]^{F3}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 [^{F4}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 [^{F5}Part II of the ^{M2}National Health Service Act 1977 [^{F6}(in the case of pharmaceutical services)], Part [^{F7}II] of the ^{M3}National Health Service (Scotland) Act [^{F7}1978]^{F8}(in the case of pharmaceutical services or general dental services)] or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.

[In subsection (1), references to personal medical services and personal dental services ^{F9}(2A) are to be construed as references to services of those ^{F10}... kinds under ^{F11}... section 17C

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of the 1978 Act [^{F12}(in the case of personal dental services)] or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.]

[In subsection (1) the reference to local pharmaceutical services is a reference to local ^{F13}(2B) pharmaceutical services provided under—

- (a) a pilot scheme established under section 28 of the Health and Social Care Act 2001;
- (b) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49); or
- (c) any corresponding provision of the law in force in the Isle of Man.]

[In subsection (1), the [^{F15}reference to primary medical services is a reference to ^{F14}(2C) primary medical services provided under Part 1 of the 1977 Act, Part 1 of the 1978 Act or any corresponding provisions of the law in force in Northern Ireland or the Isle of Man and the reference to primary dental services is a reference to] primary dental services provided under Part 1 of the 1977 Act or any 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.]

Textual Amendments

- F1** Words in s. 59(1) inserted (1.7.2002 for W., 1.1.2003 for E.) by [Health and Social Care Act 2001 \(c. 15\)](#), s. 70(2), [Sch. 5 para. 1\(2\)\(a\)](#) (with ss. 64(9), 65(4)); S.I. 2002/1475; S.I. 2003/53, art. 2(a)
- F2** Words in s. 59(1) inserted (1.4.2004 except for W., 1.4.2004 for W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 11 para. 3\(2\)\(a\)](#); S.I. 2004/288, art. 5(2)(c) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(c) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, art. 5(2)(c) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(c) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F3** 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))
- F4** Words substituted by S.I. 1969/388, [Sch. 1](#)
- F5** Words substituted by [National Health Service Act 1977 \(c. 49\)](#), [Sch. 15 para. 44](#)
- F6** Words in s. 59(2) inserted (1.4.2004 except for W., 1.4.2004 for W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 11 para. 3\(3\)](#); S.I. 2004/288, art. 5(2)(c) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(c) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, art. 5(2)(c) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(c) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F7** Words substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), [Sch. 16 para. 26\(1\)](#)
- F8** Words in s. 59(2) inserted (1.4.2004) by [The Primary Medical Services \(Scotland\) Act 2004 \(Consequential Modifications\) Order 2004 \(S.I. 2004/957\)](#), art. 1, [Sch. para. 1\(2\)\(a\)](#)
- F9** 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)
- F10** Word in s. 59(2A) omitted (1.4.2004) by virtue of [The Primary Medical Services \(Scotland\) Act 2004 \(Consequential Modifications\) Order 2004 \(S.I. 2004/957\)](#), art. 1, [Sch. para. 1\(2\)\(b\)\(i\)](#)
- F11** Words in s. 59(2A) repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 11 para. 3\(4\)](#), [Sch. 14 Pt. 4](#); S.I. 2004/288, arts. 5(2)(c), 6(2)(b)

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(with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(c), 5(2)(b)
(with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, arts. 5(2)(c), 6(2)(b)
(with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(c), 5(2)(b)
(with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- F12** Words in s. 59(2A) inserted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), art. 1, **Sch. para. 1(2)(b)(ii)**
- F13** S. 59(2B) inserted (1.7.2002 for W., 1.1.2003 for E.) by Health and Social Care Act 2001 (c. 15), s. 70(2), **Sch. 5 para. 1(2)(b)** (with ss. 64(9), 65(4)); S.I. 2002/1475; S.I. 2003/53, art. 2(a)
- F14** S. 59(2C) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 11 para. 3(5)**; S.I. 2004/288, art. 5(2)(c) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(c) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, art. 5(2)(c) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(c) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F15** Words in s. 59(2C) substituted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), art. 1, **Sch. para. 1(2)(c)**

Marginal Citations

- M1** 1949 c. 87.
M2 1977 c. 49.
M3 1978 c. 29.

Provisions applicable to England and Wales and Scotland

F16⁶⁰

Textual Amendments

- F16** 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 **F17**

Textual Amendments

- F17** 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 ^{M4}Public Health Act 1936 references to vessels, . . . ^{F18}, shall be construed as including references to [^{F19}hovercraft within the meaning of the ^{M5}Hovercraft Act 1968] and [^{F20}in that Act]“master” shall be construed accordingly.
- (2) This section shall have effect in Scotland as if, [^{F21}the reference to the Public Health Act 1936 included references to both] the Public Health (Scotland) Acts 1897 to 1945 and the ^{M6}Food and Drugs (Scotland) Act 1956.

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Textual Amendments

- F18** Words repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 10 para. 13\(a\)\(i\)](#), Sch. 11
- F19** Words substituted by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 4 para. 123](#)
- F20** Words substituted by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 10 para. 13\(a\)\(ii\)](#)
- F21** Words substituted by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 10 para. 13\(b\)](#)

Marginal Citations

- M4** [1936 c. 49](#).
- M5** [1968 c. 59](#).
- M6** [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) [^{F22}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 [^{F23}Strategic Health Authority][^{F24}Health Authority [^{F25}or Special Health Authority, Health Board [^{F26}, Primary Care Trust or Local Health Board]]] 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 [^{F27}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 [^{F28}non-metropolitan county [^{F29}county borough], metropolitan district] or London borough or the Common Council of the City of London^{F30} . . . ;
 - [^{F31}(aa) the provision or performance of a primary medical service or primary dental service under Part 1 of the 1977 Act [^{F32}or the provision or performance of a primary medical service under Part 1 of the National Health Service (Scotland) Act 1978] and an activity involved in or connected with the provision or performance of such a service;]
 - (b) the provision of a service for the provision of which [^{F33}Primary Care Trust or][^{F24}a Health Authority] is, by virtue of [^{F34}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;
 - [^{F35}(ba) the provision or performance of a service in accordance with arrangements made under ^{F36}... section 17C of the ^{M7}National Health Service (Scotland) Act 1978 and an activity involved in or connected with the provision or performance of such a service;]

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- [^{F37}(bb) the provision of a local pharmaceutical service under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established under Schedule 8A to the 1977 Act or under any corresponding provision of the law in force in the Isle of Man and an activity involved in or connected with the provision of such a service;]
- [^{F38}(bb) the provision of a local pharmaceutical service under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established under Schedule 8A to the 1977 Act or under any corresponding provision of the law in force in the Isle of Man and an activity involved in or connected with the provision 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 [^{F39}a Health Board] is, by virtue of Part [^{F40}II] of the [^{F40}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.

^{F41}(3)

^{F42}(4)

(5) Instruction under this section may be provided on such terms, including terms as to payment of charges, as [^{F22}the Secretary of State] thinks fit.

[^{F43}(5A) The Secretary of State may by regulations provide for any functions exercisable by a [^{F44}Strategic Health Authority,] Health Authority [^{F45}Special Health Authority [^{F46}, Primary Care Trust or Local Health Board]] under or in relation to arrangements made under subsection (1) above to be exercisable by the [^{F47}Strategic Health Authority,] Health Authority [^{F45}Special Health Authority [^{F46}, Primary Care Trust or Local Health Board]] 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—

[Strategic Health Authorities;]
^{F48}(za)

- (a) Health Authorities;
- (b) Special Health Authorities;

[Primary Care Trusts]; [^{F50}and]
^{F49}(bb)

[Local Health Boards; ^{F52}...]
^{F51}(bbb)

(c) NHS trusts.]

[^{F53}(d) NHS foundation trusts]

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- (6) [^{F22}The 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 [^{F54}and for ancillary administrative purposes]; and
 - (b) pay travelling and other allowances to persons availing themselves of such instruction.
- ^{F55}(7)
- (8) In this section—
- ^{F56}
- [^{F57} “1977 Act” means the ^{M8}National Health Service Act 1977];
- “1947 Act” means the ^{M9}National Health Service (Scotland) Act 1947;
- “the relevant enactments” means—
- (a) in relation to subsection (2)(a) above, [^{F58}any enactment functions under which [^{F59}are social services functions within the meaning] of the ^{M10}Local Authority Social Services Act 1970][^{F60}and the ^{M11}National Health Service Act 1977];
 - (b) in relation to subsection (2)(c) above, ^{F61}. . . Part III of the ^{M12}National Assistance Act 1948, [^{F62}section 39 of the ^{M13}National Health Service Scotland Act 1978][^{F63}section 45 of this Act and the ^{M14}National Health Service Act 1977].
- [^{F64}(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; ^{F65}. . .
- ^{X1}(10) Section 48 of the 1946 Act and section 48 of the 1947 Act shall cease to have effect.

Editorial Information

- X1** 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

Textual Amendments

- F22** Words substituted by virtue of S.I. 1968/1699, arts. 2, 5(4)(a)
- F23** Words in S. 63(1)(a) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, Sch. 1 Pt. 1 para. 5
- F24** 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)
- F25** 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)
- F26** Words in s. 63(1)(a) substituted (10.10.2002 for W. otherwise prosp.) by 2002 c. 17, ss. 6(2), 42(3), Sch. 5 para. 2(2); S.I. 2002/2532, art. 2, Sch.
- F27** 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)
- F28** Words substituted by National Health Service Reorganisation Act 1973 (c. 32), Sch. 4 para. 124(3)
- F29** Words in s. 63(2)(a) inserted (29.4.1996) by S.I. 1996/1008, art. 2, Sch. 1 Pt. I para. 1
- F30** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17

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- F31** S. 63(2)(aa) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 11 para. 4(a)**; S.I. 2004/288, art. 5(2)(d) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(d) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, art. 5(2)(d) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(d) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F32** Words in s. 63(2)(aa) inserted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), art. 1, **Sch. para. 1(3)**
- F33** Words in s. 63(2)(b) inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 40(2)**; S.I. 2002/2478, **art. 3(1)(d)** (subject to arts 3(3) and 4)
- F34** Words substituted by National Health Service Act 1977 (c. 49, SIF 113:2), s. 129, **Sch. 15 para. 45(1)**
- F35** S. 63(2)(ba) inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. 1 para. 1(4)**; S.I. 1998/631, art. 2(1), **Sch. 1, Sch. 2** (subject to art. 3(1)(2)(4))
- F36** Words in s. 63(2)(ba) repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 11 para. 4(b), Sch. 14 Pt. 4**; S.I. 2004/288, arts. 5(2)(d), 6(2)(b) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(d), 5(2)(b) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2004/288, arts. 5(2)(d), 6(2)(b) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(d), 5(2)(b) (with art. 6) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F37** S. 63(2)(bb) inserted (1.7.2002 for W., 1.1.2003 for E.) by Health and Social Care Act 2001 (c. 15), s. 70(2), **Sch. 5 para. 1(3)** (with ss. 64(9), 65(4)); S.I. 2002/1475; S.I. 2003/53, art. 2(a)
- F38** S. 63(2)(bb) inserted (1.7.2002 for W. and otherwise prosp.) by 2001 c. 15, ss. 67(1), 70(2), **Sch. 5 para. 1(3)** (with ss. 64(9), 65(5)); S.I. 2002/1475, art. 2(1), **Sch.**
- F39** Words substituted by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 135(c)**
- F40** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(2)(a)**
- F41** S. 63(3) repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25, **Sch. 3**
- F42** 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**
- F43** 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)
- F44** Words in s. 63(5A) inserted (20.8.2002) by S.I. 2002/2202, **art. 4(a)(i)**
- F45** 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)**
- F46** Words in s. 63(5A) substituted (10.10.2002 for W. otherwise prosp.) by 2002 c. 17, ss. 6(2), 42(3), **Sch. 5 para. 2(3)**; S.I. 2002/2532, art. 2, **Sch.**
- F47** Words in s. 63(5A) inserted (20.8.2002) by S.I. 2002/2202, **art. 4(a)(ii)**
- F48** S. 63(5B)(za) inserted (20.8.2002) by S.I. 2002/2202, **art. 4(b)**
- F49** 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)**
- F50** Word in s. 63(5B)(bb) repealed (10.10.2002 for W. otherwise prosp.) by 2002 c. 17, ss. 6(2), 37(2), 42(3), **Sch. 5 para. 2(4), Sch. 9 Pt. 1**; S.I. 2002/2532, **art. 2 Sch.**
- F51** S. 63(5B)(bbb) inserted (10.10.2002 for W. otherwise prosp.) by 2002 c. 17, ss. 6(2), 42(3), **Sch. 5 para. 2(4)**; S.I. 2002/2532, **art. 2 Sch.**
- F52** Word in s. 63(5B)(bbb) repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 14, Sch. 14 Pt. 1**; S.I. 2004/759, art. 2
- F53** S. 63(5B)(d) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 14**; S.I. 2004/759, art. 2
- F54** Words inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 20(a)**
- F55** 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**
- F56** Words repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**
- F57** Definition substituted by National Health Service Act 1977 (c. 49), **Sch. 15 para. 45(2)(a)**
- F58** Words substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 20(b)**

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- F59** Words in s. 63(8) substituted (1.4.2005 for E., 1.4.2006 for W.) by Children Act 2004 (c. 31), **ss. 55(3), 67(7)(e)**; S.I. 2005/394, **art. 2(2)(f)**; S.I. 2006/885, **art. 2(2)(f)**
- F60** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15**, para. 45(2)(b)
- F61** Words repealed by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 17**
- F62** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(2)(b)**
- F63** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15 para. 45(2)(c)**
- F64** 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)
- F65** Words repealed by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II**

Modifications etc. (not altering text)

- C1** References to the Minister of Health in this section (except in s. 63(9)) have been replaced by references to the Secretary of State
- C2** S. 63(1)(5)(6): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue on S.I. 2000/695, **reg. 3(2)(a)**, **Sch. 1**
- C3** 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)
- C4** 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)**

Marginal Citations

- M7** 1978 c. 29.
- M8** 1977 c. 49.
- M9** 1947 c. 27.
- M10** 1970 c.42.
- M11** 1977 c. 49.
- M12** 1948 c. 29
- M13** 1978 c. 29.
- M14** 1977 c. 49.

[^{F66}64] **Financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations.**

- (1) [^{F67}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—
- ^{F68}(a) (i) Parts III and IV of the ^{M15}Children and Young Persons Act 1933, ^{F69}
- (ii)
- (iii) Part III of the ^{M16}National Assistance Act 1948, ^{F70}
- (iv)
- (v)
- ^{F72}(vi)

Status: Point in time view as at 30/12/2005.

Changes to legislation: Health Services and Public Health Act 1968, Part IV is up to date with all changes known to be in force on or before 08 July 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)

- ^{F72}(vii)
- (viii) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
- ^{F72}(ix)
- (x) the ^{M17}Children and Young Persons Act 1963, except Part II and section 56,
- (xi) this Act,
- (xii) ^{F73}
- (xiii) section 7(4) of the ^{M18}Family Law Reform Act 1969,
- (xiv) the ^{M19}Children and Young Persons Act 1969, . . . ^{F74}
- ^{F72}(xv)
- (xvi) ^{F75}
- (xvii) the ^{M20}Children Act 1975]
[the National Health Service Act 1977]
- ^{F76}(xviii)
- [^{F77}(xviii) the Adoption and Children Act 2002]
[the Children Act 1989.]
- ^{F78}(xx)
- [sections 63 to 66 and 92 of, and Schedules 6 and 7 to, the Powers of
- ^{F79}(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 [^{F80}the Secretary of State] or the council of a [^{F81}non-metropolitan county, [^{F82}county borough] metropolitan district] or London borough or the Common Council of the City of London or a service for the provision of which [^{F83}a [^{F84}Primary Care Trust or] Health Authority are, by virtue of Part II of the ^{M21}National Health Service Act 1977,], under a duty to make arrangements [^{F85}or any service which a Primary Care Trust or Local Health Board is under a duty to provide under section 16CA or 16CC of that Act]; 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 . . . ^{F86}, Part III of the National Assistance Act 1948 and Part I of this Act and section 45 thereof [^{F87}and the National Health Service Scotland Act [^{F88}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 [^{F89}a Health Board] is, by virtue of Part [^{F90}II] of the National Health Service (Scotland) Act [^{F90}1978] under a duty to make arrangements [^{F91}or any service which a Health Board is under a duty to provide under section 2C of that Act]; and”]

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Textual Amendments

- F66** 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. I**
- F67** Words substituted by virtue of [S.I. 1968/1699](#), **arts. 2, 5(4)(a)**
- F68** S. 64(3)(a) substituted by [Children Act 1975 \(c. 72\)](#), **Sch. 3 para. 46**
- F69** S. 64(3)(a)(ii) repealed by [National Health Service Act 1977 \(c. 49\)](#) Sch. 16
- F70** S. 64(3)(a)(iv) repealed by [Child Care Act 1980 \(c.5, SIF 20\)](#), s. 89, **Sch. 6**
- F71** S. 64(3)(a)(v) repealed by [Adoption Act 1976 \(c. 36\)](#), s. 74(2), **Sch. 4**
- F72** S. 64(3)(a)(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)**.
- F73** S. 64(3)(a)(xii) repealed by [Adoption Act 1976 \(c. 36\)](#), s. 74(2), **Sch. 4**
- F74** Words repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, **Sch. 6**
- F75** S. 64(3)(a)(xvi) repealed by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 16**
- F76** S. 64(3)(a)(xviii) added by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 15 para. 46(c)**
- F77** S. 64(3)(a)(xviii) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 10** (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), art. 2(o)
- F78** 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)**.
- F79** S. 64(3)(a)(xxi) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 32**
- F80** Words substituted by virtue of [S.I. 1968/1699](#), **arts. 2, 5(4)(a)**
- F81** Words substituted by [National Health Service Reorganisation Act 1973 \(c. 32, SIF 113:2\)](#), s. 57, **Sch. 4 para. 125(2)**
- F82** 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**
- F83** 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)
- F84** Words in s. 64(3)(b) inserted (1.10.2002) by 2002 c. 17, ss. 2(5), **Sch. 2 Pt. 2 para. 40(3)**; [S.I. 2002/2478](#), **art. 3(1)(d)** (subject to arts 3(3) and 4)
- F85** Words in s. 64(3)(b) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 11 para. 5**; [S.I. 2004/288](#), art. 5(2)(d) (with art. 7) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 4(2)(d) (with art. 6) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2004/288](#), art. 5(2)(d) (with art. 7) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 4(2)(d) (with art. 6) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- F86** Words repealed by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), **Sch. 17**
- F87** Words added by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 136(a)**
- F88** Word substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), **Sch. 16 para. 27(a)**
- F89** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 136(b)**
- F90** Words substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), **Sch. 16 para. 27(b)**
- F91** Words in s. 64(4) inserted (1.4.2004) by [The Primary Medical Services \(Scotland\) Act 2004 \(Consequential Modifications\) Order 2004 \(S.I. 2004/957\)](#), art. 1, **Sch. para. 1(4)**

Modifications etc. (not altering text)

- C5** 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)
- C6** The references to the Minister of Health in s. 64(1)(3)(b) have been replaced by references to the Secretary of State

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Marginal Citations

- M15 1933 c. 12.
- M16 1948 c. 29.
- M17 1963 c. 37.
- M18 1969 c. 46.
- M19 1969 c. 54.
- M20 1975 c. 72.
- M21 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, . . . ^{F92}.
- (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, . . . ^{F93}
- (3) In this section—
 - (a) “local authority” (except where used in the expression “public or local authority”) means the council of a county, [^{F94}other than a metropolitan county, or of a [^{F95}county borough,] metropolitan district] or London borough or the Common Council of the City of London;
 - ^{F96}(b) “the relevant enactments” means—
 - (i) Parts III and IV of the ^{M22}Children and Young Persons Act 1933,
 - (ii) ^{F97}
 - (iii) Part III of the ^{M23}National Assistance Act 1948,
 - (iv) ^{F98}
 - (v) the ^{M24}Adoption Act 1958,
 - (vi) section 3 of the ^{M25}Disabled Persons (Employment) Act 1958, [the ^{M26}Children Act 1958,]
 - ^{F99}(vii) [section 9 of the ^{M27}Mental Health Act 1959,]
 - ^{F100}(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 ^{M28}Domestic Proceedings and Magistrates’ Courts Act ^{F101}(x) 1978]],
 - (xi) the ^{M29}Children and Young Persons Act 1963, except Part II and section 56,
 - (xii) this Act,
 - (xiii) the ^{M30}Adoption Act 1968,

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(xiv) section 7(4) of the ^{M31}Family Law Reform Act 1969,

(xv) the ^{M32}Children and Young Persons Act 1969,

(xvi) section 43 of the ^{M33}Matrimonial Causes Act 1973,

(xvii) ^{F102}

(xviii) the ^{M34}Children Act 1975,

[^{F103}(xix) the ^{M35}National Health Service Act 1977],

[^{F104}(xix) [^{F105}the Adoption and Children Act 2002]] ,

[^{F106}(xxi) the Children Act 1989.]

[^{F107}(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 ^{M36}National Health Service Act 1946, sections 26(6) and 30(2) of the ^{M37}National Assistance Act 1948, sections 45(4) and 46(3) of the ^{M38}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 ^{M39}Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that 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 [^{F108}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 [^{F108}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 [^{F108}local authority] in connection with the premises or other things which they permit the organisation to use.

..... ^{F109}

(2B) In this section—

(a) “local authority” (except where used in the expression “public or local authority”) means, [^{F110}the [^{F111}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];

(b) ^{F112}

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- [^{F113}(c) “the relevant enactments” means the National Health Service (Scotland) Acts [^{F114}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

- F92** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F93** Words repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 5**
- F94** Words substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 23 para. 15(4)**
- F95** 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**
- F96** s. 65(3)(b) substituted by [Children Act 1975 \(c. 72\)](#), **Sch. 3 para. 47**
- F97** S. 65(3)(b)(ii) repealed by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 16**
- F98** S. 65(3)(b)(iv) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, **Sch. 6**
- F99** 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** (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)**.
- F100** 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)**.
- F101** S. 65(3)(b)(x) substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), s. 89, **Sch. 2 para. 23**
- F102** S. 65(3)(b)(xvii) repealed by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 16**
- F103** S. 65(3)(b)(xix) added by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 15**
- F104** S. 65(3)(b)(xix) added by [Adoption Act 1976 \(c. 36\)](#), s. 74(2), **Sch. 3 Pt. I para. 10**
- F105** Words in s. 65(3)(b) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 11** (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(o)
- F106** 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)**.
- F107** S. 65(3)(b)(xxii) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 33**
- F108** 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)**
- F109** Para. repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F110** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#) Sch. 27 Pt. II para. 175(b)
- F111** 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)**
- F112** S. 65(6)(2B)(b) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#) Sch. 29
- F113** S. 65(6)(2B)(c) substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), **Sch. 6 para. 137**

Status: Point in time view as at 30/12/2005.

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F114 Words substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\)](#), **Sch. 16 para. 28**

Modifications etc. (not altering text)

C7 S. 65 restricted (S.) by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **s. 10(5)**

Marginal Citations

M22 1933 c. 12.
M23 1948 c. 29.
M24 1958 c. 5 (7 & 8 Eliz. 2).
M25 1958 c. 33 (6 & 7 Eliz. 2).
M26 1958 c. 65.
M27 1959 c. 72.
M28 1978 c. 22.
M29 1963 c. 37.
M30 1968 c. 53.
M31 1969 c. 46.
M32 1969 c. 54.
M33 1973 c. 18.
M34 1975 c. 72.
M35 1977 c. 49.
M36 1946 c. 81.
M37 1948 c. 29.
M38 1963 c. 33.
M39 1958 c. 55.

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

- (1) [^{F115}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 [^{F116}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 ^{M40}Mental Health Act 1959 and [^{F116}hospitals at which high security psychiatric services are provided], there were substituted references respectively to the Secretary of State, the ^{M41}Mental Health (Scotland) Act 1960 and State hospitals.

Textual Amendments

F115 Words substituted by virtue of [S.I. 1968/1699](#), **arts. 2, 5(4)(a)**

F116 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)

C8 The reference to the Minister of Health in [s. 66\(1\)](#) has been replaced by a reference to the Secretary of State

Marginal Citations

M40 1959 c. 72.

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M41 1960 c. 61.

67 **F117**

Textual Amendments

F117 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 **F118**

Textual Amendments

F118 Ss. 45(6)–(8), 68 repealed by Local Authority Social Services Act 1970 (c. 42), **Sch. 3**

69 **F119**

Textual Amendments

F119 S. 69, **Sch. 1** repealed by National Health Service Reorganisation Act 1973 (c. 32), s. 57, **Sch. 5**

70 **F120**

Textual Amendments

F120 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 ^{M42}Food and Drugs (Scotland) Act 1956 applies,a person who is at work may be requested by the [^{F121}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

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compensation, shall be determined by a single arbiter, who, failing agreement between the parties, shall be appointed by the sheriff.

^{F122}(3)

(4) This section applies to Scotland only.

Textual Amendments

F121 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 138](#)

F122 [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

M42 [1956 c. 30](#).

[^{F123}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);
 - (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

F123 [S. 71A](#) inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), [SIF 113:3](#), [s. 26\(2\)](#)

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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 [F124designated 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 [F124designated medical officer], or by a registered medical practitioner nominated by the [F124designated medical officer].

(2) If the sheriff (acting if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the [F124designated 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
- (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 [F124designated medical officer] or by a registered medical practitioner nominated by the [F124designated 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

F124 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 [F125designated 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—

- (a) the ^{M43}Infectious Disease (Notification) Act 1889; or
- (b) the Public Health (Scotland) Acts 1897 to 1945; or
- (c) 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.

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- (2) If the sheriff, on a written certificate issued by the [F125designated medical officer] for any district,—
- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as aforesaid, and
 - (b) is also satisfied either—
 - (i) 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
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or
 - (iii) that the case is one of urgency, or
 - (iv) that the premises are unoccupied or that the occupier is temporarily absent,
- he may by warrant under his hand authorise the [F125designated medical officer] to enter the premises, if need be by force.
- (3) A [F125designated 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.
- (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 [F126level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

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(9) In this section . . . ^{F127} 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

F125 Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), s. 64\(1\), Sch. 6 para. 140](#)

F126 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

F127 Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 7 Pt. II](#)

Modifications etc. (not altering text)

C9 Functions of burgh magistrates now exercisable by justices of the peace: [District Courts \(Scotland\) Act 1975 \(c. 20\), s. 1\(2\)](#)

Marginal Citations

M43 [1889 c. 72.](#)

74 ^{F128}

Textual Amendments

F128 [S. 74](#) repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. XII](#)

75 ^{F129}

Textual Amendments

F129 [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 ^{F130}

Textual Amendments

F130 [S. 76](#) repealed (with saving) by [S.I. 1981/127, arts. 3, 4, 5, Sch. 1](#)

Status:

Point in time view as at 30/12/2005.

Changes to legislation:

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