



# Health Services and Public Health Act 1968

## 1968 CHAPTER 46

### PART IV

#### MISCELLANEOUS MATTERS

*Provisions applicable to England and Wales and Scotland*

- 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>F1</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>F2</sup>Strategic Health Authority]<sup>F3</sup>... [<sup>F4</sup>or Special Health Authority, Health Board [<sup>F5</sup>, 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 [<sup>F6</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>F7</sup>non-metropolitan county [<sup>F8</sup>county borough], metropolitan

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district] or London borough or the Common Council of the City of London  
F9 . . . . ;

- [<sup>F10</sup>(aa) the provision or performance of a primary medical service or primary dental service under [<sup>F11</sup>either of the 2006 Acts][<sup>F12</sup>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 [<sup>F13</sup>Primary Care Trust or][<sup>F14</sup>a [<sup>F15</sup>Local Health Board]] is, by virtue of [<sup>F16</sup>Chapter 1 of Part 7 of the National Health Service Act 2006, or Part 6 of, or Chapter 1 of Part 7 of, the National Health Service (Wales) Act 2006], under a duty to make arrangements and an activity involved in or connected with the provision of such a service;
- [<sup>F17</sup>(ba) the provision or performance of a service in accordance with arrangements made under <sup>F18</sup>... section 17C of the <sup>M1</sup>National Health Service (Scotland) Act 1978 and an activity involved in or connected with the provision or performance of such a service;]
- [<sup>F19</sup>(bb) the provision of a local pharmaceutical service under a pilot scheme [<sup>F20</sup>or an LPS scheme established under either of the 2006 Acts] 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 [<sup>F21</sup>a Health Board] is, by virtue of Part [<sup>F22</sup>II] of the [<sup>F22</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.

<sup>F23</sup>(3) . . . . .

<sup>F24</sup>(4) . . . . .

(5) Instruction under this section may be provided on such terms, including terms as to payment of charges, as [<sup>F1</sup>the Secretary of State] thinks fit.

[<sup>F25</sup>(5A) The Secretary of State may by regulations provide for any functions exercisable by a [<sup>F26</sup>Strategic Health Authority,]<sup>F27</sup>... [<sup>F28</sup>Special Health Authority [<sup>F29</sup>, Primary Care Trust or Local Health Board]] under or in relation to arrangements made under subsection (1) above to be exercisable by the [<sup>F30</sup>Strategic Health Authority,]<sup>F27</sup>... [<sup>F28</sup>Special Health Authority [<sup>F29</sup>, Primary Care Trust or Local Health Board]] jointly with one or more other relevant health service bodies; and

[<sup>F31</sup>(a) in the case of regulations made by the Secretary of State, section 272 of the National Health Service Act 2006 applies to regulations made under this subsection as if this subsection were contained in that Act,

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- (b) in the case of regulations made by the Welsh Ministers, section 203 of the National Health Service (Wales) Act 2006 applies 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;]  
F32 (za)
- F33 (a) .....
- (b) Special Health Authorities;  
[ Primary Care Trusts]; F35 ...
- F34 (bb)
- [ Local Health Boards; F37 ...]  
F36 (bbb)
- (c) NHS trusts.  
[ NHS foundation trusts]]
- F38 (d)

(6) [F1The 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 [F39and for ancillary administrative purposes]; and
- (b) pay travelling and other allowances to persons availing themselves of such instruction.

F40 (7) .....

(8) In this section—

- F41 .....
- [F42“2006 Acts” means the National Health Service Act 2006 and the National Health Service (Wales) Act 2006];
- “1947 Act” means the M2National Health Service (Scotland) Act 1947;
- “the relevant enactments” means—
  - (a) in relation to subsection (2)(a) above, [F43any enactment functions under which [F44are social services functions within the meaning] of the M3Local Authority Social Services Act 1970][F45and the National Health Service Act [F462006]]];
  - (b) in relation to subsection (2)(c) above, F47. . . Part III of the M4National Assistance Act 1948, [F48section 39 of the M5National Health Service Scotland Act 1978][F49section 45 of this Act and the [F502006 Acts]].

[F51(8A) Expressions used in both this section and the [F522006 Acts have the same meaning in this section as in those Acts].]

(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; F53 . . .

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

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### 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

- F1** Words substituted by virtue of S.I. 1968/1699, **arts. 2, 5(4)(a)**
- F2** Words in S. 63(1)(a) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, **Sch. 1 Pt. 1 para. 5**
- F3** Words in s. 63(1)(a) omitted (1.4.2007) by virtue of [The References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 1(1), **Sch. para. 6(2)(a)**
- F4** 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)**
- F5** Words in s. 63(1)(a) substituted (10.10.2002 for W., 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), s. 42(3), **Sch. 5 para. 2(2)**; S.I. 2002/2532, art. 2, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 para. 12 (with art. 4)
- F6** 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)**
- F7** Words substituted by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 4 para. 124(3)**
- F8** Words in s. 63(2)(a) inserted (29.4.1996) by S.I. 1996/1008, art. 2, **Sch. 1 Pt. I para. 1**
- F9** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F10** 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)
- F11** Words in s. 63(2)(aa) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 38(a)** (with Sch. 3 Pt. 1)
- F12** 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)**
- F13** 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)
- F14** 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)
- F15** Words in s. 63(2)(b) substituted (1.4.2007) by [The References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 1(1), **Sch. para. 6(2)(b)**
- F16** Words in s. 63(2)(b) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 38(b)** (with Sch. 3 Pt. 1)
- F17** 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))
- F18** 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)
- F19** 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)
- F20** Words in s. 63(2)(bb) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 38(c)** (with Sch. 3 Pt. 1)

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- F21** Words substituted by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 135(c)**
- F22** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(2)(a)**
- F23** S. 63(3) repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25, **Sch. 3**
- F24** 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**
- F25** 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)
- F26** Words in s. 63(5A) inserted (20.8.2002) by S.I. 2002/2202, **art. 4(a)(i)**
- F27** Words in s. 63(5A) omitted (1.4.2007) by virtue of The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 6(2)(c)**
- F28** 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)**
- F29** Words in s. 63(5A) substituted (10.10.2002 for W., 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 42(3), **Sch. 5 para. 2(3)**; S.I. 2002/2532, art. 2, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 para. 12 (with art. 4)
- F30** Words in s. 63(5A) inserted (20.8.2002) by S.I. 2002/2202, **art. 4(a)(ii)**
- F31** Words in s. 63(5A) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 38(d)** (with Sch. 3 Pt. 1)
- F32** S. 63(5B)(za) inserted (20.8.2002) by S.I. 2002/2202, **art. 4(b)**
- F33** S. 63(5B)(a) omitted (1.4.2007) by virtue of The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 6(2)(d)**
- F34** 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)**
- F35** Word in s. 63(5B)(bb) repealed (10.10.2002 for W., 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 42(3), Sch. 5 para. 2(4), **Sch. 9 Pt. 1**; S.I. 2002/2532, art. 2, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 para. 12 (with art. 4)
- F36** S. 63(5B)(bbb) inserted (10.10.2002 for W., 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 42(3), **Sch. 5 para. 2(4)**; S.I. 2002/2532, art. 2, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 para. 12 (with art. 4)
- F37** 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
- F38** 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
- F39** Words inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 20(a)**
- F40** 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**
- F41** Words repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**
- F42** Words in s. 63(8) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 38(e)(i)** (with Sch. 3 Pt. 1)
- F43** Words substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 20(b)**
- F44** 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)**
- F45** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15**, para. 45(2)(b)
- F46** Words in s. 63(8) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 38(e)(ii)** (with Sch. 3 Pt. 1)
- F47** Words repealed by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 17**
- F48** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(2)(b)**
- F49** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15 para. 45(2)(c)**
- F50** Words in s. 63(8) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 38(e)(iii)** (with Sch. 3 Pt. 1)

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- F51** 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)
- F52** Words in s. 63(8A) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 38(f)** (with Sch. 3 Pt. 1)
- F53** 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)**
- C5** S. 63(1)(5)(6) functions made exercisable by Local Health Boards (E.W.) (1.10.2009) by The Local Health Boards (Directed Functions) (Wales) Regulations 2009 (S.I. 2009/1511), regs. 1(2), 4, **Sch.**

**Marginal Citations**

- M1** 1978 c. 29.
- M2** 1947 c. 27.
- M3** 1970 c.42.
- M4** 1948 c. 29
- M5** 1978 c. 29.

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