



National Health Service Act 1977

1977 CHAPTER 49

PART I

SERVICES AND ADMINISTRATION

Co-operation and assistance

21 Local social services authorities

- (1) Subject to paragraphs (d) and (e) of section 3(1) above, the services described in Schedule 8 to this Act in relation to—
- (a) care of mothers and young children,
 - (b) prevention, care and after-care,
 - (c) home help and laundry facilities,
- are functions exercisable by local social services authorities, and that Schedule has effect accordingly.

- (2) A local social services authority who provide premises, furniture or equipment for any of the purposes of this Act may permit the use of the premises, furniture or equipment—
- (a) by any other local social services authority, or
 - (b) by any of the bodies constituted under this Act, or
 - (c) by a local education authority.

This permission may be on such terms (including terms with respect to the services of any staff employed by the authority giving permission) as may be agreed.

- (3) A local social services authority may provide (or improve or furnish) residential accommodation—
- (a) for officers employed by them for the purposes of any of their functions as a local social services authority, or
 - (b) for officers employed by a voluntary organisation for the purposes of any services provided under this section and Schedule 8.

22 Co-operation between health authorities and local authorities

- (1) In exercising their respective functions health authorities and local authorities shall co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales.
- (2) There shall be committees, to be called joint consultative committees, who shall advise Area Health Authorities and the authorities in column 2 of the Table below on the performance of their duties under subsection (1) above, and on the planning and operation of services of common concern to those authorities.

TABLE

1	2
<i>Area Health Authority</i>	<i>Associated authorities</i>
An Area Health Authority in a metropolitan county in England.	The local authority for each district wholly or partly in the area of the Authority.
An Area Health Authority in a non-metropolitan county in England, or an Area Health Authority in Wales.	The local authority for each county, and also for each district, wholly or partly in the area of the Authority.
An Area Health Authority in Greater London.	The local authority for each London borough wholly or partly in the area of the Authority. Also the Inner London Education Authority, if wholly or partly in the area of the Authority. Also the Common Council of the City of London, if in the area of the Authority.

- (3) Except as provided by an order under the following provisions of this section, each joint consultative committee shall represent one or more Area Health Authorities together with one or more of the authorities in column 2 of the Table above, and an Area Health Authority shall be represented together with each of the authorities associated with that Authority in column 2 of the said Table in one or other of the committees (but not necessarily the same committee).
- (4) The Secretary of State shall have power by order to provide for any matter relating to joint consultative committees, and such an order may in particular—
- (a) provide for the way in which the provisions of subsections (2) and (3) above are to be carried out, or provide for varying the arrangements set out in those subsections;
 - (b) provide, where it appears to the Secretary of State appropriate, for an Area Health Authority to be represented on a joint consultative committee together with a local or other authority whose area is not within the area of the Area Health Authority ;
 - (c) afford a choice to any authorities as to the number of joint consultative committees on which they are to be represented, and provide for the case where the authorities cannot agree on the choice ;

- (d) authorise or require a joint consultative committee to appoint any sub-committee or to join with another joint consultative committee or other joint consultative committees in appointing a joint sub-committee ;
 - (e) authorise or require the appointment to a joint consultative committee, or to any sub-committee, of persons who are not members of the authorities represented by the joint consultative committee;
 - (f) require the authorities represented on a joint consultative committee to defray the expenses of the committee, and of any sub-committee, in such shares as may be determined by or under the order, and provide for the way in which any dispute between those authorities concerning the expenses is to be resolved ; and
 - (g) require those authorities to make reports to the Secretary of State on the work of the joint consultative committee and of any sub-committee.
- (5) Before making an order under this section the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.

23 Voluntary organisations and other bodies

- (1) The Secretary of State may, where he considers it appropriate, arrange with any person or body (including a voluntary organisation) for that person or body to provide, or assist in providing, any service under this Act.

In this section " 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.

- (2) The Secretary of State may make available—
- (a) to any person or body (including a voluntary organisation) carrying out any arrangements under subsection (1) above, or
 - (b) to any voluntary organisation eligible for assistance under section 64 or section 65 of the Health Services and Public Health Act 1968 (assistance made available by the Secretary of State or local authorities),
- any facilities (including goods or materials, or the use of any premises and the use of any vehicle, plant or apparatus) provided by him for any service under this Act; and, where anything is so made available, the services of persons employed by the Secretary of State or by a health authority in connection with it.
- (3) The powers conferred by this section may be exercised on such terms as may be agreed, including terms as to the making of payments by or to the Secretary of State, and any goods or materials may be made available either temporarily or permanently.
- (4) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of this section and is used in accordance with the terms on which it is so made available, the Vehicles (Excise) Act 1971 and Part VI of the Road Traffic Act 1972 shall have effect with such modifications as are specified in the order.
- (5) Any power to supply goods or materials conferred by this section includes a power to purchase and store them and includes a power to arrange with third parties for the supply of goods or materials by those third parties.

Status: This is the original version (as it was originally enacted).

24 Overseas aid

Each health authority and the Public Health Laboratory Service Board has power—

- (a) with the Secretary of State's consent, to enter into and carry out agreements with the relevant Minister under which, at the expense of that Minister, the authority or board acts as the instrument by means of which he furnishes technical assistance in the exercise of the power conferred on him by section 1(1) of the Overseas Aid Act 1966;
- (b) with the consent of the Secretary of State and the relevant Minister, to enter into and carry out agreements which under the authority or board furnishes, for any purpose specified in that section 1(1), technical assistance (excluding financial assistance) in any country or territory outside the United Kingdom against reimbursement to the authority or board of the cost of furnishing the assistance.

In this section " the relevant Minister " means the Minister of the Crown by whom is exercisable the power conferred on the Minister of Overseas Development by that section 1(1) as originally enacted.

25 Supplies not readily obtainable

Where the Secretary of State has acquired—

- (a) supplies of human blood for the purposes of any service under this Act, or
- (b) any part of a human body for the purpose of, or in the course of providing, any such service, or
- (c) supplies of any other substances or preparations not readily obtainable,

he may arrange to make such supplies or that part available (on such terms, including terms as to charges, as he thinks fit) to any person.

This section is subject to section 62 below (restriction of powers under sections 25, 58 and 61).

26 Supply of goods and services by Secretary of State

(1) The Secretary of State may—

- (a) supply to local authorities, and to such public bodies or classes of public bodies as he may determine, any goods or materials of a kind used in the health service ;
- (b) make available to local authorities, and to those bodies or classes of bodies, any facilities (including the use of any premises and the use of any vehicle, plant or apparatus) provided by him for any service under this Act, and the services of persons employed by the Secretary of State or by a health authority ;
- (c) carry out maintenance work in connection with any land or building for the maintenance of which a local authority is responsible.

In this subsection—

" maintenance work " includes minor renewals, minor improvements and minor extensions; and

" public bodies " includes public bodies in Northern Ireland.

- (2) The Secretary of State may supply or make available to persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services such goods, materials or other facilities as may be prescribed.
- (3) The Secretary of State shall make available to local authorities—
 - (a) any services or other facilities (excluding the services of any person but including goods or materials, the use of any premises and the use of any vehicle, plant or apparatus) provided under this Act,
 - (b) the services provided as part of the health service by any person employed by the Secretary of State or a health authority, and
 - (c) the services of any medical practitioner, dental practitioner or nurse employed by the Secretary of State or a health authority otherwise than to provide services which are part of the health service,so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.

27 Conditions of supply under s. 26

- (1) It is the Secretary of State's duty, before he makes the services of any officer of a health authority available in pursuance of subsection (1)(b) or subsection (3)(b) or (c) of section 26 above, to consult the officer or a body recognised by the Secretary of State as representing the officer about the matter, or to satisfy himself that the health authority has consulted the officer about the matter.
- (2) The Secretary of State shall be entitled to disregard the provisions of subsection (1) above in a case where he considers it necessary to make the services of an officer available as mentioned in that subsection for the purpose of dealing temporarily with an emergency, and has previously consulted such a body about the making available of services in an emergency.
- (3) For the purposes of subsection (1)(b) or subsection (3)(b) or (c) of section 26 the Secretary of State may give such directions to health authorities to make the services of their officers available as he considers appropriate; and it shall be the health authority's duty to comply with any such directions.
- (4) The powers conferred by this section and section 26 may be exercised on such terms as may be agreed, including terms as to the making of payments to the Secretary of State, and such charges may be made by the Secretary of State in respect of services or facilities provided under subsection (3) of section 26 as may be agreed between the Secretary of State and the local authority or, in default of agreement, as may be determined by arbitration.
- (5) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of section 26 and is used in accordance with the terms on which it is so made available, the Vehicles (Excise) Act 1971 and Part VI of the Road Traffic Act 1972 shall have effect with such modifications as are specified in the order.
- (6) Any power to supply goods or materials conferred by section 26 includes a power to purchase and store them, and a power to arrange with third parties for the supply of goods or materials by those third parties.

28 Supply of goods and services by local authorities

- (1) In the Local Authorities (Goods and Services) Act 1970 the expression " public body " includes any health authority and so far as relates to his functions under this Act includes the Secretary of State.
- (2) The provisions of subsection (1) above have effect as if made by an order under section 1(5) of that Act of 1970, and accordingly may be varied or revoked by such an order.
- (3) Every local authority shall make available to health authorities acting in the area of the local authority the services of persons employed by the local authority for the purposes of the local authority's functions under the Local Authorities Social Services Act 1970 so far as is reasonably necessary and practicable to enable health authorities to discharge their functions under this Act.
- (4) Such charges may be made by a local authority for acting under subsection (3) above as may be agreed between the local authority and the Secretary of State or, in default of agreement, as may be determined by arbitration.