



National Health Service Act 1977

1977 CHAPTER 49

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

General provisions as to charges

121 Charges in respect of non-residents

Regulations may provide for the making and recovery, in such manner as may be prescribed, of such charges—

- (a) in respect of such services provided under this Act as may be prescribed, being
- (b) services provided in respect of such persons not ordinarily resident in Great Britain as may be prescribed.

Such regulations may provide that the charges are only to be made in such cases as may be determined in accordance with the regulations.

122 Recovery of charges

- (1) All charges recoverable under this Act by the Secretary of State, a local social services authority, or any body constituted under this Act, may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.
- (2) If any person, for the purpose of evading the payment of any charge under this Act, or of reducing the amount of any such charge—
 - (a) knowingly makes any false statement or false representation, or
 - (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

the charge, or as the case may be the balance of the charge, may be recovered from him as a simple contract debt by the person by whom the cost of the service in question was defrayed.

Miscellaneous

123 Persons displaced by health service development

- (1) Where the carrying out of a scheme for the provision by the Secretary of State in pursuance of this Act of hospital accommodation or other facilities will involve the displacement from any premises of persons residing in them, the Secretary of State may make arrangements with one or more of the following bodies—
- (a) an authority who are a local authority for the purposes of the Housing Act 1957,
 - (b) a housing association within the meaning of that Act of 1957,
 - (c) a housing trust within the meaning of that Act of 1957.
 - (d) a development corporation established under the New Towns Act 1965, and
 - (e) the Commission for the New Towns,
- for securing, in so far as it appears to him that there is no other residential accommodation suitable for the reasonable requirements of those persons available on reasonable terms, the provision of residential accommodation in advance of the displacement from time to time becoming necessary as the carrying out of the scheme proceeds.
- (2) Arrangements under subsection (1) above may include provision for the making by the Secretary of State to the body with whom the arrangements are made of payments of such amounts and for such purposes as may be approved by the Treasury.

124 Special notices of births and deaths

- (1) The requirements of this section with respect to the notification of births and deaths are in addition to, and not in substitution for, the requirements of any Act relating to the registration of births and deaths.
- (2) It is the duty of each registrar of births and deaths to furnish, to the prescribed medical officer of the Area Health Authority of which the area includes the whole or part of the registrar's sub-district, such particulars of each birth and death which occurred in the Authority's area as are entered (on and after 1st April 1974) in a register of births or deaths kept for that sub-district.
- (3) Regulations may provide as to the manner in which and the times at which particulars are to be furnished in pursuance of subsection (2) above.
- (4) In the case of every child born, it is the duty—
- (a) of the child's father, if at the time of the birth he is actually residing on the premises where the birth takes place, and
 - (b) of any person in attendance upon the mother at the time of, or within six hours after, the birth,
- to give notice of the birth (as provided in subsection (5) below) to the prescribed medical officer of the Area Health Authority for the area in which the birth takes place.
- This subsection applies to any child which has issued forth from its mother after the expiry of the twenty-eighth week of pregnancy whether alive or dead.
- (5) Notice under subsection (4) above shall be given either—

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- (a) by posting within 36 hours after the birth a prepaid letter or postcard addressed to the prescribed medical officer of the Area Health Authority at his office and containing the required information, or
- (b) by delivering within that period at that officer's office a written notice containing the required information,

and an Area Health Authority shall, upon application to them, supply without charge to any medical practitioner or midwife residing or practising within their area prepaid addressed envelopes together with the forms of notice.

- (6) Any person who fails to give notice of a birth in accordance with subsection (4) above is liable on summary conviction to a fine not exceeding £1, unless he satisfies the court that he believed, and had reasonable grounds for believing, that notice had been duly given by some other person.

Proceedings in respect of this offence shall not, without the Attorney-General's written consent, be taken by any person other than a party aggrieved or the Area Health Authority concerned.

- (7) A registrar of births and deaths shall, for the purpose of obtaining information concerning births which have occurred in his sub-district, have access at all reasonable times to notices of births received by a medical officer under this section, or to any book in which those notices may be recorded.

125 Protection of members and officers of authorities

Section 265 of the Public Health Act 1875 (which relates to the protection of members and officers of certain authorities) has effect as if there were included in the authorities referred to in that section—

- (a) a Regional Health Authority,
- (b) an Area Health Authority,
- (c) a special health authority, and
- (d) a Family Practitioner Committee,

and as if any reference in that section to the Public Health Act 1875 included a reference to this Act.

Supplementary

126 Orders and regulations, and directions

- (1) Any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument, and a statutory instrument made by virtue of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

This subsection—

- (a) is subject to paragraph 15(3) of Schedule 5 to this Act;
- (b) does not apply to paragraph 10 of Schedule 11 to this Act.

- (2) Any power to make regulations conferred on the Secretary of State by this Act is, if the Treasury so directs, exercisable by the Treasury and the Secretary of State acting jointly, except in the case of—

- (a) regulations made under section 32 above ;

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- (b) regulations made under section 77(1) above in respect of charges for the drugs, medicines or appliances referred to in paragraph (a) of that subsection, or under paragraph 1(1) of Schedule 12 to this Act in respect of the remission or repayment of any charge payable under that section in the cases provided for in paragraph 1(1) of that Schedule ;
- (c) regulations made under paragraph 2(2) of that Schedule ;
- (d) regulations made under paragraph 2(6) of that Schedule.

(3) Where under any provision of this Act—

- (a) power to make an order may be exercisable, or
- (b) directions may be given,

that provision includes power to vary or revoke the order or direction, as the case may be, by subsequent order or by subsequent directions.

In relation to directions given by the Secretary of State in pursuance of sections 13 to 17 above this subsection is subject to section 18 above.

(4) Any power conferred by this Act to make orders, regulations or schemes, and any power conferred by section 18 above to give directions by an instrument in writing, may, unless the contrary intention appears, be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case, and
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes of this Act or that section,
 - (iii) any such provision either unconditionally, or subject to any specified condition,

and includes power to make such incidental or supplemental provision in the orders, regulations, schemes or directions as the persons making or giving them consider appropriate.

This subsection does not apply to regulations made under section 32 above (but without prejudice to subsection (3) of that section) or to an order made under section 57 above (but without prejudice to paragraph 1(1) of Schedule 11 to this Act).

127 Supplementary regulatory powers

Regulations may provide for all or any of the following matters—

- (a) for prescribing the forms and manner of service of notices and other documents ;
- (b) for prescribing the manner in which documents may be executed or proved;
- (c) for prescribing the manner in which resolutions of any bodies (except the Public Health Laboratory Service Board) continued in being by this Act are to be proved ;
- (d) for exempting judges and justices of the peace from disqualification by their liability to rates.

128 Interpretation and construction

(1) In this Act, unless the contrary intention appears—

" the Central Council " means the Central Health Services Council referred to in section 6 above;

" certified midwife " means a person who is for the time being certified under the Midwives Act 1951;

"dental practitioner " means a person registered in the dentists register under the Dentists Act 1957;

" dispensing optician " means a person who is registered in the register kept under section 2 of the Opticians Act 1958 of dispensing opticians or a body corporate enrolled in the list kept under section 4 of that Act of such bodies carrying on business as dispensing opticians;

" equipment " includes any machinery, apparatus or appliance, whether fixed or not, and any vehicle ;

" functions " includes powers and duties ;

" health authority " means a Regional or Area Health Authority or a special health authority ;

" the health service " means the health service established in pursuance of section 1(1) above;

"health service hospital " means a hospital vested in the Secretary of State under this Act;

" Health Services Board " means the body established by section 1 of the Health Services Act 1976 ;

" hospital " means—

(a) any institution for the reception and treatment of persons suffering from illness,

(b) any maternity home, and

(c) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such home or institution, and " hospital accommodation " shall be construed accordingly ;

" illness " includes mental disorder within the meaning of the Mental Health Act 1959 and any injury or disability requiring medical or dental treatment or nursing;

" local authority " means a county council, the Greater London Council, a district council, a London borough council, and the Common Council of the City of London; and includes the King Edward VII Welsh National Memorial Association;

" local education authority " has the same meaning as in the Education Act 1944;

" local social services authority " means the council of a non-metropolitan county, or of a metropolitan district or London borough, or the Common Council of the City of London;

" medical " includes surgical;

" medical practitioner " means a fully registered person within the meaning of the Medical Act 1956 ;

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" medicine " includes such chemical re-agents as are included in a list for the time being approved by the Secretary of State for the purposes of section 41 above ;

" modifications " includes additions, omissions and amendments;

" officer " includes servant;

" ophthalmic optician " means a person registered in either of the registers kept under section 2 of the Opticians Act 1958 of ophthalmic opticians or a body corporate enrolled in the list kept under section 4 of that Act of such bodies carrying on business as ophthalmic opticians;

" patient " includes an expectant or nursing mother and a lying-in woman;

" prescribed " means prescribed by regulations made by the Secretary of State under this Act;

" property " includes rights ;

" registered nurse " means a nurse registered in the register of nurses established under the Nurses Registration Act 1919 and maintained in pursuance of section 2(1) of the Nurses Act 1957;

" registered pharmacist " means a pharmacist registered in the register of pharmaceutical chemists;

" regulations " means regulations made by the Secretary of State under this Act;

" special hospital " has the meaning given by section 4 above;

" superannuation benefits " means annual superannuation allowances, gratuities and periodical payments payable on retirement, death or incapacity, and similar benefits;

" university " includes a university college ;

" voluntary " means not carried on for profit and not provided by a local or public authority ;

" Welsh Committee " means the committee constituted under section 1(3) of the Health Services Act 1976.

- (2) References in this Act to the purposes of a hospital shall be construed as referring both to the general purposes of the hospital and to any specific purpose of the hospital.
- (3) Any reference in this Act to any enactment is a reference to it as amended or applied by or under any other enactment including this Act.

129 Transitional provisions and savings, consequential amendments, and repeals

Schedule 14 to this Act is hereby given effect, and subject to the transitional provisions and savings contained in that Schedule—

- (a) the enactments and the Order specified in Schedule 15 to this Act have effect subject to the amendments (being amendments consequent on this Act) specified in that Schedule, and
- (b) the enactments specified in Schedule 16 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule,

but nothing in this Act shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the operation of repeals).

130 Short title, extent and commencement

- (1) This Act may be cited as the National Health Service Act 1977.
- (2) This Act does not extend to Scotland, except as is mentioned in paragraph 3 of Schedule 11 to this Act.
- (3) The following provisions only of this Act apply to Northern Ireland—
 - (a) this subsection and subsections (1) above and (5) below ;
 - (b) section 57 above and Schedule 11 to this Act;
 - (c) section 114(2) above and Part I of Schedule 13 to this Act, section 119(5) above, and section 120(1) above so far as it relates to the provisions mentioned in this paragraph;
 - (d) paragraph 13 of Schedule 14 to this Act so far as it relates to any enactment which extends to Northern Ireland;
 - (e) paragraph (a) of section 129 above and Schedule 15 to this Act so far as they amend any enactment and order which extends to Northern Ireland ;
 - (f) paragraph (b) of section 129 and Schedule 16 to this Act so far as they repeal any enactment which extends to Northern Ireland.
- (4) The Secretary of State may by order provide that this Act shall extend to the Isles of Scilly with such modifications, if any, as are specified in the order, and except as provided in pursuance of this subsection this Act does not extend to the Isles of Scilly.

The Secretary of State may by any such order amend or repeal any provisions contained in the Isles of Scilly Orders 1927 to 1943.
- (5) This Act shall come into force on the expiry of the period of one month beginning on the date of its passing.