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SCHEDULES

SCHEDULE 14

TRANSITIONAL PROVISIONS AND SAVINGS

General

- 1 (1) In so far as—
- (a) any agreement, appointment, apportionment, authorisation, determination, instrument, order or regulation made by virtue of an enactment repealed by this Act, or
 - (b) any approval, consent, direction, or notice given by virtue of such an enactment, or
 - (c) any complaint made or investigation begun by virtue of such an enactment, or
 - (d) any other proceedings begun by virtue of such an enactment, or
 - (e) anything done or having effect as if done,
- could, if a corresponding enactment in this Act were in force at the relevant time, have been made, given, begun or done by virtue of the corresponding enactment, it shall, if effective immediately before the corresponding enactment comes into force, continue to have effect thereafter as if made, given, begun or done by virtue of that corresponding enactment.
- (2) Where—
- (a) there is any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or to a thing omitted, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act, then
 - (b) that reference shall be construed (subject to its context) as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of any of the corresponding provisions of the repealed enactments.
- 2 Where any instrument or document refers either expressly or by implication to an enactment repealed by this Act the reference shall (subject to its context) be construed as or as including a reference to the corresponding provision of this Act.
- 3 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if its corresponding provision had been in force when that period began to run.

Medical schools in London

- 4 Notwithstanding the repeal by this Act of section 15 of the ^{M1}National Health Service Act 1946—

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- (a) where a scheme was prepared and submitted under subsection (1) and approved under subsection (2) of that section, that scheme may be amended by a new scheme in accordance with subsection (3) of that section; and
- (b) any scheme prepared, submitted and approved under that section, or as amended under paragraph (a) above, shall continue to have effect, or have effect, as if that section had not been repealed.

Marginal Citations

M1 1946 c. 81.

Section 36 of the National Health Service Act 1946

- 5 Notwithstanding the repeal by this Act of section 36 of the ^{M2}National Health Service Act 1946 (compensation for loss of right to sell a medical practice) that section shall continue to have such effect as may be necessary for the purposes of sections 1 to 7 of the ^{M3}National Health Service (Amendment) Act 1949.

The saving made by this paragraph applies to section 51 of the ^{M4}National Health Service Reorganisation Act 1973 (which amended section 36 of the ^{M5}National Health Service Act 1946), and to any regulations made under that section 36 which were in force immediately before the coming into force of this Act.

Marginal Citations

M2 1946 c. 81.

M3 1949 c. 93(113:2).

M4 1973 c. 32(113:2).

M5 1946 c. 81.

Local Acts and charters

- 6 (1) Where at the passing of the ^{M6}National Health Service Act 1946—
- (a) there was in force a local or private Act or charter containing provisions which appear to the Secretary of State either to be inconsistent with any of the provisions of that Act of 1946 as reproduced in this Act, or to have been made redundant in consequence of the passing of that Act of 1946, then
 - (b) the Secretary of State may by order make such alterations, whether by amendment or by repeal, in the local or private Act or charter as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of that Act of 1946 as so reproduced, or for the purpose of removing redundant provisions, as the case may be.
- (2) Any provision of a charter defining or restricting—
- (a) the objects of any hospital to which section 6 of that Act of 1946 applied, or
 - (b) the purposes for which any property transferred to the Secretary of State or the Board of Governors of a teaching hospital by virtue of that Act of 1946 may be used,
- shall cease to have effect.

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Marginal Citations

M6 1946 c. 81.

Persons authorised to provide pharmaceutical services

- 7 (1) A person who for three years immediately before 16th December 1911 acted as a dispenser to a medical practitioner or a public institution is in the same position in relation to the undertaking referred to in section 43(2) above regarding the dispensing of medicines as a registered pharmacist.
- (2) F1

Textual Amendments

F1 Sch. 14 para. 7(2) repealed by Statute Law Repeals Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. V

Disqualification of practitioners

- 8 Where by virtue of section 42(8) of the ^{M7}National Health Service Act 1946 a person's name was, immediately before the coming into force of this Act, disqualified for inclusion in any list referred to in section 42(1) of that Act, that person's name is disqualified for inclusion in any list referred to in section 46(1) above, until such time as [^{F2}the Tribunal direct] to the contrary.
- Regulations made under section 49 above shall have effect for the purposes of this paragraph.

Textual Amendments

F2 Words in Sch. 14 para. 8 substituted (21.12.1995) by 1995 c. 31, s. 4(2); S.I. 1995/3090, art. 2, Sch. (with art. 3)

Marginal Citations

M7 1946 c. 81.

Definition of "local authority"

- 9 The definition of "local authority" in section 128(1) above includes any joint board constituted under the ^{M8}Public Health Act 1936 or under the ^{M9}Public Health (London) Act 1936 or any enactment repealed by those Acts, or any port health authority constituted under those Acts or under any Act passed before those Acts.

Marginal Citations

M8 1936 c. 49(100:1).

M9 1936 c. 50.

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Sections 3 and 4 of the Health Services and Public Health Act 1968

- 10 (1) Notwithstanding the repeal by this Act of section 3 of the Health Services and Public Health Act 1968 (transitional provisions relating to accommodation and treatment of private patients), subsection (2) of that section continues to have the same effect in relation to an undertaking given before 31st March 1969 under section 5 of the ^{M10}National Health Service Act 1946 (accommodation for private patients) as it had immediately before the coming into force of this Act.
- (2) An undertaking given before the coming into force of section 4(1) of the ^{M11}Health Services and Public Health Act 1968 in respect of payment under section 4 of the ^{M12}National Health Act 1946 (accommodation available on part payment) continues to have the same effect as it had immediately before the coming into force of this Act.

Marginal Citations

- M10** 1946 c. 81.
M11 1968 c. 46.
M12 1946 c. 81.

Vehicles under section 33 of the Health Services and Public Health Act 1968

- 11 The provision of vehicles as mentioned in section 33 of the ^{M13}Health Services and Public Health Act 1968, and the taking of any such action as is mentioned in subsection (2) of that section, shall for the purposes of the National Health Service Act 1946 be treated as having been included among hospital and specialist services provided under Part II of that Act of 1946 as from its commencement.

Marginal Citations

- M13** 1968 c. 46.

Prevention, care and after-care

- 12 Any arrangements made under section 28(1) of the ^{M14}National Health Service Act 1946 by a local health authority which were in force immediately before 9th September 1968 shall—
- (a) so far as they could be made under paragraph 2(1) of Schedule 8 to this Act, continue to have effect as if so made;
 - (b) so far as they relate to any matters falling within section 3(1) of the ^{M15}Disabled Persons (Employment) Act 1958, continue to have effect as if made under that section.

Marginal Citations

- M14** 1946 c. 81.
M15 1958 c. 33(43:1).

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Saving of amendments

- 13 (1) Notwithstanding the repeal by this Act of section 76 and Part I of Schedule 10 to the National Health Service Act 1946, and section 57(1) and Schedule 4 to the ^{M16}National Health Service Reorganisation Act 1973—
- (a) the amendments made by Part I of Schedule 10 to that Act of 1946 to the ^{M17}Voluntary Hospitals (Paying Patients) Act 1936 and to the ^{M18}Public Health Act 1936, and
- (b) the amendments made by paragraphs [^{F3}paragraphs 2, ^{F4}. . . 40, 68, 82, 109, 111, 123, 124(2) and (3), 125(2), 128, 130, 131(2), 132, 133, 151 and 152]of Schedule 4 to that Act of 1973,
- shall continue to have the same effect as they had immediately before the coming into force of this Act, subject to any amendments made by this Act.
- (2) Nothing in this Act [^{F5}or the Health Authorities Act 1995] affects the Secretary of State’s power under section 58 of the National Health Service Reorganisation Act 1973 to bring into force paragraph [^{F5}131(2)] of Schedule 4 to that Act.

Textual Amendments

- F3** Words in [Sch. 14 para. 13\(1\)\(b\)](#) substituted (25.6.1995 for certain purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), [Sch. 1 para. 64\(a\)](#) (with [Sch. 2 para. 6](#))
- F4** Words in [Sch. 14 para. 13\(1\)\(b\)](#) repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), [Sch. 38 Pt. I Sch. 39](#) (with s. 1(4))
- F5** Words in [Sch. 14 para. 13\(2\)](#) inserted (28.5.1995 for certain purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), [Sch. 1 para. 64\(b\)](#) (with [Sch. 2 para. 6](#))

Modifications etc. (not altering text)

- C1** By [Opticians Act 1989 \(c. 44, SIF 83\)](#), [s. 37\(2\)](#) it is provided that for “to” there is substituted “, 82 and”
- C2** [Para. 13\(1\)\(b\)](#): by [Medical Act 1983 \(c. 54, SIF 83:1\)](#), s. 56, [Sch. 7](#) it is provided that the reference to paragraph 69 of the National Health Service Reorganisation Act 1973 is repealed

Marginal Citations

- M16** 1973 c. 32(113:2).
- M17** 1936 c. 17(113:3).
- M18** 1936 c. 49(100:1).

Transfers of property by voluntary organisations

- 14 Notwithstanding the repeal by this Act of section 23(2) of the ^{M19}National Health Service (Amendment) Act 1949, section 23(1) of that Act shall be deemed to have had effect as from 5th July 1948.

Marginal Citations

- M19** 1949 c. 93(113:2).

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Mental Health Act 1959

- 15 (1) Any regulations under section 7 of the ^{M20}Mental Health Act 1959 in force immediately before 9th September 1968, shall, so far as they could be made under paragraph 2 of Schedule 8 to this Act, have effect as if so made.
- (2) Any institution provided under section 97 of the Mental Health Act 1959, or deemed to be so provided when that section came into force, shall be deemed to be provided in pursuance of section 4 above.

Marginal Citations

M20 1959 c. 72(85).

The National Health Service Reorganisation Act 1973

^{F6}16

Textual Amendments

F6 Sch. 14 para. 16 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 para. 6)

Complaints in respect of preserved Boards or bodies abolished under section 14 of the National Health Service Reorganisation Act 1973

^{F7}17

Textual Amendments

F7 Sch. 14 para. 17 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch. 3

Permission deemed to have been granted under section 9(5) of the Health Services Act 1976

- 18 Where under any arrangements terminated by virtue of section 9(5) of the ^{M21}Health Services Act 1976—
- (a) a person was deemed to have been granted under that section permission to use accommodation and facilities to the same extent and for the same purposes as were covered by those arrangements, then
 - (b) that person shall be deemed to have been granted under section 72 above the like permission (and the provisions of that section shall apply accordingly).

Marginal Citations

M21 1976 c. 83(113:2).

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