



Health Services Act 1980

1980 CHAPTER 53

PART I

THE NATIONAL HEALTH SERVICE

Financial provisions relating to the health services in England, Wales and Scotland

6 Provision of public money for and financial duties of health authorities, Health Boards, etc.

^{FIX1}(1)

^{F1}(2)

^{XI}(3) For subsections (1) and (2) of section 85 of the Scottish Act of 1978 there shall be substituted the following subsections—

“(1) Subject to subsection (2), there shall, in respect of each financial year, be paid by the Secretary of State sums not exceeding the amount allotted or further allotted by him for that year to each of the following bodies towards meeting the expenditure attributable to the performance by that body of their functions in that year—

- (a) the Planning Council;
- (b) every Health Board;
- (c) the Agency;
- (d) the Medical Practices Committee;
- (e) the Dental Estimates Board;
- (f) the Tribunal;
- (g) every local health council.

(2) Subsection (1) does not apply in respect of the expenditure of a Health Board which is attributable to the performance of their functions under Part II, but in that respect there shall, in respect of each financial year, be paid by the

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Secretary of State sums equal to the expenditure which he determines is attributable to the performance of those functions in that year.

(2A) The Secretary of State may give directions to a body referred to in subsection (1) with respect to the application of the sums paid to them under that subsection and it shall be the duty of any body to whom directions have been given under this subsection to comply with the directions.”

^{x1}(4) After the said section 85 there shall be inserted the following section—

“85A Financial duties of bodies referred to in section 85.

- (1) It is the duty of each such body as is referred to in section 85(1), in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of their functions in that year does not exceed the aggregate of—
 - (a) the amounts allotted to that body for that year under section 85(1);
 - (b) any other sums received under this Act in that year by that body; and
 - (c) any sums received otherwise than under this Act in that year by that body for the purpose of enabling them to defray any such expenditure.
- (2) Subsection (3) of section 85 shall apply for the purposes of this section as it applies for the purposes of that section.
- (3) The Secretary of State may give such directions to a body referred to in section 85(1) as appear to him to be requisite to secure that the body comply with the duty imposed on them by subsection (1) and it shall be the duty of the body to comply with the directions.

Directions under this subsection may be specific in character.

- (4) To the extent to which—
 - (a) any expenditure of a Health Board or a local health council is defrayed by that body as trustee; or
 - (b) any sums are received by such a body as trustee or under section 84A,
 that expenditure and, subject to subsection (5), those sums shall be disregarded for the purposes of this section, and, for those purposes, sums which, in the hands of such a body, cease to be trust funds and become applicable by that body otherwise than as trustee shall be treated, on their becoming so applicable, as having been received by that body otherwise than as trustee.
- (5) Of the sums received by a body under section 84A so much only as accrues to the body after defraying any expenses incurred in obtaining them shall be disregarded under subsection (4).
- (6) Subject to subsection (4), the Secretary of State may, by directions, determine—
 - (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by a body of a description so specified;
 - (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable

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to the performance of the functions by a body of a description so specified; or

- (c) the extent to which and the circumstances in which sums received but not yet spent by a body under section 85(1) are to be treated for the purposes of this section as part of the expenditure of the body and to which financial year's expenditure they are to be attributed.”

- (5) The foregoing provisions of this section shall have effect in relation to the financial year 1980 to 1981 and subsequent years.

Editorial Information

- X1** The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F1** [S. 6\(1\)\(2\)](#) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 5\(1\)\(2\), 8, Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

Changes to legislation:

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