



Health Services Act 1976

1976 CHAPTER 83

An Act to make further provision with respect to the use or acquisition by private patients and others of facilities and supplies available under the National Health Service Acts 1946 to 1973 or the National Health Service (Scotland) Acts 1947 to 1973; to control hospital building outside the National Health Service and provide for the amendment of enactments under which registration is a prerequisite for carrying on a nursing home or private hospital; and for those purposes to establish a Health Services Board. [22nd November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

THE HEALTH SERVICES BOARD AND ITS COMMITTEES

1 The Health Services Board and its committees

- (1) There shall be a body, to be called the Health Services Board (in this Act referred to as " the Board "), which shall have the functions assigned to it by this Act.
- (2) The Board shall consist of five members appointed by the Secretary of State in accordance with Part I of Schedule 1 to this Act,
- (3) Without prejudice to the power of the Board to set up any other committees, there shall be constituted in accordance with Part II of the said Schedule 1—
 - (a) a Scottish Committee of the Board (" the Scottish Committee ") having the general duty of advising the Board on the performance of its functions in relation to matters affecting Scotland ; and

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- (b) a Welsh Committee of the Board (" the Welsh Committee ") having the general duty of advising the Board on the performance of its functions in relation to matters affecting Wales.
- (4) At any meeting of the Board or of the Scottish or Welsh Committee for the purpose of considering or dealing with any application for an authorisation under section 12 below or any proposed alteration of the terms of any such authorisation, the Board or Committee shall be assisted by four assessors selected in accordance with Part III of the said Schedule 1.
- (5) In deciding how to perform any of its functions in relation to any matter affecting Scotland or Wales the Board shall obtain and consider the advice of the Scottish Committee or the Welsh Committee, as the case may be.
- (6) The supplementary provisions contained in Parts IV to VI of the said Schedule 1 shall have effect with respect to the Board and its committees and assessors.

PART II

USE OF NATIONAL HEALTH SERVICE FACILITIES BY PRIVATE PATIENTS, ETC.

Withdrawal of NHS pay beds and services from private patients

2 Purpose of ss. 3 to 5

- (1) Sections 3 to 5 below shall have effect for the purpose of—
 - (a) securing the separation of the facilities available in Great Britain for the prevention, diagnosis and treatment of illness under private arrangements from the facilities available for those purposes at premises vested in the Secretary of State ; and
 - (b) to that end securing the progressive withdrawal of accommodation and services at NHS hospitals from use in connection with the treatment of persons at such hospitals as resident or non-resident private patients.
- (2) Nothing in this Act shall prejudice the operation of paragraph 10(5) of Schedule 1 to the National Health Service Reorganisation Act 1973 or paragraph 10 of Part I of Schedule 1 to the National Health Service (Scotland) Act 1972 (by virtue of which regulations governing the terms of employment of officers employed by an authority within the meaning of the said paragraph 10(5) or, in Scotland, by a Health Board must not contain a requirement that all consultants so employed shall be so employed whole-time).

3 Immediate duty of Secretary of State as regards withdrawal of NHS beds from resident private patients

- (1) Within six months after the passing of this Act the Secretary of State shall reduce by one thousand the total number of beds authorised under section 1(1) of the 1968 Act to be made available to resident private patients.
- (2) That overall reduction shall be effected by reducing, in the case of each authority, and the group of preserved Boards, mentioned in column 1 of Schedule 2 to this Act, the number of beds at NHS hospitals administered by that authority, or by Boards within

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that group, which were so authorised at the passing of this Act (being the number stated for that authority or group in column 2 of that Schedule) by the number specified for that authority or group in column 3 of that Schedule.

- (3) The Area Health Authorities and Health Boards, and the group of preserved Boards, mentioned in the said Schedule 2, and the numbers specified for them respectively in column 3 of that Schedule, are those the mention and specification of which will best secure that the overall reduction required by subsection (1) above is effected with due regard to the following matters, namely—
- (a) the extent to which the accommodation and services authorised under section 1 of the 1968 Act at each of the NHS hospitals in Great Britain were, in the period of two years which ended on the relevant date, used in connection with the treatment of resident private patients; and
 - (b) the extent to which, in the case of each NHS hospital in Great Britain, alternative accommodation and facilities for the private practice of medicine and dentistry are reasonably available (whether privately or at NHS hospitals) in the area served by that hospital.
- (4) The Secretary of State shall so far as is practicable ensure that the beds released by the reduction made under this section are made available for the use of patients other than private patients.
- (5) In subsection (3) above " the relevant date " means—
- (a) in relation to an NHS hospital in England or Wales, 31st December 1973 ;
 - (b) in relation to an NHS hospital in Scotland, 31st March 1974.

4 Functions of Board as regards withdrawal of NHS facilities from private patients

- (1) It shall be the duty of the Board to submit to the Secretary of State from time to time in accordance with this section proposals for the progressive revocation of—
- (a) the authorisations under section 1(1) of the 1968 Act (use of accommodation and services at NHS hospitals for resident private patients) which are in force at the end of the initial period or are by virtue of section 5(4) below granted thereafter ; and
 - (b) the authorisations under section 2(1) of that Act (use of such accommodation and services for non-resident private patients) which are in force at the passing of this Act or are by virtue of section 5(4) below granted thereafter ;

and it shall be the duty of the Secretary of State to give effect to all proposals so submitted.

- (2) The Board—
- (a) shall submit its first proposals under this section within the initial period or such longer period as the Secretary of State may allow ; and
 - (b) shall in the six months beginning with the date on which the first proposals are submitted, and in each successive period of six months thereafter, submit further proposals under this section or, if in all the circumstances it decides that the submission of further proposals in any particular period of six months is unnecessary, shall instead prepare and submit to the Secretary of State a report explaining the Board's reasons for that decision.
- (3) In formulating proposals under this section the Board shall—
- (a) have regard to the principles set out in subsection (8) below; and

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- (b) consider any representations made to the Board by—
- (i) the Secretary of State ;
 - (ii) any body which is representative of medical practitioners or dental practitioners or of persons employed in one or other of the national health services or concerned with the interests of patients at NHS hospitals;
 - (iii) any other person having a substantial interest in the proposals ;
- and in deciding what advice to give the Board in connection with the formulation of any such proposals the Scottish Committee and the Welsh Committee shall likewise have regard to the principles set out in the said subsection (8) and shall consider any representations made to the Committee by any of the persons or bodies above mentioned.
- (4) Without prejudice to subsection (3) above, the Board in formulating proposals under this section for the revocation of authorisations given under section 2(1) of the 1968 Act in respect of accommodation or services at any particular NHS hospital or hospitals, and the Scottish or Welsh Committee in deciding what advice to give the Board in connection with the formulation of any such proposals—
- (a) shall have regard to the purposes and specialties for which the accommodation or services in question are available for use in connection with the treatment of non-resident private patients ; and
 - (b) shall apply the principles set out in subsection (8) below separately in respect of different purposes and specialties;
- and the Board may formulate separate proposals in respect of different purposes or specialties accordingly.
- (5) As regards the revocation of authorisations under section 2(1) of the 1968 Act, any proposals under this section relating to—
- (a) accommodation available to consultants for the purpose of affording consultations to their private patients, or
 - (b) accommodation and services available for the following specialties, namely radiotherapy, diagnostic pathology and diagnostic radiology (including scanning, ultrasonics and methods involving the use of radio-isotopes),
- shall be formulated by the Board as separate proposals; and without prejudice to the preceding provisions of this section, the Board's first proposals thereunder shall include separate proposals relating to accommodation available to consultants as mentioned in paragraph (a) above.
- (6) Without prejudice to the preceding provisions of this section, the Board shall, as regards the revocation of authorisations under section 2(1) of the 1968 Act, submit separate proposals under this section relating to—
- (a) accommodation and services available for the specialties other than radiotherapy mentioned in subsection (5)(b) above; and
 - (b) other accommodation and services available for diagnostic purposes,
- and shall do so not later than the end of the twelve months following the initial period (or, if a period longer than the initial period is allowed under subsection (2)(a) above for the submission of the Board's first proposals under this section, the twelve months following that longer period).
- (7) Each set of proposals under this section shall specify—

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- (a) the accommodation and services authorisation of which under the said section 1(1) or 2(1) should be revoked ; and
 - (b) the date before which the necessary revocations should take effect,
- and may specify different dates for different accommodation or services so specified.
- (8) The principles referred to above are—
- (a) that accommodation or services at any particular NHS hospital or hospitals should remain authorised under section 1(1) or 2(1) of the 1968 Act for use in connection with the treatment of resident or non-resident private patients only while there is a reasonable demand for accommodation and facilities for the private practice of medicine and dentistry in the area or areas served by the hospital or hospitals in question;
 - (b) that the authorisation of any such accommodation or services under those provisions for use in that connection should be revoked only if sufficient accommodation and facilities for the private practice of medicine and dentistry are otherwise reasonably available (whether privately or at NHS hospitals) to meet the reasonable demand for them in the area or areas served by the hospital or hospitals in question;
 - (c) that the continued authorisation of any such accommodation or services under those provisions for use in that connection should depend on there having been or being taken all reasonable steps to provide, otherwise than at NHS hospitals, sufficient reasonable accommodation and facilities for the private practice of medicine and dentistry to meet the reasonable demand for them in the area or areas served by the hospital or hospitals in question ;
 - (d) that failure, in the circumstances mentioned in paragraph (c) above, to take all reasonable steps that could be taken to provide as mentioned in that paragraph would itself be grounds for the Board, after giving due warning to persons likely to be affected thereby of the likely consequences of such failure, to propose the revocation of the authorisations under those provisions relating to accommodation or services at the hospital or hospitals in question.
- (9) It shall be the duty of the Secretary of State to furnish the Board with such information as it may reasonably require for the proper discharge of its functions under this and the following section.

5 Restrictions on Secretary of State's powers under ss. 1 and 2 of 1968 Act

- (1) Except as provided by section 3 above, the Secretary of State's powers under section 1(1) of the 1968 Act shall not be exercised at any time in the initial period so as to alter the total number of beds for the time being authorised under the said section 1(1) to be made available to resident private patients.
- (2) After the passing of this Act—
- (a) no authorisation under section 2(1) of the 1968 Act shall be granted, except by virtue of subsection (4) or (5) below; and
 - (b) no such authorisation (other than one granted on a temporary basis by virtue of subsection (5) below) shall be to any extent revoked otherwise than in accordance with proposals submitted to the Secretary of State by the Board under section 4 above.
- (3) After the end of the initial period—

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- (a) no authorisation under section 1(1) of the 1968 Act shall be granted, except by virtue of subsection (4) or (5) below; and
 - (b) no such authorisation (other than one granted on a temporary basis as aforesaid) shall be to any extent revoked otherwise than as mentioned in subsection (2)(b) above.
- (4) The Board may submit to the Secretary of State—
- (a) proposals for securing that in any case where, after the end of the initial period, one or more beds authorised under section 1(1) of the 1968 Act cease to be available to resident private patients in consequence of the permanent closure of any hospital accommodation in England, Wales or Scotland independently of any proposals submitted by the Board under section 4 above, the total number of effective beds so authorised in England, Wales or Scotland (as the case may be) is not thereby reduced below what it would be if—
 - (i) the closed accommodation had remained in use; but
 - (ii) effect had been given by the Secretary of State to all proposals under section 4 above which were received by him before the submission of the proposals in question under this paragraph ;
 - (b) proposals for securing that in any case where, after the passing of this Act, any accommodation or services authorised under section 2(1) of the 1968 Act cease to be available to non-resident private patients in consequence of the permanent closure of any hospital accommodation in England, Wales or Scotland independently of any proposals submitted by the Board under section 4 above, the total amount of effective accommodation and services so authorised in England, Wales or Scotland (as the case may be) is not thereby reduced below what it would be if—
 - (i) the closed accommodation had remained in use; but
 - (ii) effect had been given by the Secretary of State to all proposals under section 4 above received by him before the submission of the proposals in question under this paragraph ;
 and it shall be the duty of the Secretary of State to grant such authorisations under the said section 1(1) or 2(1), as the case may be, as are needed to give effect to any proposals submitted to him under this subsection.
- (5) Where any hospital accommodation in England, Wales or Scotland is temporarily closed (whether at the instance of the Secretary of State or not) for physical or other reasons outside his control, the Secretary of State shall, without the need for any proposals by the Board, grant on a temporary basis such authorisations under section 1(1) or 2(1) of the 1968 Act as he would have been able to grant by virtue of paragraph (a) or (b) of subsection (4) above if—
- (a) the closure had been permanent; and
 - (b) the Board had submitted to him any proposals which it could in that case have submitted to him under the paragraph in question.
- (6) Subject to the restrictions imposed by the preceding provisions of this section, the provisions of section 1 or, as the case may be, section 2 of the 1968 Act shall continue to have effect in relation to any accommodation or services to which an authorisation under section 1(1) or section 2(1) of that Act relates.

Common waiting-lists

6 Recommendations on arrangements for securing use of NHS facilities on basis of medical priority

- (1) The Board shall within the initial period make recommendations to the Secretary of State as to what arrangements for affording persons admission or access as resident or non-resident private patients to authorised accommodation and services are, in the opinion of the Board, best suited for securing that all persons admitted or afforded access to accommodation or services at NHS hospitals as resident or non-resident patients are, so far as is practicable, admitted or afforded access thereto on the basis of medical priority alone, whether they come as private patients or not.
- (2) In subsection (1) above " authorised accommodation and services" means such accommodation and services at NHS hospitals as for the time being remain authorised under section 1(1) or 2(1) of the 1968 Act for use in connection with the treatment of resident or non-resident private patients.
- (3) In deciding what recommendations to make under this section the Board shall take into account all relevant considerations and shall, in particular, have regard to the advice of the Scottish and Welsh Committees and to any representations made to the Board by any body representing persons of any of the following descriptions who are likely to be affected by the recommendations, namely—
 - (a) medical practitioners;
 - (b) dental practitioners ; and
 - (c) persons (other than medical and dental practitioners) employed in one or other of the national health services,or by any body concerned with the interests of patients at NHS hospitals likely to be so affected.

Use of NHS facilities and supplies otherwise than for purposes of services under National Health Service Acts

7 Secretary of State's powers to provide services etc. otherwise than for purposes of services under National Health Service Acts

- (1) in the following provisions (which confer power on the Secretary of State to make certain supplies and services available to persons on such terms, including terms as to the payment of charges, as he thinks fit), namely—
 - (a) section 18 of the 1946 Act and section 19 of the 1947 Act (supplies of blood and other substances and preparations not readily available); and
 - (b) section 31 of the 1968 Act (services provided by virtue of the National Health Service Acts),there shall be made the amendments specified in Schedule 3 to this Act.
- (2) The Secretary of State shall exercise the powers conferred on him by the provisions mentioned in subsection (1) above and by section 32 of the 1968 Act (disposal and production or manufacture of certain goods otherwise than for purposes of services under the National Health Service Acts) only if and to the extent that he is satisfied that anything which he proposes to do or allow under those powers—

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- (a) will not to a significant extent interfere with the performance by him of any duty imposed on him by those Acts to provide accommodation or services of any kind; and
- (b) will not to a significant extent operate to the disadvantage of persons seeking or afforded admission or access to accommodation or services at NHS hospitals (whether as resident or non-resident patients) otherwise than as private patients.

8 Restrictions on power under s. 31 of 1968 Act to allow use of NHS facilities by private patients

- (1) In this section " the relevant power " means the power of the Secretary of State under section 31 of the 1968 Act to afford persons (subject to section 7(2) above) admission or access to accommodation or services at NHS hospitals as resident or non-resident private patients.
- (2) The Secretary of State shall not in the exercise of the relevant power afford a person admission or access to accommodation or services at an NHS hospital as a private patient unless satisfied that the accommodation or services are required for the purposes of investigation, diagnosis or treatment which—
 - (a) is of a specialised nature or involves the use of specialised equipment or skills; and
 - (b) is not privately available in Great Britain or, if it is privately available there, either—
 - (i) is not privately available there at a place which is reasonably accessible to the patient; or
 - (ii) is such that it is in the interests of one or both of the national health services for it to be carried out on that occasion at that NHS hospital.

In this subsection " privately available " means available at a satisfactory standard otherwise than at an NHS hospital.

- (3) The Secretary of State shall not in the exercise of the relevant power afford persons admission or access to accommodation or services at NHS hospitals as private patients otherwise than in accordance with such arrangements as, in his opinion, are best suited for securing that all persons admitted or afforded access to accommodation or services at NHS hospitals as resident or non-resident patients for the purposes of investigation, diagnosis or treatment of the sort mentioned in subsection (2)(a) above are, so far as is practicable, admitted or afforded access thereto on the basis of medical priority alone, whether they come as private patients or not.
- (4) The Secretary of State shall not exercise the relevant power in such a way as to allow any particular accommodation or facilities at an NHS hospital to be reserved or set aside for regular or repeated use in connection with the treatment of persons as private patients (but without prejudice to his power to allow regular or repeated use thereof in connection with the treatment of any particular person afforded admission or access thereto).
- (5) There shall be made under section 31 of the 1968 Act, in respect of any exercise of the relevant power, such charges as the Secretary of State may in accordance with subsections (6) and (7) below determine.
- (6) Without prejudice to the generality of the Secretary of State's power under the said section 31 to make and recover charges for any use which he may under that section

allow to be made of any accommodation or services provided by virtue of the National Health Service Acts, the Secretary of State may in pursuance of subsection (5) above determine different rates or scales of charges—

- (a) for different accommodation or services at different NHS hospitals or different classes of such hospitals;
 - (b) for different forms or classes of treatment;
 - (c) in relation to patients who are, and patients who are not, ordinarily resident in Great Britain ;
 - (d) generally for different accommodation and for different services and in relation to different circumstances.
- (7) The charges determined in pursuance of subsection (5) above—
- (a) shall be such as will ensure, so far as is practicable, that no increase in the expenses incurred by the Secretary of State under the National Health Service Acts results from any exercise of the relevant power ;
 - (b) shall include such amounts as appear to the Secretary of State proper and reasonable in respect of costs appearing to him to be properly attributable to capital account; and
 - (c) in the case of charges for services provided to a private patient at an NHS hospital by a whole-time consultant, shall be not less than would be charged by a part-time consultant for providing similar services in similar circumstances to a private patient of his.
- (8) Where a health authority receives any sum charged under section 31 of the 1968 Act for services provided to a private patient by a whole-time consultant, the authority shall retain that sum and use it for the purposes of research and development in medicine or dentistry:
- Provided that, if the services in question were provided by a consultant employed by a medical or dental school or university, the authority shall, if so directed by the Secretary of State, pay the sum to that school or university for use for those purposes.
- (9) Nothing in this section shall prevent the Secretary of State from allowing any medical or dental practitioner employed by a health authority to make use of any accommodation or services provided by virtue of the National Health Service Acts to the extent to which the practitioner would be entitled to make use thereof under the terms of that employment if those terms were as they were or would have been at the passing of this Act.
- (10) In this section—
- " health authority " means—
 - (a) for England and Wales, a Regional Health Authority, Area Health Authority or preserved Board or a special health authority (within the meaning of section 5(6) of the National Health Service Reorganisation Act 1973); or
 - (b) for Scotland, a Health Board ;
 - " whole-time consultant " and " part-time consultant " mean respectively a consultant employed whole-time or part-time by a health authority, medical or dental school or university.

9 Use by general practitioners etc. of NHS accommodation and facilities for private practice

- (1) A person to whom this section applies who wishes to use any relevant NHS accommodation or facilities for the purpose of providing medical, dental, pharmaceutical, ophthalmic or chiropody services to non-resident private patients may apply in writing to the Secretary of State for permission under this section.
- (2) Any application for permission under this section must specify—
 - (a) which of the relevant NHS accommodation or facilities the applicant wishes to use for the purpose of providing services to such patients ; and
 - (b) which of the kinds of services mentioned in subsection (1) above he wishes the permission to cover.
- (3) On receiving an application under this section the Secretary of State shall consider whether anything for which permission is sought would interfere with the giving of full and proper attention to persons seeking or afforded access otherwise than as private patients to any services provided under the National Health Service Acts, and shall grant the permission applied for unless in his opinion anything for which permission is sought would so interfere.
- (4) Any grant of permission under this section shall be on such terms (including terms as to the payment of charges for the use of relevant NHS accommodation or facilities pursuant to the permission) as the Secretary of State may from time to time determine.
- (5) Where any person to whom this section applies is at the passing of this Act entitled to use any relevant NHS accommodation or facilities under arrangements then in force, he shall be deemed to have been granted permission under this section to use the accommodation or facilities in question to the same extent and for the same purposes as were covered by the arrangements ; and the arrangements shall terminate by virtue of this subsection on the passing of this Act.
- (6) The persons to whom this section applies are—
 - (a) persons of any of the following descriptions who provide services under Part IV of the principal Act, namely medical practitioners, dental practitioners, registered pharmacists, and ophthalmic or dispensing opticians; and
 - (b) other persons who provide pharmaceutical or ophthalmic services under the said Part IV ; and
 - (c) chiropodists who provide services under the National Health Service Acts at premises where services are provided under Part IV of the principal Act.
- (7) In this section " relevant NHS accommodation or facilities ", in relation to a person to whom this section applies, means any accommodation or facilities available at premises provided by the Secretary of State by virtue of the National Health Service Acts, being accommodation or facilities which that person is for the time being authorised to use for purposes of Part IV of the principal Act or, in the case of a person to whom this section applies by virtue of subsection (6)(c) above, accommodation or facilities which that person is for the time being authorised to use for purposes of the said Acts at premises where services are provided under the said Part IV.

10 Publication of proposals and preparation of annual reports by Secretary of State

- (1) The Secretary of State shall cause every set of proposals submitted to him under section 4 or 5 above, and every report submitted to him under section 4(2)(b) above, to

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be published as soon as practicable after its submission, and shall lay a copy of every such set of proposals or report before each House of Parliament.

(2) There shall be prepared by the Secretary of State on the matters mentioned in subsection (3) below—

- (a) an annual report relating to England ;
- (b) an annual report relating to Wales ; and
- (c) an annual report relating to Scotland ;

and a copy of every report under this section shall be laid before each House of Parliament by the Secretary of State.

(3) The said matters are—

- (a) the accommodation and services at NHS hospitals which in the period covered by the report were available for use in connection with the treatment of private patients by virtue of authorisations under sections 1(1) and 2(1) of the 1968 Act;
- (b) the extent to which the relevant power (as denned in section 8(1) above) was exercised in that period ;
- (c) the extent to which the powers to which section 7(2) above applies were exercised in that period otherwise than by way of affording persons admission or access to accommodation or services at NHS hospitals as resident or non-resident private patients;
- (d) the extent to which progress has been made in implementing common waiting-lists.

Interpretation of Part II

11 Interpretation of Part II

In this Part of this Act, unless the context otherwise requires—

- " the 1968 Act " means the Health Services and Public Health Act 1968 ;
- " Area Health Authority " includes an Area Health Authority (Teaching);
- " the initial period " means the period of six months beginning with the date on which this Act is passed;
- " preserved Board " has the meaning given by section 15(6) of the National Health Service Reorganisation Act 1973.

PART III

CONTROL OF HOSPITAL BUILDING OUTSIDE NATIONAL HEALTH SERVICE, ETC.

12 Control of construction and extension of controlled premises

(1) Subject to subsection (3) below, no person shall execute any controlled works unless—

- (a) he is authorised in writing by the Board to do so and the works are in accordance with the terms of the authorisation; or
- (b) the works are executed in accordance with planning permission in force in pursuance of the Town and Country Planning Act 1971 or the Town and Country Planning (Scotland) Act 1972 and granted (otherwise than by a

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development order within the meaning of that Act) either before the passing of this Act or in consequence of an application for such permission which was made before 12th April 1976.

(2) In this Part of this Act—

" controlled works " means—

- (a) works for the construction of controlled premises or of a controlled extension of controlled premises; or
- (b) works for converting any premises into controlled premises;

" controlled premises " means premises at which there are or are to be facilities for the provision of all or any of the following services, namely—

- (a) the carrying out of surgical procedures under general anaesthesia;
- (b) obstetrics;
- (c) radiotherapy;
- (d) renal dialysis;
- (e) radiology or diagnostic pathology, being premises which, if situated or to be situated in Greater London, provide or will provide one hundred or more beds for the reception of patients or, if situated or to be situated elsewhere, provide or will provide seventy-five or more beds for the reception of patients ;

" controlled extension ", in relation to any controlled premises, means works designed—

- (a) to extend, adapt or be used in conjunction with the controlled premises ;
or
- (b) to extend or adapt works used in conjunction with the controlled premises.

(3) Subsection (1) above—

- (a) does not apply in the case of works that are to be executed by or on behalf of the Crown or for the purposes of a visiting force; but
- (b) in the case of works that are to be executed otherwise than as aforesaid, shall apply notwithstanding any interest of the Crown in the land on which, or in any premises in connection with which, the works are to be executed.

13 Authorisations to construct or extend controlled premises

- (1) Every application for an authorisation shall be made to the Board, and on receipt of any such application the Board shall send a copy of it to the Secretary of State.
- (2) On receiving an application for an authorisation the Board shall consider whether, having regard to the matters mentioned in subsection (3) below, the execution of the works in question—
 - (a) would to a significant extent interfere with the performance by the Secretary of State of any duty imposed on him by the National Health Service Acts to provide accommodation or services of any kind ; or
 - (b) would to a significant extent operate to the disadvantage of persons seeking or afforded admission or access to any accommodation or services provided by the Secretary of State under those Acts (whether as resident or non-resident patients) otherwise than as private patients,

and shall grant the authorisation unless, having regard to those matters, it is satisfied that the execution of the works would do either or both of the things mentioned in paragraphs (a) and (b) above.

- (3) The matters referred to in subsection (2) above are, in relation to the works in question—
- (a) how much accommodation or additional accommodation the works would provide ;
 - (b) what facilities or additional facilities the works would enable to be provided ;
 - (c) what staffing requirements or additional staffing requirements the works would give rise to.
- (4) An authorisation may contain such terms as the Board thinks appropriate, including in particular, without prejudice to the generality of the preceding provisions of this subsection, terms as to the duration of the authorisation and the place at which or area within which the works may be executed; and the Board may, with the consent of the person to whom an authorisation was issued, alter any of its terms at any time.

14 Notice of notifiable works

- (1) Any person who proposes to make, after the coming into force of this Part of this Act, an application for planning permission for any notifiable works must, before making the application, notify the Board of the proposed application by giving to it a notice in the prescribed form.
- (2) A notice under this section must contain the prescribed information about—
- (a) the notifiable works for which planning permission is to be applied for ; and
 - (b) the purposes for which any hospital premises that will result from or be directly affected by the execution of those works are to be used.
- (3) On receipt of a notice under this section which is in the prescribed form and contains the information required by subsection (2) above the Board shall issue to the person by whom the notice was given a written acknowledgment—
- (a) identifying the notice and stating the date on which it was received by the Board; and
 - (b) acknowledging that it complies with the requirements of this section.
- (4) In any proceedings for an offence under section 18(2)(a) below, an acknowledgment under subsection (3) above shall be conclusive evidence of the matters which it states or acknowledges.
- (5) It shall be the duty of the Board to furnish the Secretary of State with such of the information contained in any notice received by the Board under this section as he may reasonably require for the proper discharge of his functions under the National Health Service Acts and Part II of this Act.
- (6) Subsection (3) of section 12 above shall apply in relation to subsection (1) above as it applies in relation to subsection (1) of that section.
- (7) In this Part of this Act—
- " notifiable works " means—
- (a) works for the construction of hospital premises or of an extension of hospital premises ; or

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(b) works for converting any premises into hospital premises, not being, in either case, works for which an authorisation is required;

" hospital premises " means premises of any prescribed class, being premises used or to be used for the prevention, diagnosis or treatment of illness or for the reception of patients;

" extension ", in relation to any hospital premises, means works designed—

(a) to extend, adapt or be used in conjunction with the hospital premises ; or

(b) to extend or adapt works used in conjunction with the hospital premises.

15 Planning permission for works requiring authorisation

- (1) This section applies to works that consist of, or include, controlled works.
- (2) An application made after the coming into force of this Part of this Act for planning permission for works to which this section applies shall be of no effect unless it is accompanied by a copy of an authorisation in force for all of those works in the planning area or district concerned for which an authorisation is required.
- (3) Where at the time when this Part of this Act comes into force—
 - (a) an application for planning permission made on or after 12th April 1976 is pending, or any appeal to the Secretary of State connected with such an application is pending, or the time within which such an appeal may be begun has not expired ; and
 - (b) if the application had been made after the coming into force of this Part of this Act it would have been of no effect by virtue of subsection (2) above,

the application shall be of no effect, or as the case may be the appeal shall be stayed or sisted or not begun, until the authority to which the application was made is furnished with the document which would under subsection (2) above have been required to accompany the application if it had been made after the coming into force of this Part of this Act.
- (4) Where by virtue of the preceding subsection a prohibition imposed by that subsection on the beginning of an appeal ceases to be so imposed, the appeal may be begun during a period which begins with the cesser and is equal to so much of the time within which the appeal could have been begun apart from the prohibition as was unexpired when the prohibition was so imposed.
- (5) In this section:—
 - " local planning authority " has the same meaning as in the Town and Country Planning Act 1971 ;
 - " planning authority " has the same meaning as in the Town and Country Planning (Scotland) Act 1972 ;
 - " planning permission " has the same meaning as in the said Act of 1971 or 1972, as the case may be ;
 - " the planning area or district concerned " means, in England and Wales, the area of the local planning authority or, in Scotland, the district of the planning authority, as the case may be.
- (6) Subsection (3) of section 12 above shall apply in relation to subsection (2) above as it applies in relation to subsection (1) of that section.

16 Regulations in connection with provisions of Part III

- (1) The Secretary of State may by regulations make provision—
- (a) as to the manner and form in which any application for an authorisation is to be made to the Board;
 - (b) as to the manner in which any notice under section 14 above is to be given to the Board, and as to the form in which any acknowledgment under subsection (3) of that section is to be issued by the Board ;
 - (c) for requiring such reasonable fees as may, with the consent of the Treasury, be prescribed to be paid in connection with any application for an authorisation ;
 - (d) as to the quorum and procedure of the Board in relation to applications for authorisations ;
 - (e) as to the circumstances in which the Board may or must afford the applicant for an authorisation a hearing by the Board or, in such cases as may be prescribed, the Scottish or Welsh Committee, and for determining the locality of, and entitling persons other than the applicant to appear and be heard at, such a hearing;
 - (f) as to the time to be allowed on any such application for the production of evidence or the taking of any prescribed steps for the purposes of such a hearing;
 - (g) for requiring persons to attend and give evidence or produce documents at such hearings, and for authorising the administration of oaths to persons so attending ;
 - (h) for enabling any person entitled to appear otherwise than as a witness at any such hearing to be represented by another person, whether professionally qualified or not;
 - (i) for prescribing anything which under this Part of this Act is required or authorised to be prescribed.
- (2) Without prejudice to the generality of paragraph (e) of subsection (1) above, provision shall be made by regulations under that subsection for requiring the Board not to refuse an application for an authorisation unless the applicant has been afforded a hearing such as is mentioned in that paragraph.
- (3) Regulations under subsection (1) above may, for the purpose of securing compliance with requirements imposed by virtue of any provisions included in the regulations by virtue of paragraph (g) of that subsection, provide that a person who without reasonable excuse fails to comply with such a requirement shall be liable on summary conviction to a fine not exceeding such amount not greater than £100 as may be prescribed.
- (4) The Secretary of State may by regulations provide for the appointment by him of inspectors to act, under the direction of the Board, for the purposes of this Part of this Act, except so far as it relates to notifiable works, and for conferring on such inspectors such powers (including powers of entry and inspection) as the Secretary of State considers necessary for those purposes.
- (5) Any powers conferred on inspectors by regulations made in pursuance of subsection (4) above shall, to the extent that the regulations so provide, be exercisable in relation to—
- (a) premises or land owned by, but not occupied by or for the purposes of, the Crown ; acid

- (b) works on such land which have been or are being executed otherwise than by or on behalf of the Crown or for the purposes of a visiting force.

17 Appeals

- (1) Where an application for an authorisation is refused or granted by the Board and the decision to refuse or grant it, as the case may be, involves a question of law, then—
 - (a) if the application is refused, the applicant or, if the applicant was afforded a hearing by the Board, the applicant or any other person who appeared (in person or not) and was heard at the hearing may on that question appeal from the Board's decision to the court; or
 - (b) if the application is granted in a case in which the applicant was afforded a hearing by the Board, any other person who so appeared and was heard may on that question appeal as aforesaid.
- (2) In the preceding subsection " the court" means—
 - (a) in England and Wales, the High Court;
 - (b) in Scotland, the Court of Session.
- (3) An appeal under this section must be brought before the end of the three months beginning with the date on which the applicant is notified of the Board's decision on his application.
- (4) The Board and the Secretary of State and (if he would not be so entitled apart from this subsection) the applicant shall each be entitled to appear and be heard on any appeal under this section.
- (5) Rules of court relating to appeals under this section may provide for excluding so much of section 63(1) of the Supreme Court of Judicature (Consolidation) Act 1925 as requires appeals to the High Court to be heard and determined by a Divisional Court; but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.
- (6) In relation to proceedings in the High Court or the Court of Appeal or the Court of Session brought by virtue of this section the power to make rules of court shall include power to make rules prescribing the powers of the court with respect to—
 - (a) the giving of any decision which might have been given by the Board on the application;
 - (b) the remitting of the application, with the court's decision on any question of law decided by it on appeal, for re-hearing and determination by the Board ;
 - (c) the giving of directions to the Board.
- (7) On any appeal brought under or by virtue of this section the court may, if the decision is in favour of the appellant, order the Board (whether or not it appears on the appeal) to pay the costs or, in Scotland, the expenses of the appellant or any other person.
- (8) An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

18 Offences

- (1) Any person who contravenes section 12(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine.
- (2) Any person who—
 - (a) without reasonable excuse fails to comply with the requirements of section 14(1) and (2) above in relation to an application for planning permission for any notifiable works; or
 - (b) knowingly or recklessly furnishes a notice which is false in a material particular in purported compliance with section 14(1) above,shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.
- (3) Any person who—
 - (a) intentionally obstructs an inspector appointed by virtue of regulations made in pursuance of section 16(4) above in the exercise of any power of entry or inspection conferred on him by regulations so made; or
 - (b) without reasonable excuse fails to comply with any requirement imposed by such an inspector by virtue of regulations so made,shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.
- (4) Where an offence under any of the preceding provisions of this section has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) Where the affairs of a body corporate are managed by its members, subsection (4) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

19 Amendments to provisions about registration of nursing homes and private hospitals

- (1) The paragraph set out in subsection (2) below shall be inserted—
 - (a) after paragraph (c) of section 4 of the Nursing Homes Act 1975, as paragraph (cc); and
 - (b) after paragraph (b) of the proviso in section 1(3) of the Nursing Homes Registration (Scotland) Act 1938, as paragraph (bb),so as to afford, in each case, an additional ground for refusing to register, or cancelling the registration of, a person in respect of a nursing home or mental nursing home.
- (2) The said paragraph is—

“that the home or any premises to be used in connection therewith consist of or include works executed in contravention of section 12(1) of the Health Services Act 1976;”.
- (3) In section 16(1) of the Mental Health (Scotland) Act 1960 (prerequisites of registration of private hospital) the following paragraph shall be inserted after paragraph (b)—

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“(bb) that neither the hospital nor any premises to be used in connection therewith consist of or include works executed in contravention of section 12(1) of the Health Services Act 1976 ;”.

(4) In each of the following provisions (penalties for carrying on a nursing home, mental nursing home or private hospital without registration) namely—

- (a) section 12 of the Nursing Homes Act 1975 ;
- (b) section 1(1) of the Nursing Homes Registration (Scotland) Act 1938;
- (c) section 22(1) of the Mental Health (Scotland) Act 1960 ;

for the words from " shall be liable " onwards there shall be substituted the words " shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine ".

20 Interpretation of Part III

In this Part of this Act—

- " authorisation " means an authorisation required by section 12(1) above;
- " controlled works " has the meaning given by section 12(2) above;
- " hospital premises " has the meaning given by section 14(7) above;
- " notifiable works " has the meaning given by section 14(7) above;
- " prescribed " means prescribed by regulations made by the Secretary of State;
- " visiting force " means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952.

PART IV

SUPPLEMENTARY AND GENERAL

21 Expenses and receipts

There shall be defrayed out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State for the purposes of this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of money provided by Parliament under any other Act;

and, subject to section 8(8) above, any sums received by the Secretary of State by virtue of this Act shall be paid into the Consolidated Fund.

22 General provisions as to regulations

(1) Any power conferred by this Act to make regulations—

- (a) may be exercised so as to make different provision for different areas or in relation to different cases or different circumstances to which the power is applicable, and to make any provision to which the power extends subject to such exceptions, limitations and conditions (if any) as the Secretary of State considers necessary or expedient;

- (b) includes power to make such incidental or supplemental provision in the regulations as the Secretary of State considers appropriate; and
 - (c) shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Before making any regulations under paragraph 10 of Schedule 1 to this Act or under any provision of Part III of this Act, the Secretary of State shall consult with—
- (a) the Board;
 - (b) such bodies as he may recognise as being representative of medical practitioners or dental practitioners; and
 - (c) such other bodies as appear to him to be representative of interests likely to be substantially affected by the regulations.

23 General interpretation, amendments and repeals

(1) In this Act—

" the 1946 Act " means the National Health Service Act 1946;

" the 1947 Act " means the National Health Service (Scotland) Act 1947;

" the National Health Service Acts " means, for England and Wales, the National Health Service Acts 1946 to 1973 or, for Scotland, the National Health Service (Scotland) Acts 1947 to 1973 ;

" the national health services " means the health services established in England and Wales and in Scotland respectively in pursuance of section 1 of the principal Act;

" NHS hospital " means a hospital vested in the Secretary of State;

" the principal Act " means, for England and Wales, the National Health Service Act 1946 or, for Scotland, the National Health Service (Scotland) Act 1947 ;

and, unless the context otherwise requires, any expression to which a meaning is assigned by the principal Act for the purposes of that Act has that meaning also for the purposes of this Act.

- (2) Except so far as the context otherwise requires, any reference in this Act to an enactment is a reference to it as amended by or under any other enactment, including this Act.
- (3) In section 1(2) of the principal Act (services to be provided free of charge, except where any provision of the National Health Service Acts expressly provides for the making and recovery of charges), for the words from " except" onwards there shall be substituted the words " except in so far as the making and recovery of charges is expressly provided for by or under any enactment, whenever passed ".
- (4) In the provisions of the 1946 Act specified in Part I of Schedule 4 to this Act references to that Act or to the National Health Service Acts shall include references to this Act in its application to England and Wales; and in the provisions of the 1947 Act specified in Part II of that Schedule references to that Act or to the National Health Service Acts shall include references to this Act in its application to Scotland.
- (5) Section 57(6) of the National Health Service Reorganisation Act 1973 (power to modify the Health Service Acts in connection with their consolidation) shall have effect as if the reference to those Acts included Part II of this Act.

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- (6) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

24 Citation, commencement and extent

- (1) This Act may be cited as the Health Services Act 1976, and Part II of this Act—
- (a) so far as it applies to England and Wales, shall be included among the enactments which may be cited together as the National Health Service Acts 1946 to 1976; and
 - (b) so far as it applies to Scotland, shall be included among the enactments which may be cited together as the National Health Service (Scotland) Acts 1947 to 1976.
- (2) Part III of this Act shall come into force at the end of the period of two months beginning with the date on which this Act is passed.
- (3) This Act, except so far as it amends the House of Commons Disqualification Act 1975, does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

THE HEALTH SERVICES BOARD AND ITS COMMITTEES

PART I

THE BOARD

- 1 (1) The Board shall comprise—
 - (a) a chairman appointed after consultation with the bodies mentioned in paragraphs (a) and (b) of sub-paragraph (2) below;
 - (b) two medical practitioners appointed after consultation with the bodies mentioned in paragraph (a) of that sub-paragraph ; and
 - (c) two other persons appointed after consultation with the bodies mentioned in paragraph (b) of that sub-paragraph.
- (2) Those bodies are—
 - (a) such bodies as the Secretary of State may recognise as being representative of medical practitioners or dental practitioners ;
 - (b) such bodies not falling within paragraph (a) above as the Secretary of State may recognise as being representative of persons employed in one or other of the national health services or concerned with the interests of patients at NHS hospitals.

PART II

THE SCOTTISH AND WELSH COMMITTEES

- 2 (1) The Scottish Committee and the Welsh Committee shall each be constituted in accordance with the following provisions of this paragraph; and in those provisions " the Committee" means the Scottish Committee or the Welsh Committee, as the case may be.
- (2) The Board shall designate, with the consent of the Secretary of State, a member of the Board as a member of the Committee (" the designated member ").
- (3) The Committee shall comprise—
 - (a) a chairman who, if the designated member is the chairman of the Board, shall be the designated member, but who shall otherwise be a person appointed by the Secretary of State after consultation with the bodies mentioned in paragraphs (a) and (b) of paragraph 1(2) above ;
 - (b) two medical practitioners appointed by the Secretary of State after consultation with the bodies mentioned in paragraph (a) of paragraph 1(2) above or, if the designated member is a member of the Board appointed

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under paragraph 1(1)(b) above, one medical practitioner so appointed by the Secretary of State ; and

- (c) two other persons appointed by the Secretary of State after consultation with the bodies mentioned in paragraph (b) of paragraph 1(2) above or, if the designated member is a member of the Board appointed under paragraph 1(1)(c) above, one other person so appointed by the Secretary of State.

PART III

ASSESSORS

- 3 Of the four assessors required by section 1(4) above for any such meeting of the Board or of the Scottish or Welsh Committee as is there mentioned, one shall be selected by the Board or that Committee, as the case may be, from each of the lists maintained by the Board under the following paragraph.
- 4 (1) The Board shall prepare and maintain four lists of persons to act as assessors in accordance with section 1(4) above.
- (2) Of those lists—
- (a) one shall comprise medical or dental practitioners having special knowledge and experience of one or more of the services mentioned in the definition of " controlled premises " in section 12(2) above ;
- (b) one shall comprise persons having special knowledge and experience of nursing ;
- (c) one shall comprise persons having special knowledge and experience of hospital administration ;
- (d) one shall comprise persons having special knowledge and experience of the design and construction of hospitals.
- (3) Before placing a person on any of the lists the Board shall consult with the Secretary of State and the bodies mentioned in paragraphs (a) and (b) of paragraph 1(2) above.

PART IV

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND ITS COMMITTEES AND ASSESSORS

Incorporation and status

- 5 The Board shall be a body corporate.
- 6 The Board shall not be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown.

Tenure of office, etc.

- 7 (1) Subject to paragraphs 8 and 9 below, a person shall hold and vacate office as chairman or a member of the Board in accordance with the terms of the instrument appointing him to that office.

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- (2) Every appointment as chairman or a member of the Board shall be for a period of not less than three years.
- 8 A person may at any time resign his office as chairman or a member of the Board by giving the Secretary of State a notice in writing signed by that person and stating that he resigns that office.
- 9 (1) If the Secretary of State is satisfied that a member of the Board—
- (a) has been absent from meetings of the Board for a period longer than six consecutive months without the permission of the Board ; or
 - (b) has become bankrupt or made an arrangement with his creditors ; or
 - (c) is incapacitated by physical or mental illness ; or
 - (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit; and thereupon the office shall become vacant.
- (2) In the application of the preceding sub-paragraph to Scotland, for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.
- 10 (1) The Secretary of State shall by regulations provide for the appointment by him, after the appropriate consultation, of—
- (a) a deputy chairman to act in place of the chairman of the Board and, for each other member of the Board, a deputy member to act in his place ;
 - (b) a deputy chairman to act in place of the chairman of the Scottish Committee and, for each other member of that Committee, a deputy member to act in his place ;
 - (c) a deputy chairman to act in place of the chairman of the Welsh Committee and, for each other member of that Committee, a deputy member to act in his place ;
- and in this sub-paragraph " appropriate consultation " means consultation with the bodies with whom consultation was required by paragraph 1 or 2 above prior to the appointment of the person in whose place the deputy is to act.
- (2) Regulations under this paragraph shall provide that a deputy, while he is acting in place of a member of the Board or of the Scottish or Welsh Committee (but not otherwise), shall be deemed to be a member of the Board or of that Committee, as the case may be, but that paragraphs 12 and 13 below shall not apply to him.
- 11 The Board shall pay to its members, and to the members of the Scottish Committee and the Welsh Committee, and to persons acting as assessors in accordance with section 1(4) above, such remuneration and allowances as the Secretary of State may with the approval of the Minister for the Civil Service determine.
- 12 Where—
- (a) a person ceases to be a member of the Board ; or
 - (b) a person (not being a member of the Board) ceases to be a member of the Scottish Committee or the Welsh Committee,
- in circumstances which, in the opinion of the Secretary of State, make it right that he should receive compensation, the Secretary of State shall, with the approval of

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the Minister for the Civil Service, direct the Board to make to that person a payment of such amount as the Secretary of State may with the approval of that Minister determine.

- 13 The Board shall, as regards any member of the Board or any member of the Scottish Committee or the Welsh Committee (not being a member of the Board) in whose case the Secretary of State may, with the approval of the Minister for the Civil Service, so determine, pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity, as the Secretary of State may, with the approval of that Minister, determine.

Staff

- 14 The Board may, with the approval of the Secretary of State given with the consent of the Minister for the Civil Service as to numbers and as to remuneration and other terms and conditions of service, appoint such officers as it may think fit.
- 15 Employment with the Board shall be included among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) the words " Health Services Board " shall be inserted after the words " Gaming Board for Great Britain. ".

Proceedings and instruments

- 16 Subject to section 1(4) above and any regulations made under section 16(1) above, the quorum of the Board and the arrangements relating to its procedure and business shall be such as the Board may determine.
- 17 The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of a member or of an assessor.
- 18 (1) A document purporting to be duly executed under the common seal of the Board shall be received in evidence and shall be deemed to be so executed unless the contrary is proved.
- (2) A document purporting to be signed on behalf of the Board shall be received in evidence and shall be deemed to be so signed unless the contrary is proved.
- 19 Paragraphs 16, 17 and 18(2) above shall apply to the Scottish Committee and the Welsh Committee as they apply to the Board.

Finance

- 20 The Secretary of State shall pay to the Board expenses incurred or to be incurred by it under paragraphs 11 to 14 above and, with the approval of the Minister for the Civil Service given with the consent of the Treasury, shall pay to the Board such sums as the Secretary of State thinks fit for enabling the Board to meet other expenses.
- 21 (1) The accounting year of the Board shall be the twelve months ending on 31st March.
- (2) It shall be the duty of the Board—
- (a) to keep proper accounts and proper records in relation to the accounts ;

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- (b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury ;
and
 - (c) to submit the statement to the Secretary of State before the end of the month of September next following the accounting year to which the statement relates.
- (3) The Secretary of State shall transmit each statement of accounts received by him in pursuance of this paragraph to the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates, and the Comptroller and Auditor General shall examine, certify and report on the statement and lay copies of it and of his report before each House of Parliament.

Annual report

- 22 (1) As soon as practicable after the end of each calendar year the Board shall make to the Secretary of State a report on the performance of its functions during that year.
- (2) The Secretary of State shall lay a copy of every report under this paragraph before each House of Parliament.

Supervision by Council on Tribunals

- 23 (1) The Tribunals and Inquiries Act 1971 shall be amended in accordance with the following provisions of this paragraph (being provisions for bringing the functions of the Board and the Scottish and Welsh Committees under Part III of this Act under the supervision of the Council on Tribunals).
- (2) In section 8(2), as amended by section 3(a) of the Consumer Credit Act 1974, after "5A" insert " 7A ", and after " 35 " insert " 37A ".
- (3) In Schedule 1, after paragraph 7 insert—

“Hospital building

7A The Health Services Board and its Welsh Committee, in respect of their functions under Part III of the Health Services Act 1976.”

- (4) In Schedule 1, after paragraph 37 insert—

“Hospital building

37A The Scottish Committee of the Health Services Board, in respect of the Committee's functions under Part III of the Health Services Act 1976.”

House of Commons Disqualification Act 1975

- 24 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified under that Act) there shall (at the appropriate places in alphabetical order) be inserted the following entries:—
- “The Health Services Board.
The Scottish Committee of the Health Services Board.
The Welsh Committee of the Health Services Board.”.

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PART V

LIABILITY OF BOARD AND WELSH COMMITTEE TO INVESTIGATION BY HEALTH SERVICE COMMISSIONERS

- 25 Part III of the National Health Service Reorganisation Act 1973 (the Health Service Commissioners for England and Wales) shall have effect subject to the following provisions of this Part of this Schedule.
- 26 (1) In section 34(1) of the said Act of 1973 (definition of " relevant body "), after paragraph (j) insert—
 “(k) the Health Services Board and its Welsh Committee.”.
- (2) In section 34(2) of that Act (relevant bodies in respect of which the Health Service Commissioners for England and Wales respectively are not empowered to conduct investigations) after " the Welsh Hospital Board " insert " the Welsh Committee of the Health Services Board, ".
- (3) In section 37 of that Act (reports of Commissioners), after subsection (5) add—
 “(6) In the case of the Health Services Board or its Welsh Committee, the preceding provisions of this section have effect subject to paragraphs 27 and 28 of Schedule 1 to the Health Services Act 1976”.
- 27 Section 37 (reports by Commissioners) of the said Act of 1973 shall have effect subject to the following modifications, that is to say—
- (a) in relation to an investigation conducted under the said Part III in respect of the Board or the Welsh Committee—
- (i) paragraph (d) of subsection (1) (report to be sent to Secretary of State) shall not apply, but the Commissioner who conducted the investigation may, if he thinks fit, publish his report under that subsection; and
- (ii) subsection (3) (special reports) shall have effect with the substitution for the words from " make a special report to the Secretary of State " to the end of the subsection of the words " lay before each House of Parliament a special report " ;
- (b) without prejudice to paragraph 28 below, the reference in subsection (4) (annual and other reports to Secretary of State) to a Commissioner's functions under the said Part III shall not include his functions thereunder in respect of the Board or the Welsh Committee ;
- (c) subsection (5) (privilege) shall have effect as if the reference to subsection (4) included a reference to paragraph 28 below.
- 28 Each of the Commissioners mentioned in subsection (4) of the said section 37 shall annually lay before each House of Parliament a general report on the performance of his functions under the said Part III in respect of the Board and the Welsh Committee, and may from time to time lay before each House of Parliament such other reports with respect to his said functions under that Part as he thinks fit.

PART VI

LIABILITY OF SCOTTISH COMMITTEE TO INVESTIGATION BY HEALTH SERVICE COMMISSIONER FOR SCOTLAND

- 29 Part VII of the National Health Service (Scotland) Act 1972 (the Health Service Commissioner for Scotland) shall have effect subject to the following provisions of this Part of this Schedule.
- 30 (1) In section 45(1) of the said Act of 1972 (definition of " body subject to investigation "), after paragraph (e) add—
“(f) the Scottish Committee of the Health Services Board.”.
- (2) In section 48 of that Act (reports by Commissioner), after subsection (5) add—
“(6) In the case of the Scottish Committee of the Health Services Board, the preceding provisions of this section have effect subject to paragraphs 31 and 32 of Schedule 1 to the Health Services Act 1976”.
- 31 Section 48 (reports by Commissioner) of the said Act of 1972 shall have effect subject to the following modifications, that is to say—
(a) in relation to an investigation conducted under the said Part VII in respect of the Scottish Committee—
(i) paragraph (d) of subsection (1) (report to be sent to Secretary of State) shall not apply, but the Health Commissioner for Scotland may, if he thinks fit, publish his report under that subsection ; and
(ii) subsection (3) (special report) shall have effect with the substitution for the words from " make a special report to the Secretary of State " to the end of the subsection of the words "lay before each House of Parliament a special report " ;
(b) without prejudice to paragraph 32 below, the references in subsection (4) (annual and other reports to Secretary of State) to the Commissioner's functions under the said Part VII shall not include his functions thereunder in respect of the Scottish Committee;
(c) subsection (5) (privilege) shall have effect as if paragraph 32 below were contained in the said section 48.
- 32 The Health Service Commissioner for Scotland shall annually lay before each House of Parliament a general report on the performance of his functions under the said Part VII in respect of the Scottish Committee, and may from time to time lay before each House of Parliament such other reports with respect to his said functions under that Part as he thinks fit.

SCHEDULE 2

Section 3.

AUTHORITIES AND GROUP OF BOARDS WITHIN SECTION 3

Authority or group of Boards	Number of pay beds before reduction	Number of pay beds to be withdrawn under s. 3
<i>England</i>		

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

Authority or group of Boards	Number of pay beds before reduction	Number of pay beds to be withdrawn under s. 3
The Area Health Authority for—		
Cleveland	32	10
Cumbria	22	7
Durham	22	9
Northumberland	10	5
Gateshead	4	1
Newcastle upon Tyne	47	9
North Tyneside	6	3
South Tyneside	6	3
Sunderland	20	5
Humberside	31	10
North Yorkshire	44	14
Bradford	91	21
Calderdale	32	Nil
Kirklees	23	2
Leeds	71	13
Wakefield	10	3
Derbyshire	41	9
Leicestershire	30	7
Lincolnshire	55	8
Nottinghamshire	82	12
Barnsley	5	2
Doncaster	4	Nil
Sheffield	30	5
Cambridgeshire	56	20
Norfolk	63	7
Suffolk	37	3
The Area Health Authority for—		
Bedfordshire	26	2
Hertfordshire	56	16
Barnet	22	10
Brent and Harrow	31	8

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

Authority or group of Boards	Number of pay beds before reduction	Number of pay beds to be withdrawn under s. 3
Ealing, Hammersmith and Hounslow	73	22
Hillingdon	34	4
Kensington and Chelsea and Westminster	219	46
Essex	88	15
Barking and Havering	13	7
Camden and Islington	187	47
City and East London	75	24
Enfield and Haringey	22	9
Redbridge and Waltham Forest	25	9
East Sussex	57	17
Kent	115	15
Greenwich and Bexley	25	15
Bromley	33	11
Lambeth, Southwark and Lewisham	203	56
Surrey	95	19
West Sussex	43	7
Croydon	13	7
Kingston and Richmond	17	8
Merton, Sutton and Wandsworth	79	28
Dorset	48	8
Hampshire	70	15
Wiltshire	57	16
Isle of Wight	12	2
Berkshire	60	4
Buckinghamshire	54	8
Northamptonshire	34	6
Oxfordshire	67	13
Avon	23	6
Cornwall and Isles of Scilly	29	6
Devon	70	25

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

Authority or group of Boards	Number of pay beds before reduction	Number of pay beds to be withdrawn under s. 3
Gloucestershire	47	4
Somerset	33	9
Hereford and Worcester	47	13
Salop	35	14
Staffordshire	65	12
Warwickshire	28	5
Birmingham	129	28
Coventry	20	3
Dudley	14	5
Sandwell	6	2
Solihull	6	1
Walsall	13	Nil
The Area Health Authority for—		
Wolverhampton	31	7
Cheshire	70	13
Liverpool	30	7
St. Helens and Knowsley	12	3
Sefton	17	8
Wirral	35	7
Lancashire	92	20
Bolton	21	2
Bury	14	1
Manchester	138	28
Oldham	9	1
Rochdale	11	3
Salford	13	5
Stockport	7	2
Tameside	4	Nil
Trafford	9	Nil
Wigan	18	2
The group of Boards which at the passing of this Act are preserved Boards	227	33

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

Authority or group of Boards	Number of pay beds before reduction	Number of pay beds to be withdrawn under s. 3
<i>Wales</i>		
The Area Health Authority for—		
Clwyd	22	5
Dyfed	12	2
Gwent	1	Nil
Gwynedd	13	3
Mid Glamorgan	5	2
South Glamorgan	3	Nil
West Glamorgan	4	1
<i>Scotland</i>		
The Health Board for—		
Argyll & Clyde	26	1
Ayrshire & Arran	17	3
Forth Valley	11	5
Grampian	34	Nil
Greater Glasgow	91	27
Highland	9	Nil
Lothian	34	13
Tayside	12	1

SCHEDULE 3

Section 7.

AMENDMENTS OF PROVISIONS MENTIONED IN SECTION 7(1)

- 1 In section 18 of the 1946 Act—
 - (a) after "obtainable" insert " or has acquired any part of a human body for the purpose of, or in the course of providing, any such service "; and
 - (b) after " available " insert " or for supplying that part ".
- 2 In section 19 of the 1947 Act—
 - (a) after "obtainable" insert " or has acquired any part of a human body for the purpose of, or in the course of providing, any service under the National Health Service (Scotland) Acts 1947 to 1973 "; and
 - (b) after " them" insert " or for supplying that part to any person ".
- 3 In section 31 of the 1968 Act insert " accommodation or " —
 - (a) for England and Wales, before " services " in both places where it occurs;
 - (b) for Scotland, before " services " in the first and third places where it occurs.

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

SCHEDULE 4

Section 23.

PROVISIONS OF 1946 ACT AND 1947 ACT APPLIED

PART I

PROVISIONS OF 1946 ACT APPLIED

<i>Provision</i>	<i>Subject-matter</i>
Section 57	Default powers.
Section 70	Inquiries.
Section 71	Recovery of charges.
Section 72	Protection of officers.
Section 80(3)	Power to apply Act to Isles of Scilly.

PART II

PROVISIONS OF 1947 ACT APPLIED

<i>Provision</i>	<i>Subject-matter</i>
Section 56	Default powers.
Section 69	Inquiries.
Section 70	Protection of certain bodies and their officers.

SCHEDULE 5

Section 23.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1949 c. 93.	National Health Service Amendment Act 1949.	In section 17(1), the words " notwithstanding anything in section one of that Act".
1972 c. 58.	National Health Service (Scotland) Act 1972.	Section 2(3) and (4).
1973 c. 32.	National Health Service Reorganisation Act 1973.	In section 34(1)(i), the word " and ". Section 43(2). In Schedule 4, in paragraph 10, the words from " and in subsection (2)" onwards.