

Status: Point in time view as at 01/02/1991.

Changes to legislation: Health and Medicines Act 1988 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

PROVISIONS SUPPLEMENTARY TO S.1

- 1 Subject to the provisions of an order under section 1(1) above, any agreement made, transaction effected or other thing done by, to or in relation to the Corporation which is in force or effective immediately before the day specified under that subsection shall have effect as from that day as if made, effected or done by, to or in relation to the successor company, in all respects as if the successor company were the same person, in law, as the Corporation; and accordingly references to the Corporation—
 - (a) in any agreement (whether or not in writing) and in any deed, bond or instrument;
 - (b) in any process or other document issued, prepared or employed for the purpose of any proceedings before any Court or other tribunal or authority; and
 - (c) in any other document whatever (other than an enactment) relating to or affecting any property, right or liability of the Corporation which vests by virtue of section 1(1) above in the successor company,shall be taken as from the specified day as referring to the successor company.
- 2 Where immediately before that day there is in force an agreement which—
 - (a) confers or imposes on the Corporation any rights or liabilities which vest in the successor company by virtue of section 1(1) above; and
 - (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the Corporation,the agreement shall have effect, in relation to anything falling to be done on or after that day, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the Corporation in question.
- 3 (1) It is hereby declared for the avoidance of doubt that the effect of an order under section 1(1) above in relation to any contract of employment with the Corporation in force immediately before the day specified under that subsection is merely to modify the contract (as from that day) by substituting the successor company as the employer (and not to terminate the contract or vary it in any other way).
(2) Accordingly—
 - (a) any period of employment with the Corporation; and
 - (b) any period of employment which would, immediately before the day specified under section 1(1) above, have been treated as such employment,shall count as employment with the successor company.

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SCHEDULE 2

Section 25.

CONSEQUENTIAL AMENDMENTS

National Health Service Act 1977

1 The ^{M1}National Health Service Act 1977 shall be amended as follows.

Marginal Citations

M1 1977 c. 49.

2 In the second paragraph of section 25 (supplies not readily available) for “sections 25, 58 and 61” there shall be substituted “section 25”.

3 At the end of the second paragraph of section 33(5) (exclusion of right of appeal against refusal of application to provide general medical services) there shall be added the words “or under section 8 of the Health and Medicines Act 1988 (persons over retiring age)”.

4 In paragraph (b) of section 36 (regulations about arrangements for general dental services) after the word “practitioners” there shall be inserted the words “and to section 8 of the Health and Medicines Act 1988 and regulations under that section”.

5 In section 78(2) (teaching hospital exemption from dental charges) for “(1)” there shall be substituted “(1A)”.

6 In subsection (1)(a) of section 83A (remission and repayment of charges and payment of travelling expenses) after “78(1)” there shall be inserted “or (1A)”.

7 (1) At the end of the heading for Schedule 1 (medical and dental inspection and treatment of pupils) there shall be added the words “AND THEIR EDUCATION IN DENTAL HEALTH”.

(2) In paragraph 1(a) of that Schedule, after the word “treatment” there shall be inserted the words “or for education in dental health”.

(3) In paragraph 3, for the words “paragraph (a) of section 5(1)” there shall be substituted the words “section 5”.

(4) In paragraph 4, for the words “paragraph (a) of section 5(1)” there shall be substituted the words “section 5”.

8 (1) The following sub-paragraph shall be substituted for sub-paragraph (1) of paragraph 2 of Schedule 12 (making and recovery of charges)—

“2 (1) The optical appliances referred to in section 78(1) above are glasses and contact lenses, and the charge for glasses and contact lenses which that subsection authorises is a charge of such sum as may be determined by or in accordance with directions given by the Secretary of State.”

(2) In sub-paragraph (3) of that paragraph, after “78(1)” there shall be inserted “or (1A)”.

(3) In sub-paragraph (4), for “(1)” there shall be substituted “(1A)”.

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National Health Service (Scotland) Act 1978

9 The ^{M2}National Health Service (Scotland) Act 1978 shall be amended as follows.

Marginal Citations

M2 1978 c. 29.

10 At the end of the second paragraph of section 23(5) (exclusion of right of appeal against refusal of application to provide general medical services) there shall be added the words “or under section 8 of the Health and Medicines Act 1988 (persons over retiring age) and regulations under that section”.

11 F1

Textual Amendments

F1 Sch. 2 para. 11 repealed by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), Sch. 10

12 In section 70(2) (teaching hospital exemption from dental charges) for “(1)” there shall be substituted “(1A)”.

13 In subsection (1)(a) of section 75A (remission and repayment of charges and payment of travelling expenses) after “70(1)” there shall be inserted “or, (1A)”.

14 In section 85(1A) (date on which certain allotments to take effect), after the word “above” there shall be inserted the words “or subsection (2)(a) below”.

15 (1) The following sub-paragraph shall be substituted for sub-paragraph (1) of paragraph 2 of Schedule 11 (making and recovery of charges)—

“(1) The optical appliances referred to in section 70(1) are glasses and contact lenses, and the charge for glasses and contact lenses which that subsection authorises is a charge of such sum as may be determined by or in accordance with directions given by the Secretary of State.”

(2) In sub-paragraph (3) of that paragraph, after “70(1)” there shall be inserted “or (1A)”.

(3) In sub-paragraph (4) for “(1)” there shall be substituted “(1A)”.

SCHEDULE 3

Section 25.

REPEALS

1966 c. 8.	National Health Service Act 1966.	Sections 1 to 9. Section 11. Section 12(2) and (3). The Schedule.
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1968 c. 46.	Health Services and Public Health Act 1968.	Section 63(3).
1972 c. 11.	Superannuation Act 1972.	In Schedule 6, paragraph 59.
1977 c. 49.	National Health Service Act 1977.	In section 5(1)(a), the words “and dental”, in both places where they occur, and the words “(and the additional provisions set out in Schedule 1 to this Act have effect in relation to this paragraph)”.
		Section 28(4).
		In section 37(a), the words “the approval of estimates of”.
		Section 58.
		Section 61.
		In section 62, the words “and sections 58 and 61 above”.
		Section 63(2).
		Section 66A.
		In section 78(1), the words “dental or”.
		In section 79(1), paragraph (a) and paragraph (d) and the word “or” immediately preceding it.
		In Schedule 12, in paragraph 2, in sub-paragraph (2), the words “dental or”, and paragraph (ii), paragraph 3(1) and in paragraph 6, the words from “and the reference” to the end.
		In Schedule 15, paragraph 36.
1978 c. 29.	National Health Service (Scotland) Act 1978.	In section 4(1), the words “the approval of estimates of”.
		In section 39, in subsection (1), the words “and dental”, in both places where they occur, and in subsection (4), the words “and dental”.

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		Section 50.
		Section 53.
		In section 54, the words “and sections 50 and 53”.
		Section 55(2).
		Section 58A.
		In section 70(1) the words “dental or”.
		In section 71(1), paragraph (a) and paragraph (d) and the word “or” immediately preceding it.
		In Schedule 11, in paragraph 2, in sub-paragraph (2), the words “dental or” and paragraph (ii), paragraph 3(1) and in paragraph 6, the words from “and the reference” to the end.
		In Schedule 16, paragraph 21.
1980 c. 53.	Health Services Act 1980.	Sections 10 and 11. Sections 17 and 19.
1984 c. 48.	Health and Social Security Act 1984.	Section 8.
		In Part I of Schedule 1, paragraph 2, and in Part II, paragraph 5.
1985 c. 9.	Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2, the entry relating to the National Health Service Act 1966.

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