



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART IV

MISCELLANEOUS MATTERS

Provision of general Application

59 Extension of power of user by Crown of patented invention to user for certain health services.

- (1) The powers exercisable in relation to a patented invention under section 46 of the ^{M1}Patents Act 1949 by a government department or a person authorised by a government department shall include power to make, use, exercise and vend the invention for the production or supply of drugs and medicines required for the provision of pharmaceutical services, [^{F1}general medical services, personal medical services, general dental services or personal dental services], and prescribed for the purposes of this section by regulations made by [^{F2}the Secretaries of State respectively concerned with health in England, in Wales and in Scotland] acting jointly; and any reference in that section or in section 47 or 48 of the Patents Act 1949 to the services of the Crown shall be construed accordingly.
- (2) In the foregoing subsection references to pharmaceutical services, general medical services and general dental services shall be construed as referring to services of those respective kinds under [^{F3}Part II of the ^{M2}National Health Service Act 1977], Part [^{F4}II] of the ^{M3}National Health Service (Scotland) Act [^{F4}1978] or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.
- [^{F5}(2A) In subsection (1), references to personal medical services and personal dental services are to be construed as references to services of those respective kinds under section 28C of the 1977 Act, section 17C of the 1978 Act or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.]

Status: Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation: Health Services and Public Health Act 1968, Section 59 is up to date with all changes known to be in force on or before 09 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)

- (3) The power conferred by subsection (1) above to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section shall extend to the Isle of Man.

Textual Amendments

- F1** Words in s. 59(1) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I**, para. 1(2); S.I. 1998/631, art. 2(1), Sch. 1, **Sch. 2** (subject as mentioned in art. 3(1)(3)(4))
- F2** Words substituted by S.I. 1969/388, **Sch. 1**
- F3** Words substituted by National Health Service Act 1977 (c. 49), **Sch. 15 para. 44**
- F4** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 26(1)**
- F5** S. 59(2A) inserted (1.4.1998) by 1997 c. 46, s. 41(1), **Sch. 2 Pt. I**, para. 1(2); S.I. 1998/631, art. 2(1), Sch. 1, **Sch. 2** (subject as mentioned in art. 3)

Marginal Citations

- M1** 1949 c. 87.
- M2** 1977 c. 49.
- M3** 1978 c. 29.

Status:

Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation:

Health Services and Public Health Act 1968, Section 59 is up to date with all changes known to be in force on or before 09 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.