



National Health Service Act 1977

1977 CHAPTER 49

PART I **E+W+S**

SERVICES AND ADMINISTRATION

Functions of the Secretary of State

1 Secretary of State's duty as to health service. **E+W+S**

- (1) It is the Secretary of State's duty to continue the promotion in England and Wales of a comprehensive health service designed to secure improvement—
- (a) in the physical and mental health of the people of those countries, and
 - (b) in the prevention, diagnosis and treatment of illness,
- and for that purpose to provide or secure the effective provision of services in accordance with this Act.
- (2) The services so provided shall be free of charge except in so far as the making and recovery of charges is expressly provided for by or under any enactment, whenever passed.

2 Secretary of State's general power as to services. **E+W+S**

Without prejudice to the Secretary of State's powers apart from this section, he has power—

- (a) to provide such services as he considers appropriate for the purpose of discharging any duty imposed on him by this Act; and
- (b) to do any other thing whatsoever which is calculated to facilitate, or is conducive or incidental to, the discharge of such a duty.

This section is subject to section 3(3) below.

Status: Point in time view as at 01/04/2000.

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Modifications etc. (not altering text)

- C1** S. 2: transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**
- C2** S. 2: functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I.2000/695, reg. 3(2)(a), **Sch. 1**

3 Services generally. E+W+S

- (1) It is the Secretary of State's duty to provide throughout England and Wales, to such extent as he considers necessary to meet all reasonable requirements—
- (a) hospital accommodation;
 - (b) other accommodation for the purpose of any service provided under this Act;
 - (c) medical, dental, nursing and ambulance services;
 - (d) such other facilities for the care of expectant and nursing mothers and young children as he considers are appropriate as part of the health service;
 - (e) such facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have suffered from illness as he considers are appropriate as part of the health service;
 - (f) such other services as are required for the diagnosis and treatment of illness.
- (2) Where any hospital provided by the Secretary of State in accordance with this Act was a voluntary hospital transferred by virtue of the ^{M1}National Health Service Act 1946, and—
- (a) the character and associations of that hospital before its transfer were such as to link it with a particular religious denomination, then
 - (b) regard shall be had in the general administration of the hospital to the preservation of that character and those associations.
- (3) Nothing in section 2 above or in this section affects the provisions of Part II of this Act (which relates to arrangements with practitioners for the provision of medical, dental, ophthalmic and pharmaceutical services).

Modifications etc. (not altering text)

- C3** S. 3(1)(a)-(f): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(a), **Sch. 1**
- C4** S. 3(1)(a)-(f): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

Marginal Citations

- M1** 1946 c. 81.

[^{F14} High security psychiatric services. E+W+S

- (1) The duty imposed on the Secretary of State by section 1 above to provide services for the purposes of the health service includes a duty to provide hospital accommodation and services for persons who are liable to be detained under the ^{M2}Mental Health Act 1983 and in his opinion require treatment under conditions of high security on account of their dangerous, violent or criminal propensities.

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- (2) The hospital accommodation and services mentioned in subsection (1) above are in this Act referred to as "high security psychiatric services".
- (3) High security psychiatric services shall be provided only at hospital premises at which services are provided only for the persons mentioned in subsection (1) above; and for this purpose "hospital premises" means—
 - (a) a hospital; or
 - (b) any part of a hospital which is treated as a separate unit.]

Textual Amendments

F1 S. 4 substituted (1.4.2000 for E.W.) by 1999 c. 8, s. 41(1); S.I. 1999/2793, art. 2(3)(a), Sch. 3

Modifications etc. (not altering text)

C5 S. 4: transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, Sch. 1

Marginal Citations

M2 1983 c.20.

5 Other services. **E+W+S**

- (1) It is the Secretary of State's duty—
 - (a) to provide for the medical . . . ^{F2} inspection at appropriate intervals of pupils in attendance at schools maintained by local education authorities ^{F3} . . . and for the medical . . . ^{F2} treatment of such pupils . . . ^{F4};
 - (b) to arrange, to such extent as he considers necessary to meet all reasonable requirements in England and Wales, for the giving of advice on contraception, the medical examination of persons seeking advice on contraception, the treatment of such persons and the supply of contraceptive substances and appliances.

[^{F5}(1A) It is also the Secretary of State's duty to provide, to such extent as he considers necessary to meet all reasonable requirements—

- (a) for the dental inspection of pupils in attendance at schools maintained by local education authorities ^{F3} . . .;
- (b) for the dental treatment of such pupils; and
- (c) for the education of such pupils in dental health.

(1B) Schedule 1 to this Act shall have effect.]

- (2) The Secretary of State may—
 - (a) provide invalid carriages for persons appearing to him to be suffering from severe physical defect or disability and, at the request of such a person, may provide for him a vehicle other than an invalid carriage (and the additional provisions set out in Schedule 2 to this Act have effect in relation to this paragraph);
 - (b) arrange to provide accommodation and treatment outside Great Britain for persons suffering from respiratory tuberculosis;
 - (c) provide a microbiological service, which may include the provision of laboratories, for the control of the spread of infectious diseases [^{F6}and carry

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on such other activities as in his opinion can conveniently be carried on in conjunction with that service];

- (d) conduct, or assist by grants or otherwise (without prejudice to the general powers and duties conferred on him under the ^{M5}Ministry of Health Act 1919) any person to conduct, research into any matters relating to the causation, prevention, diagnosis or treatment of illness, and into any such other matters connected with any service provided under this Act as he considers appropriate.

[^{F7}(2A) Charges may be made for service or materials supplied by virtue of paragraph (c) of subsection (2) above; and the powers conferred by that paragraph may be exercised both for the purposes of the health service and for other purposes.]

[^{F8}(2B) The Secretary of State's functions may be performed outside England and Wales, in so far as they relate—

- (a) to holidays for patients;
(b) to the transfer of patients to or from Scotland, Northern Ireland, the Isle of Man or the Channel Islands; or
(c) to the return of patients who have received treatment in England and Wales to countries or territories outside the British Islands.]

(3) ^{F9}

(4) The Public Health Laboratory Service Board continues in being for the purpose of exercising such functions with respect to the [^{F10} powers conferred by paragraph (c) of subsection (2) above as the Secretary of State may determine].

(5) The Board shall continue to be constituted in accordance with Part I of Schedule 3 to this Act, and the additional provisions set out in Part II of that Schedule have effect in relation to the Board.

Textual Amendments

- F2** Words repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), ss. 10(1)(a), 25(2), **Sch. 3**
- F3** Words in s. 5(1)(a)(1A)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-23)
- F4** Words repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), **Sch. 3**
- F5** [S. 5\(1A\)\(1B\)](#) inserted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. **10(1)(b)**
- F6** Words substituted by [Public Health Laboratory Service Act 1979 \(c. 23, SIF 113:1\)](#), s. **1(1)**
- F7** [S. 5\(2A\)](#) inserted by [Public Health Laboratory Service Act 1979 \(c. 23, SIF 113:1\)](#), s. **1(2)**
- F8** [S. 5\(2B\)](#) added by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. **9(1)**
- F9** [S. 5\(3\)](#) repealed by [Social Security Act 1988 \(c. 7, SIF 113:1\)](#), s. 16(2), **Sch. 5**
- F10** Words substituted by [Public Health Laboratory Service Act 1979 \(c. 23, SIF 113:1\)](#), s. **1(3)**

Modifications etc. (not altering text)

- C6** [S. 5\(1\)-\(1B\)](#) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**
[S. 5\(1\)-\(1B\)](#) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**
- C7** [S. 5\(1\)\(a\)\(b\)\(1A\)](#): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**
- C8** [S. 5\(2\)\(d\)](#): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(a), **Sch. 1** (as amended (E.) (1.4.2002) by S.I. 2002/555, reg. 3(3))
- C9** [S. 5\(2\)\(b\)\(d\)](#): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**
- C10** [S. 5\(2B\)](#) modified (23.5.1991) by S.I. 1991/1236, art. 2(b) (which S.I. revoked S.I. 1991/577)

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M3 1919 c. 21(57).

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