



National Health Service (Scotland) Act 1978

CHAPTER 29

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

PART I

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SCHEDULES

SCHEDULE 1 — Health Boards

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Constitution

- 1 A Health Board shall be a body corporate and shall...
- 2 A Health Board shall consist of a chairman appointed by...
- 2A In the case of a prescribed Health Board at least...
- 3 Appointments under paragraph 2 shall be made after consultation with...
- 3A A person appointed as chairman of a Health Board may...
- 4 The Secretary of State may pay to the chairman of...
- 5 A Health Board may employ such officers and servants on...
- 5A Regulations or directions under paragraph 5 may provide for approvals,...
- 6 Regulations may make provision with respect to the method of...
- 6A Notwithstanding paragraph 7 of this Schedule, where the registration of...
- 7 No officer or servant of a Health Board to whom...
- 7A Regulations may provide for the transfer of officers and servants...
- 7B Directions may be given by the Secretary of State—
- 7C Before making regulations under paragraph 7A or 8A, the Secretary...
- 8 Regulations under paragraph 6 shall not contain a requirement that...
- 8A In connection with arrangements relating to community care services (within...
- 9 The application of the seal of a Health Board to...
- 10 Every document purporting to be an instrument issued by a...

Part II

Supplementary provisions

- 10A (1) An elected member holds office for a period beginning...
- 11 Regulations may make provision— (a) as to the appointment, tenure...
- 11A A Health Board may subscribe to the funds of any...
- 12 The proceedings of a Health Board shall not be invalidated...
- 13 The Secretary of State shall pay to members of a...
- 14 Allowances shall not be paid under paragraph 13 except in...
- 15 Payment under paragraph 13 shall be made at such times...
- 16 A Health Board may by agreement transfer to the Hospital...
- 17 A Health Board may borrow from the Hospital Trust against...
- 18 The functions transferred to and exercisable by Health Boards under...
- 19 The Secretary of State may, with any necessary modifications, by...

SCHEDULE 1A — Health Board elections

Health Board elections

- 1 An election held under this Schedule is known as a...

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Timing of Health Board elections

- 2 (1) A Health Board must hold the first Health Board...

Electoral wards

- 3 (1) Each Health Board area is to be comprised of...

Conduct of election

- 4 (1) Election regulations must appoint an individual as the returning...
5 (1) The nomination of a candidate must be made—
6 If, at the end of the nomination period, the number...
7 (1) In any other case, the elected members are to...

Candidates

- 8 (1) An individual is disqualified from being a candidate in...

Franchise

- 9 (1) An individual is entitled to vote at a Health...

Election expenses

- 10 Election regulations may make provision about the expenses which may...

Vacancies

- 11 (1) This paragraph applies if— (a) a returning officer declares...

Election regulations

- 12 (1) The Scottish Ministers may make regulations (“ election regulations...)

SCHEDULE 2 — The Medical Practices Committee

- 1 The Medical Practices Committee shall consist of a chairman, who...
2 The chairman and members shall be appointed by the Secretary...
3 The Secretary of State may make regulations with respect to...
4 The Secretary of State may provide the services of such...
5 The proceedings of the Committee shall not be invalidated by...

SCHEDULE 3 — The Planning Council

SCHEDULE 4 — University Liaison Committees

The University Liaison Committee for any area or combination of...

SCHEDULE 5 — The Agency

- 1 The Agency shall be a body corporate and shall have...
2 The affairs of the Agency shall be managed by a...
3 The management committee shall consist of a chairman appointed by...
3A The Secretary of State may pay to the chairman of...
4 The proceedings of the management committee shall not be invalidated...
5 The Secretary of State shall pay to members of the...

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- 6 Allowances shall not be paid under paragraph 5 except in...
- 7 The Agency may employ such officers and servants on such...
- 7A Regulations or directions under paragraph 7 may provide for approvals,...
- 7B Regulations may provide for the transfer of officers and servants...
- 7C Directions may be given by the Secretary of State—
- 8 Regulations may make provision with respect to—
- 8A In connection with arrangements relating to community care services (within...
- 8B Before making regulations under paragraph 7B or 8A, the Secretary...
- 9 No officer or servant of the Agency to whom regulations...
- 10 The application of the seal of the Agency to any...
- 11 Every document purporting to be an instrument issued by the...
- 12 The Secretary of State may exercise the powers conferred by...

SCHEDULE 5A — Healthcare Improvement Scotland

Status

- 1 (1) Healthcare Improvement Scotland is a body corporate.

Membership of HIS

- 2 (1) HIS is to consist of the following members—

Terms of appointment etc.

- 3 (1) Each member of HIS is to be appointed for...

Removal of members

- 4 The Scottish Ministers may, by written notice, remove a member...

Disqualification from membership

- 5 A person is disqualified from appointment, and from holding office,...

Remuneration and allowances for members

- 6 HIS must pay to each of its members such—

Chief executive and other employees

- 7 (1) HIS is to employ a chief executive.

Committees

- 8 (1) HIS may establish committees for any purpose relating to...

Procedure and meetings

- 9 (1) HIS may determine its own procedure and that of...

General powers

- 10 (1) HIS may do anything which appears to be necessary...

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Delegation of functions

- 11 (1) HIS may, subject to sub-paragraphs (2) and (3) authorise—...

Location of office

- 12 HIS's determination of the location of its office premises is...

Accounts

- 13 (1) HIS must— (a) keep proper accounts and accounting records;...

Reports

- 14 (1) As soon as practicable after the end of each...

SCHEDULE 6 — The Hospital Trust

Part I

Constitution

- 1 The Hospital Trust (hereafter in this Schedule referred to as...
2 The Trust shall be a body corporate.
3 The proceedings of the Trust shall not be invalidated by...

Part II

Powers

- 4 The Trust shall have the following powers—
5 (1) It shall be the duty of the Trust to...
6 (1) Regulations may prescribe the method of calculating the capital...
7 (1) The Trust shall, at such date or dates in...
8 The total annual expenses of administration of the Trust shall...
9 Regulations may make provision in respect of any of the...
10 (1) The accounts of the Trust shall be audited annually...

SCHEDULE 7 — The Research Trust

- 1 The Research Trust shall consist of a chairman appointed by...
2 The Research Trust shall be a body corporate.
3 The Secretary of State may make regulations for—
4 The Research Trust shall have power to purchase land and...
5 The Research Trust shall have, in relation to their funds,...
6 Where the Research Trust borrow money or draw upon capital...
7 The proceedings of the Research Trust shall not be invalidated...

SCHEDULE 7A — National Health Service Trusts

Part I — ORDERS ESTABLISHING NHS TRUSTS ETC.

- 1 Any reference in this Part of this Schedule to an...
2 The provisions made by an order shall be in conformity...
3 (1) Without prejudice to any amendment made by subsequent order,...
4 (1) An order may require a Health Board and the...
5 (1) An order may provide for the establishment of an...

Part II — DUTIES, POWERS AND STATUS OF NHS TRUSTS

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Specific duties

- 6 (1) An NHS trust shall carry out effectively, efficiently and...
- 7 (1) For each accounting year an NHS trust shall prepare...
- 8 An NHS trust shall furnish to the Secretary of State...
- 9 (1) An NHS trust shall be liable to pay—

Specific powers

- 10 An NHS trust may enter into NHS contracts.
- 11 An NHS trust may undertake and commission research and make...
- 12 An NHS trust may— (a) provide training for persons employed...
- 13 An NHS trust may enter into arrangements for the carrying...
- 14 According to the nature of its functions, an NHS trust...
- 15 For the purpose of making additional income available in order...

General powers

- 16 Subject to Schedule 7B, an NHS trust shall have power...
- 17 In connection with arrangements relating to community care services
(within...
- 18 Regulations made under paragraph 17 may make such incidental and...
- 19 Before making regulations under paragraph 17, the Secretary of State...
- 20 (1) Without prejudice to the generality of paragraph 16, to...

Status

- 21 An NHS trust shall not be regarded as the servant...
- Part III — SUPPLEMENTARY PROVISIONS

Reimbursement for health services work carried out otherwise than under contract

- 22 (1) In any case where an NHS trust provides goods...
- 23 In any case where an NHS trust provides goods or...

Use and development of land used for religious purposes and burial grounds

- 24 Where land consisting of a church or other building used...
Part IV — DISSOLUTION
- 25 (1) The Secretary of State may by order dissolve an...
- 26 (1) If an NHS trust is dissolved under this Part...
- 27 If an NHS trust is dissolved under this Part of...
- 28 An NHS trust may not be dissolved or wound up...

SCHEDULE 7B — Financial Provisions relating to NHS Trusts

Borrowing

- 1 (1) Subject to the provisions of this paragraph and to...

Guarantees of borrowing

- 2 (1) The Secretary of State may guarantee, in such manner...

Surplus funds

- 2A In any financial year the net aggregate amount of sums...

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2B In paragraph 2A above, “ net aggregate amount ” means...

Limits on indebtedness

- 3 (1) The aggregate of all sums borrowed by NHS trusts...
- 4 Any power to make an order under paragraph 3 shall...

Additional public dividend capital

- 5 (1) If the Secretary of State, with the consent of...

Surplus funds

- 6 If it appears to the Secretary of State that any...

Investment

- 7 An NHS trust may not invest any money held by...
- 8 Any direction with respect to— (a) the power conferred on...

SCHEDULE 8 — The Tribunal

- 1 The Tribunal for the purposes of section 29 shall consist...
- 2 The chairman shall be a practising advocate or solicitor of...
- 3 One of the other members shall be a person appointed...
- 4 The remaining member (hereafter referred to as “the practitioner member”)...
- 5 For the purposes of paragraph 4, the Secretary of State...
- 6 If any member of the Tribunal is unable to act...
- 7 Regulations may make provision— (a) with respect to the appointment,...
- 8 (1) The functions of the Tribunal shall be exercised by...

SCHEDULE 9 — Additional Provisions as to Prohibition of Sale of Medical Practices

Prohibition, and certificate of Practices Committee

- 1 (1) Any person who sells or buys the goodwill, or...

Certain transactions deemed sale of goodwill

- 2 (1) Where— (a) any medical practitioner or his personal representative...

Carried-over goodwill

- 3 The fact that a person’s medical practice was previously carried...

SCHEDULE 10 — Additional Provisions as to the Control of Maximum Prices for Medical Supplies

Orders and directions

- 1 (1) Any power of making orders under section 49 includes...

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Notices, authorisations and proof of documents

- 2 (1) A notice to be served on any person for...

Territorial extent

- 3 So far as any provisions contained in or having effect...

False documents and false statements

- 4 (1) A person shall not, with intent to deceive—

Restrictions on disclosing information

- 5 No person who obtains any information by virtue of section...

Offences by corporations

- 6 Where an offence under this Schedule committed by a body...

Penalties

- 7 (1) If any person contravenes or fails to comply with...

Production of documents

- 8 (1) For the purposes— (a) of securing compliance with any...

- 9 (1) If a sheriff, magistrate or justice of the peace...

SCHEDULE 11 — Additional Provisions as to Regulations for the Making and Recovery of Charges

Regulations under section 69—charges for drugs, medicines or appliances, or pharmaceutical services

- 1 (1) No charge shall be made under section 69(1) in...

Regulations under section 70—charges for dental or optical appliances

- 2 (1) The optical appliances referred to in section 70(1) are...

- 2A (1) It shall be the duty of the Secretary of...

Regulations under section 71—charges for dental treatment

- 3 (1) (2) Regulations may vary the amount or the maximum...

Miscellaneous Provisions

- 4 For the purposes of section 39(2) (which provides for the...

- 5 Regulations may provide for the remission or repayment of any...

- 6 For the purposes of sections 69 and 70 and of...

- 7 References in this Schedule to qualifying full-time education mean full-time...

SCHEDULE 12 — Inquiries

- 1 The Secretary of State shall appoint a person to hold...

- 2 The Secretary of State or the person appointed to hold...

- 3 The person appointed to hold the inquiry may by notice...

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- 4 The person appointed to hold the inquiry may administer oaths...
- 5 Any person who refuses or wilfully neglects to attend in...
- 6 The expenses incurred by the Secretary of State in relation...
- 7 The Secretary of State may make orders as to the...
- 8 Any order by the Secretary of State under paragraph 6...

SCHEDULE 13 — Acquisition of Property Other than Land

- 1 Where under this Act, in connection with the acquisition of...
- 2 If any objection is duly made the Secretary of State...
- 3 The property with respect to which a notice is served...
- 4 Where any property is acquired in accordance with this Schedule...
- 5 Where property in respect of which compensation is payable as...
- 6 Any such compensation shall carry interest, as from the time...
- 7 Where any sum by way of compensation is paid in...

SCHEDULE 14 — Action not subject to investigation by the Commissioner

- 1 Action taken by medical practitioners, dental practitioners, ophthalmic or dispensing...
- 2 Action taken in connection with the diagnosis of illness or...
- 3 Action taken by a Health Board or a Joint Ophthalmic...
- 4 Action taken in respect of appointments or removals, pay, discipline,...
- 5 Action taken in matters relating to contractual or other commercial...
- 6 Action which has been or is the subject of an...
- 7 Action in relation to which the protective functions of the...

SCHEDULE 15 — Transitional Provisions and Savings

General

- 1 (1) In so far as— (a) any agreement, appointment, apportionment,...
- 2 Where any enactment passed before the commencement of this Act,...
- 3 Where any period of time specified in an enactment repealed...

Section 37 of the National Health Service (Scotland) Act 1947

- 4 Notwithstanding the repeal by this Act of section 37 of...

Persons authorised to provide pharmaceutical services

- 5 A person who for three years immediately before 16th December...

Disqualification of practitioners

- 6 Where by virtue of section 43(8) of the National Health...

Section 4 of the Health Services and Public Health Act 1968

- 7 An undertaking given before the coming into force of section...

Compensation of officers

- 8 Notwithstanding the repeal by the National Health Service (Scotland) Act...

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Vehicles under section 33 of the Health Services and Public Health Act 1968

9 The provision of vehicles as mentioned in section 33 of...

Saving of amendments

10 Notwithstanding the repeal by this Act of sections 53 and...

Transfer of property of voluntary organisations

11 Notwithstanding the repeal by this Act of section 23(2) of...

Investigations by the Health Service Commissioner for Scotland

12 Notwithstanding the dissolution by the National Health Service (Scotland) Act...

Permission deemed to have been granted under section 9(5) of the Health Services Act 1976

13 Where under any arrangements terminated by virtue of section 9(5)...

Borrowing from the Hospital Trust by Boards of Management and Regional Hospital Boards

14 Notwithstanding the repeal by this Act of the provisions of...

Health functions of local authorities

15 Notwithstanding the repeal by this Act of section 27 of...

SCHEDULE 16 — Consequential Amendments of Enactments

The Polish Resettlement Act 1947

1 In section 11(3)(b) (application to Scotland), for the words “the...

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

2 In section 1(1)(d) (compulsory purchase of land by the Secretary...

The National Assistance Act 1948

3 (1) In section 47 (removal of persons in need of...

The Law Reform (Personal Injuries) Act 1948

4 In section 2(4) (measure of damages), for the words “National...

The Children Act 1948

5 In section 59(1) (interpretation), in the definition of “hospital”, for...

The Nurseries and Child Minders Regulation Act 1948

6 In section 13(2) (interpretation), in the definition of “hospital”, for...

The Nurses (Scotland) Act 1951

7 In section 22 (expenditure of training nurses), in subsection (1),...

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The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

- 8 In Schedule 2 (relevant service), in item 15, for the...
- 9
- 10
- 11
- 12, 13

The Public Bodies (Admission to Meetings) Act 1960

- 14 In paragraph (2) of the Schedule (bodies to which Act...
- 15—18
- 19

The Redundancy Payments Act 1965

- 20 In Schedule 3 (National Health Service Employers), in paragraph 7,...

The National Health Service 1966

- 21
- 22 In section 10— (a) in subsection (1), for words “Part...
- 23 In section 11, for words “1947” substitute the words “1978”....

The Superannuation (Miscellaneous Provisions) Act 1967

- 24 In section 7(5) (superannuation provisions of the National Health Service...
- 25

The Health Services and Public Health Act 1968

- 26 (1) In section 59(2) (extension of power), for the words...
- 27 In section 64 (financial assistance to voluntary organisations)—
- 28 In section 65(6) (assistance by local authorities to voluntary organisations),...

The Social Work (Scotland) Act 1968

- 29 (1) In section 60(1)(f) (control of certain establishments), for the...

The Medicines Act 1968

- 30 In section 131(5) (meaning of certain expressions), for the words...
- 31 In section 132(1) (interpretation), in the definition of “health centre”,...

The Post Office Act 1969

- 32 In section 86(1) (interpretation), in paragraph (b) of the definition...

The Chronically Sick and Disabled Persons Act 1970

- 33 In section 17(1) (separation of younger from older patients), for...
- 34

The Tribunals and Inquiries Act 1971

- 35 In paragraph 41 of Part II of Schedule 1 (tribunals...

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The Finance Act 1971

- 36 In Schedule 13 (health service agreement) in paragraph 1(1) for...
37

The Local Government (Scotland) Act 1973

- 38 In section 197 (inspection of documents) for the words "1972"...

The Trade Union and Labour Relations Act 1974

- 39 In section 30(2) (interpretation), in paragraph (a), for the words...

The Social Security Act 1975

- 40 In section 37A(6) (mobility allowance), in paragraph (a) for the...

The Criminal Procedure (Scotland) Act 1975

- 41 In section 462 (interpretation), in the definition of "hospital", for...

The House of Commons Disqualification Act 1975

- 42 In Schedule 1 in Part II (bodies of which all...
43
44

The Patents Act 1977

- 45 In section 56(4), in paragraph (a), for the words "Part..."

SCHEDULE 17 — Repeals

Status:

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