



# National Health Service (Scotland) Act 1978

## CHAPTER 29

### NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

#### PART I

##### ORGANISATION

###### *Secretary of State*

- 1 General duty of Secretary of State.
- 1A Duty of the Scottish Ministers to promote health improvement

###### *Administrative bodies*

- 2 Health Boards.
- 2A Duty of Health Board, Special Health Board, the Agency and HIS to promote health improvement
- 2B Duty to encourage public involvement
- 2C Functions of Health Boards: primary medical services
- 2CB Functions of Health Boards outside Scotland (1) Where it is...
- 2CB Functions of Health Boards: planning of pharmaceutical care services
- 2D Equal opportunities
  - 3 Scottish Medical Practices Committee.
  - 4 Scottish Dental Estimates Board.

###### *Community health partnerships*

- 4A Community health partnerships
- 4B Community health partnerships: further provision

*Status: Point in time view as at 19/06/2024.*

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### *National advisory bodies*

#### 5—6 Organisation

#### *Local advisory bodies*

- 7 Local health councils.
- 8 University Liaison Committees.
- 9 Local consultative committees.

#### *Agency for Secretary of State and other bodies*

- 10 Common Services Agency.
- 10ZA Provision of patient advice and support service

#### *Healthcare Improvement Scotland*

- 10A Healthcare Improvement Scotland

#### *Principles*

- 10B Principles

#### *Functions related to the health service*

- 10C Health service functions
- 10D Health service functions: further provision

#### *Functions related to independent health care*

- 10E Independent health care functions

#### *Meaning of “ independent health care services ”*

- 10F Meaning of “independent health care services”
- 10G Power to modify definitions

#### *Standards and outcomes*

- 10H Standards and outcomes

#### *Inspections*

- 10I Inspections of services provided under the health service or under the 2021 Act
- 10J Inspections of independent health care services
- 10K Authorised persons
- 10L Inspections: best regulatory practice
- 10M Inspections at request of Scottish Ministers
- 10N Inspections: reports
- 10O Regulations relating to inspections

#### *Registration*

- 10P Registration of independent health care services
- 10Q Grant or refusal of registration

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*Improvement notices*

10R Improvement notices: independent health care services

*Proposals and applications in relation to registered independent health care services*

10S Cancellation of registration  
10T Emergency cancellation of registration  
10U Condition notices  
10V Emergency condition notices  
10W Application of Act to condition notices following emergency condition notices  
10X Emergency condition notices: appeals  
10Y Applications in respect of conditions  
10Z Further provision as respects notice of proposals  
10Z1 Right to make representations to HIS as respects proposals

*Notice of decision on application for registration*

10Z2 Notice of HIS's decisions

*Conditions as to numbers*

10Z3 Conditions as to numbers

*Appeal against decision to implement proposal*

10Z4 Appeal against decision to implement proposal

*Fees*

10Z5 Registration fees

*Regulations*

10Z6 Regulations: registers and registration  
10Z7 Regulations: independent health care services

*Complaints about independent health care services*

10Z8 Complaints about independent health care services

*Offences*

10Z9 Offences in relation to registration  
10Z10 False statements in applications  
10Z11 Offences by bodies corporate etc.

*Inquiries*

10Z12 Inquiries

*Arrangements to provide independent health care services: registration*

10Z13 Arrangements entered into by certain bodies: services to be registered

*Duty of certain bodies to be aware of reports, etc.*

10Z14 Local authorities and other bodies: awareness of HIS reports etc.

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### *Giving of notice*

10Z15 Giving of notice

### *Scottish Health Council*

10Z16 Establishment of Scottish Health Council

### *Miscellaneous*

10Z17 Transfer of staff

10Z18 “ Provide ” in relation to independent health care services

### *Consultation with Mental Welfare Commission for Scotland*

10Z19 Duty of HIS to consult the Mental Welfare Commission for Scotland

### *Trusts*

- 11 Scottish Hospital Trust.
- 12 Scottish Hospital Endowments Research Trust.
- 12A National Health Service trusts.
- 12AA Additional functions of NHS trusts.
- 12B Transfer of staff to NHS trusts.
- 12C Supplementary provisions as to transfer of staff.
- 12CA Transfer of staff among health service bodies.
- 12D Transfer of property rights and liabilities to NHS trusts.
- 12DA Stamp duty land tax
- 12E Originating capital debt of, and other financial provisions relating to NHS trusts.
- 12F Financial obligations of NHS trusts.
- 12G Trust property of NHS trusts.

### *Quality*

- 12H Duty of quality.
- 12I Duty in relation to governance of staff

### *Staffing*

- 12IA Duty to ensure appropriate staffing
- 12IB Duty to ensure appropriate staffing: agency workers
- 12IC Duty to have real-time staffing assessment in place
- 12ID Duty to have risk escalation process in place
- 12IE Duty to have arrangements to address severe and recurrent risks
- 12IF Duty to seek clinical advice on staffing
- 12IG Duty to ensure appropriate staffing: number of registered healthcare professionals etc.
- 12IH Duty to ensure adequate time given to clinical leaders
- 12II Duty to ensure appropriate staffing: training of staff
- 12IJ Duty to follow common staffing method
- 12IK Common staffing method: types of health care
- 12IL Training and consultation of staff
- 12IM Reporting on staffing
- 12IN Ministerial guidance on staffing
- 12IO Interpretation of sections 12H to 12IN

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### *HIS functions in relation to staffing*

- 12IP HIS: monitoring compliance with staffing duties
- 12IQ HIS: monitoring and review of common staffing method
- 12IR HIS: monitoring and development of staffing tools
- 12IS HIS: duty to consider multi-disciplinary staffing tools
- 12IT HIS: duty on Health Boards to assist staffing functions
- 12IU HIS: power to require information
- 12IV HIS: ministerial guidance on staffing functions
- 12IW Interpretation of sections 12IP to 12IV

### *Co-operation and assistance*

- 12J Health Boards: co-operation with other Health Boards, Special Health Boards and the Agency
- 12K Power of Health Board to carry out other Health Board's functions
- 13 Co-operation between Health Boards and other authorities.
- 13A Co-operation in planning of services for disabled persons, the elderly and others.
- 13B [ Joint Liaison Committees.
- 14 Designated medical officers.
- 15 Supply of goods and services to local authorities, etc.
- 16 Assistance to voluntary organisations.
- 16A Power to make payments towards expenditure on community services.
- 16B Financial assistance by the Secretary of State to voluntary organisations.
- 17 Organisation
- 17AA Provision of certain services under NHS contracts.
- 17A NHS contracts.
- 17B Reimbursement of Health Board's costs.
- 17C Personal medical or dental services.
- 17CA Primary medical services: persons with whom agreements can be made
- 17D Personal dental services: persons with whom agreements may be made.
- 17E Personal medical or dental services: regulations.
- 17EA Services lists
- 17EB Application for inclusion in services list
- 17F Right to choose medical practitioner.
- 17G Right to choose dental practitioner.
- 17H Immunisation.
- 17I Use of accommodation.

### *General medical services contracts*

- 17J Health Boards' power to enter into general medical services contracts
- 17K Mandatory contract term: provision of prescribed primary medical services
- 17L Eligibility to be contractor under general medical services contract
- 17M Payments by Health Boards under general medical services contracts
- 17N Other mandatory contract terms
- 17O Resolution of disputes and entry into NHS contracts

### *Persons performing primary medical services*

- 17P Persons performing primary medical services
- 17Q Assistance and support

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### *Pharmaceutical care services contracts*

- 17R Mandatory contract term: provision of prescribed pharmaceutical care services
- 17S Eligibility to be contractor under pharmaceutical care services contract
- 17T Payments by Health Boards under pharmaceutical care services contracts
- 17U Other mandatory contract terms: pharmaceutical care services contracts
- 17V Resolution of disputes and entry into NHS contracts: pharmaceutical care services contracts

### *Drug Tariff*

- 17W Drug Tariff

### *Persons performing pharmaceutical care services*

- 17X Persons performing pharmaceutical care services

### *Assistance and support: primary medical services and pharmaceutical care services*

- 17Y Assistance and support: primary medical services and pharmaceutical care services

## **PART II**

### **PROVISION OF SERVICES**

#### *General Services*

- 18 Duty of Secretary of State.

#### *General medical services*

- 19 Arrangements and regulations for general medical services.
- 19A Medical lists.
- 19B Vacancies for medical practitioners.
- 20 Applications to provide general medical services.
- 21 Requirement of suitable experience.
- 22 Regulations as to section 21.
- 23 Distribution of general medical services.
- 24 Regulations for Medical Practices Committee.
- 24A Liabilities and obligations in relation to deputies.
- 24B Supplementary lists
- 24C Application for inclusion in supplementary list

#### *General dental services*

- 25 Arrangements for provision of general dental services.

#### *General ophthalmic services*

- 26 Arrangements for provision of general ophthalmic services.

#### *Pharmaceutical services*

- 27 Arrangements for provision of pharmaceutical services.
- 27A Arrangements for providing additional pharmaceutical services.

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- 27B Terms and conditions etc.
- 28 Persons authorised to provide pharmaceutical services.

*Remuneration for services*

- 28A Remuneration for Part II services.
- 28B Part II remuneration: supplementary.
- 28C Indemnity cover.

*Assistance and support: general dental services*

- 28D Assistance and support: general dental services

*Provisions as to disqualification of practitioners*

- 29 The NHS tribunal.
- 29A The NHS Tribunal: supplementary.
- 29B Powers of NHS Tribunal.
- 29C Conditional disqualification etc.
- 30 Review etc. of disqualification.
- 31 Disqualification provisions in England or Wales or Northern Ireland.
- 32 Regulations as to sections 29 to 31.
- 32A Applications for interim suspension.
- 32B Suspension pending appeal.
- 32C Sections 32A and 32B: procedure etc.
- 32D Corresponding provision in England or Wales or Northern Ireland
- 32E Payments in consequence of suspension.

*Supplementary provisions relating to Part II*

- 33 Powers of Secretary of State where services are inadequate.
- 34 Exercise of choice of medical practitioner etc. in certain cases.
- 35 Sale of medical practices.
- 35A Interpretation of Part II.

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- 36 Accommodation and services.
- 37 Prevention of illness, care and after-care.
- 38 Care of mothers and young children.
- 38A Breastfeeding
- 38B Detection of vision problems in children
- 39 Medical and dental inspection, supervision and treatment of pupils and young persons.
- 40 Vaccination and immunisation.
- 41 Family planning.
- 42 Health education.
- 43 Control of spread of infectious disease.
- 44 Supplies of blood and other substances.
- 45 Ambulances.
- 46 Provision of vehicles for persons suffering from physical defect or disability.
- 46A Provision of communication equipment
- 47 Educational and research facilities.

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48 Residential and practice accommodation.

#### PART IV

##### POWERS OF THE SECRETARY OF STATE

###### *Control of maximum prices for medical supplies*

49 Maximum prices of medical supplies may be controlled.

###### *Additional powers as to services and supplies; and the use of those services and supplies for private patients*

50 .....  
51, 52 .....  
53 .....  
54 Restriction of powers under sections 44, 50 and 53.

###### *Further provisions as to payments by patients for health service accommodation and services*

55 Hospital accommodation on part payment.  
56 Expenses payable by remuneratively employed resident patients.  
57 Accommodation and services for private patients.  
58A .....  
59—63 .....

###### *Use by practitioners of health service accommodation and facilities for private practice*

64 Permission for use of facilities in private practice.  
65—68 .....

###### *Regulations as to certain charges*

69 Charges for drugs, medicines or appliances or pharmaceutical services.  
70 Charges for dental or optical appliances.  
71 Charges for dental treatment.  
71A Calculation of charges for dental appliances and treatment.  
72 Charges in respect of services etc. provided under sections 37, 38 and 41.  
73 Charges for more expensive supplies.  
74 Charges for repairs and replacements in certain cases.  
75 Sums otherwise payable to those providing services.  
75A Remission and repayment of charges and payment of travelling expenses.  
75B Reimbursement of the cost of services provided in another EEA State  
75BA Reimbursement of the cost of services provided in another EEA State where expenditure is incurred on or after 25 October 2013.  
75BB Prior authorisation for the purposes of section 75BA  
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75C Prior authorisation  
75D Deduction of NHS charges

###### *Inquiries, and default and emergency powers*

76 Inquiries.  
77 Default powers.  
78 Emergency powers.



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- 78A Powers in case of service failure
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- 79 Purchase of land and moveable property.
- 80 Transferred property free of trusts.
- 81 Power of voluntary organisations to transfer property to Secretary of State.

#### *Trust property*

- 82 Use and administration of certain endowments and other property held by Health Boards.
- 83 Power of Health Boards and local health councils to hold property on trust.
- 84 Power of trustees to make payments to Health Boards.
- 84A Power to raise money, etc., by appeals, collections, etc.

#### *Joint ventures*

- 84B Joint ventures

#### *Finance and accounts*

- 85AA Means of meeting expenditure of Health Boards out of public funds.
- 85AB Further provision as to expenditure on drugs.
  - 85 Expenses of certain bodies.
- 85A Financial duties of bodies referred to in section 85.
- 85B Schemes for meeting losses and liabilities etc. of certain health service bodies.
  - 86 Accounts of Health Boards and the Agency.
  - 87 Regulation of financial arrangements of Health Boards, the Agency and the Dental Estimates Board.

#### *Fund-holding practices*

- 87A Recognition of fund-holding practices of doctors.
- 87B Payments to recognised fund-holding practices.
- 87C Renunciation and removal of recognition as a fund-holding practice and withholding of funds.

#### *Indicative amounts*

- 87D Indicative amounts for doctors' practices.

#### *Remuneration, allowances and superannuation*

- 88 Payment of allowances and remuneration to members of certain bodies connected with the health services.
- 89 Superannuation of officers of certain hospitals.

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### THE HEALTH SERVICE COMMISSIONER FOR SCOTLAND

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- 91 Salary and pension of Commissioner.
- 92 Administrative provisions.
- 92A Appointment of acting Commissioner.
- 93 Bodies and action subject to investigation.
- 94 Provisions relating to complaints.
- 95 Application of certain provisions of the Parliamentary Commissioner Act 1967.
- 95A Consulting other Commissioners.
- 96 Reports by Commissioner.
- 97 Interpretation of Part VI.

## PART VII

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#### *Miscellaneous*

- 98 Charges in respect of non-residents.
- 99 Evasion of charges.
- 99ZA Recovery of charges and payments.
- 99ZB (1) Regulations may provide that, where a person fails to...
- 99A Holidays for patients etc.
- 100 Accommodation for persons displaced in course of development.
- 101 Protection of Health Boards and Common Services Agency.
- 102 State hospitals.
- 103 Arbitration.
- 104 Exemption from stamp duty.
- 104A Exemption from stamp duty land tax

#### *Supplementary*

- 105 Orders, regulations and directions.
- 106 Supplementary regulatory powers.
- 107 Local enactments.
- 108 Interpretation and construction.
- 109 Transitional provisions and savings, consequential amendments and repeals.
- 110 Citation, extent and commencement.

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## SCHEDULES

### SCHEDULE 1 — Health Boards Part I

#### *Constitution*

- 1 A Health Board shall be a body corporate and shall...
- 2 (1) A Health Board is to consist of the following...
- 2A In the case of a prescribed Health Board at least...
- 3 An appointed member may be appointed only after consultation with...

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- 3A A person appointed as chairman of a Health Board may...
- 4 The Secretary of State may pay to
- 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 (1) Sub-paragraph (3) applies where the registration of a dental...
- 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 ...,...
- 9 .....
- 10 .....

## 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...

#### *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...

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### *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 —

- 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...  
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 ...,...  
8B Before making regulations under paragraph 7B or 8A, the Secretary...  
9 No officer or servant of the Agency to whom regulations...  
10 .....  
11 .....  
12 The Secretary of State may exercise the powers conferred by...

#### SCHEDULE 5A — Healthcare Improvement Scotland

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*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.

*Medical reviewers*

- 7A (1) HIS must appoint persons employed under paragraph 7(5) to...

*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...

*Delegation of functions*

- 11 (1) HIS may, subject to sub-paragraphs (2) to (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...

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## SCHEDULE 6 — 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 Subject to paragraph 3A, the Research Trust shall consist of...
- 3A (1) The persons who are the members of the Research...
- 3B (1) Subject to the provisions of this Schedule, the appointment...
- 3C A person who ceases to be a member of the...
- 3D The Research Trust may make payments from their funds to...
- 3E (1) The Research Trust may appoint such staff, on such...
- 3F (1) The Research Trust— (a) shall make and maintain standing...
- 3G The Research Trust may do anything which appears to them...
- 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 .....

## 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

#### *Specific duties*

- 6 (1) In carrying out the functions for the time being...
- 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.

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- 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 ...
- 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 .....

*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 any direction given by the Secretary of...

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

*Limits on indebtedness*

- 3 .....
- 4 .....

*Additional public dividend capital*

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

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### *Surplus funds*

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

### *Investment*

- 7 An NHS trust shall have power to invest money held...  
8 Any direction with respect to— (a) the power conferred on...

### SCHEDULE 8 — The Tribunal

- 1 The Tribunal shall consist of— (a) a chairman appointed by...  
2 A person appointed as the chairman or a deputy chairman...  
3 Any appointment for the purposes of paragraph 1(c) above shall...  
4 Any appointment for the purposes of any of sub-paragraphs (d)...  
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 ....

#### *Certain transactions deemed sale of goodwill*

- 2 (1) For the purposes of section 35(1) and paragraph 1,...

#### *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 Additional Provisions as to the Control of Maximum Prices for Medical Supplies

#### *Notices, authorisations and proof of documents*

- 2 Additional Provisions as to the Control of Maximum Prices for Medical Supplies

#### *Territorial extent*

- 3 Additional Provisions as to the Control of Maximum Prices for Medical Supplies

#### *False documents and false statements*

- 4 Additional Provisions as to the Control of Maximum Prices for Medical Supplies



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*Restrictions on disclosing information*

- 5 Additional Provisions as to the Control of Maximum Prices for Medical Supplies

*Offences by corporations*

- 6 Additional Provisions as to the Control of Maximum Prices for Medical Supplies

*Penalties*

- 7 Additional Provisions as to the Control of Maximum Prices for Medical Supplies

*Production of documents*

- 8 Additional Provisions as to the Control of Maximum Prices for Medical Supplies  
9 Additional Provisions as to the Control of Maximum Prices for Medical Supplies

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...  
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...

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#### 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...

##### *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...

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*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 .....

*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 .....

*The Nurses (Scotland) Act 1951*

7 .....

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

8 .....

9 .....

10 .....

11 .....

12, 13 .....

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*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 .....  
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 .....

*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 .....

*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"...

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*The Trade Union and Labour Relations Act 1974*

39 .....

*The Social Security Act 1975*

40 .....

*The Criminal Procedure (Scotland) Act 1975*

41 .....

*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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