



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART I

#### ORGANISATION

##### *Local advisory bodies*

#### **7 Local health councils.**

- (1) Every Health Board shall, within such period as the Secretary of State may specify, submit to him a scheme for the establishment of a local health council or councils for their area or for such districts covering their whole area as the Board thinks fit; and it shall be the general function of any such council to represent the interests of the public in the health service in the area or district for which they have been established.
- (2) A scheme under subsection (1) shall provide for the appointment . . . <sup>F1</sup> by the Health Board, after consultation with such other organisations as may be specified in the scheme, of such number of members as may be so specified.
- (3) The Secretary of State may approve, with or without modifications, any scheme submitted to him under subsection (1), or may refuse to approve it.
- (4) A Health Board may at any time, and if directed by the Secretary of State shall, within such period as he may specify, submit a new scheme under this section, and subsection (3) shall apply to any such new scheme.
- (5) The members of a local health council may appoint one of their own number as the chairman of the council.
- (6) The Secretary of State shall pay to the members of a local health council, and of the committees and sub-committees thereof [<sup>F2</sup>and of any body established under subsection (9)(g),] such travelling and other allowances, including compensation for

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loss of remunerative time, as he may with the approval of the Minister for the Civil Service, from time to time determine.

- (7) Allowances shall not be paid under subsection (6) except in connection with the performance of such powers or duties, in such circumstances, as the Secretary of State may determine.
- (8) Health Boards shall consult with local health councils on such occasions and to such extent as may be prescribed.
- (9) Regulations may make provision—
- (a) enabling local health councils to consider questions relating to the health service in their area or district, whether at the request of their Health Board or otherwise, and to advise the Health Board thereon;
  - (b) enabling or requiring local health councils to submit reports to their Health Board on the operation of the health service in their area or district;
  - (c) requiring local health councils to submit annual reports on their activities to their Health Board and requiring Health Boards to transmit a copy of any such report to the Secretary of State;
  - (d) enabling local health councils to obtain information from their Health Board [<sup>F3</sup>and from any NHS trust in their area or district] on such subjects and subject to such conditions as may be prescribed;
  - (e) enabling or requiring members of a local health council to visit establishments administered by their Health Board [<sup>F4</sup>and establishments in their area or district administered by NHS trusts], subject to such conditions as may be prescribed;
  - (f) relating to the submission of schemes under subsection (1) and to the functions, procedures, staffing and expenses of local health councils;
  - [<sup>F5</sup>(g) for the establishment of a body—
    - (i) to advise local health councils with respect to the performance of their functions, and to assist those councils in the performance of their functions; and
    - (ii) to perform such other functions as may be prescribed;
  - (h) relating to the membership, proceedings, staff, premises and expenses of any body established under paragraph (g).]

#### Textual Amendments

- F1** Words repealed by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 29(3)(a), 66(2), [Sch. 10](#)
- F2** Words inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 1\(1\)](#)
- F3** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 29(3) (b)
- F4** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 29(3) (c)
- F5** S. 7(9)(g)(h) inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 1\(2\)](#)

## 8 University Liaison Committees.

- (1) The Secretary of State may by order constitute, in accordance with Schedule 4, for the area of a Health Board or for the combined areas of two or more Health Boards, a

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University Liaison Committee for the purpose of advising that Board or those Boards [<sup>F6</sup>and any NHS trusts in the area or combined areas] on the administration of the health service in [<sup>F7</sup>that area or those] areas so far as relating to the provision of facilities for undergraduate or post-graduate clinical teaching or for research, and for the purpose of advising that Board or those Boards [<sup>F8</sup>, any such NHS trust] and the university or universities concerned on any matter of common interest to them.

- (2) Paragraphs 11 to 15 of Schedule 1 (other than sub-paragraph (d) of paragraph 11) shall have effect in relation to the Committees constituted under this section.

#### Textual Amendments

- F6** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 29\(4\)\(a\)](#)
- F7** Words substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 29\(4\)\(b\)](#)
- F8** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 29\(4\)\(c\)](#)

## 9 Local consultative committees.

- (1) Where, [<sup>F9</sup>a Health Board is satisfied that a committee formed for its area is representative]—
- of the medical practitioners of that area, or
  - of the dental practitioners of that area, or
  - of the nurses and midwives of that area, or
  - of the pharmacists of that area, or
  - of the ophthalmic and dispensing opticians of that area,
- the [<sup>F10</sup>Health Board] shall recognise that committee.
- (2) Any committee so recognised shall be called—
- the area medical committee,
  - the area dental committee,
  - the area nursing and midwifery committee,
  - the area pharmaceutical committee, or
  - the area optical committee,
- as the case may be, for the area concerned.
- (3) Where, [<sup>F9</sup>a Health Board is satisfied that a committee formed for its area is representative] of any other profession engaged in the provision of care or treatment under this Act, and that it is in the interests of the health service to recognise that committee for the purposes of this Act, [<sup>F11</sup>the Board] may so recognise it.
- (4) Where, [<sup>F9</sup>a Health Board is satisfied that a committee formed for its area is representative] of two or more of the professions mentioned in subsection (1) or (3), and that it is in the interests of the health service to recognise that committee for the purposes of this Act, [<sup>F11</sup>the Board] may so recognise it.
- (5) It shall be the general function of a committee recognised under this section to advise the Health Board for its area [<sup>F12</sup>and, where the Secretary of State so directs, an NHS trust on the provision of services under this Act or under a pilot scheme under section 1

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of the <sup>M1</sup>National Health Service (Primary Care) Act 1997], being services with which that committee is concerned in that area, but, except in so far as regulations otherwise provide, in exercising functions conferred by or under this section, such a committee shall not concern itself with the remuneration and conditions of service of practitioners or other persons of whom it is representative.

- (6) In addition to any other functions which committees recognised under this section may exercise, they shall exercise such functions as may be prescribed.
- (7) In exercising their functions under this Act, Health Boards [<sup>F13</sup>or, where the Secretary of State so directs, NHS trusts] shall consult with committees recognised under this section on such occasions and to such extent as [<sup>F14</sup>the Secretary of State may direct].
- (8) Any committee recognised under this section may, with the approval of the Health Board for its area, delegate any of its functions, with or without restrictions or conditions, to sub-committees and may appoint to any sub-committee persons who are not members of the committee.
- (9) Health Boards shall defray the reasonable expenses of committees recognised under this section and shall pay to members of such committees and sub-committees thereof such travelling and other allowances, including compensation for loss of remunerative time, as the Secretary of State may, with the approval of the Minister for the Civil Service, from time to time determine; but payments under this subsection may only be made as respects the exercise of functions conferred by or under this section.

#### Textual Amendments

- F9** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 29(5)(a)
- F10** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 29(5)(b)
- F11** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 29(5)(c)
- F12** Words in s. 9(5) substituted (1.10.1999) by 1999 c. 8, s. 65(1), Sch. 4 para. 43(a); S.S.I. 1999/90, art. 2(a)(b), Sch. 1
- F13** Words in s. 9(7) inserted (1.10.1999) by 1999 c. 8, s. 65(1), Sch. 4 para. 43(b); S.S.I. 1999/90, art. 2(a)(b), Sch. 1
- F14** Words in s. 9(7) substituted (1.10.1999) by 1999 c. 8, s. 65(1), Sch. 4 para. 43(b); S.S.I. 1999/90, art. 2(a)(b), Sch. 1

#### Marginal Citations

- M1** 1997 c.46.

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