

Status: Point in time view as at 01/11/2005.

Changes to legislation: National Health Service (Scotland) Act 1978, SCHEDULE 15 is up to date with all changes known to be in force on or before 08 August 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)

SCHEDULES

SCHEDULE 15

Section 109.

TRANSITIONAL PROVISIONS AND SAVINGS

General

- 1 (1) In so far as—
- (a) any agreement, appointment, apportionment, authorisation, determination, scheme, instrument, order or regulation made by virtue of an enactment repealed by this Act, or
 - (b) any approval, consent, direction, or notice given by virtue of such an enactment, or
 - (c) any complaint made or investigation begun by virtue of such an enactment, or
 - (d) any other proceedings begun by virtue of such an enactment, or
 - (e) anything done or having effect as if done,
- could, if a corresponding enactment in this Act were in force at the relevant time, have been made, given, begun or done by virtue of the corresponding enactment, it shall, if effective immediately before the corresponding enactment comes into force, continue to have effect thereafter as if made, given, begun or done by virtue of that corresponding enactment.
- (2) Where—
- (a) there is any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or to a thing omitted, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act, then,
 - (b) that reference shall be construed (subject to its context) as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of any of the corresponding provisions of the repealed enactments.
- 2 Where any enactment passed before the commencement of this Act, or any instrument or document, refers either expressly or by implication to an enactment repealed by this Act, the reference shall (subject to its context) be construed as or as including a reference to the corresponding provision of this Act.
- 3 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if its corresponding provision had been in force when that period began to run.
- Section 37 of the National Health Service (Scotland) Act 1947*
- 4 Notwithstanding the repeal by this Act of section 37 of the ^{M1}National Health Service (Scotland) Act 1947 (compensation for loss of right to sell a medical

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practice) that section shall continue to have such effect as may be necessary for the purposes of sections 1 to 7 of the ^{M2}National Health Service (Amendment) Act 1949.

The saving made by this paragraph applies to section 51 of the ^{M3}National Health Service Reorganisation Act 1973 (which amended section 37 of the National Health Service (Scotland) Act 1947), and to any regulations made under that section 37 which were in force immediately before the coming into force of this Act.

Marginal Citations

- M1** 1947 c. 27.
M2 1949 c. 93.
M3 1973 c. 32.

Persons authorised to provide pharmaceutical services

- 5 A person who for three years immediately before 16th December 1911 acted as a dispenser to a medical practitioner or a public institution is in the same position in relation to the undertaking referred to in section 28(2) regarding the dispensing of medicines as a registered pharmacist.

Disqualification of practitioners

- 6 Where by virtue of section 43(8) of the National Health Service (Scotland) Act 1947 a person's name was disqualified for inclusion in any list referred to in section 43(1) of that Act, that person's name is disqualified for inclusion in any list referred to in section 29(1), until such time as [^{F1}the Tribunal direct] to the contrary.

Textual Amendments

- F1** Words in [Sch. 15 para. 6](#) substituted (1.1.1996) by [1995 c. 31, s. 10\(2\)](#); [S.I. 1995/3214, art. 2\(1\)](#), [Sch.](#) (with [art. 3](#))

Section 4 of the Health Services and Public Health Act 1968

- 7 An undertaking given before the coming into force of section 4(1) of the ^{M4}Health Services and Public Health Act 1968 in respect of payment under section 4 of the ^{M5}National Health Service (Scotland) Act 1947 (accommodation available on part payment) continues to have the same effect as it had immediately before the coming into force of this Act.

Marginal Citations

- M4** 1968 c. 46.
M5 1947 c. 27.

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Compensation of officers

- 8 Notwithstanding the repeal by the ^{M6}National Health Service (Scotland) Act 1972 of section 67 of the said Act of 1947, regulations made under paragraphs (c) to (e) of subsection (1) of that section shall continue to have effect until revoked by regulations under this Act.

Marginal Citations

M6 1972 c. 58.

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

- 9 The provision of vehicles as mentioned in section 33 of the ^{M7}Health Services and Public Health Act 1968, and the taking of any such action as is mentioned in subsection (2) of that section, shall for the purposes of the ^{M8}National Health Service (Scotland) Act 1947 be treated as having been included among hospital and specialist services provided under Part II of that Act of 1947 as from its commencement.

Marginal Citations

M7 1968 c. 46.

M8 1947 c. 27.

Saving of amendments

- 10 Notwithstanding the repeal by this Act of sections 53 and 74 and Part I of Schedule 11 to the National Health Service (Scotland) Act 1947, and section 64(1) and Schedule 6 to the National Health Service (Scotland) Act 1972 and section 57(1) and Schedule 4 to the ^{M9}National Health Service Reorganisation Act 1973—
- (a) the amendments made by Part I of Schedule 11 to that Act of 1947 to the ^{M10}Public Health (Scotland) Act 1897, and
 - (b) the amendments made by section 53 and paragraphs 37 to 77, [F282], 83(a), 84 to [F392], F4 . . . 95 to 97, 101, [F5102], 104 to 107(a), 108 to 115, 117, 119 to 122, F6 129, [F7135(b) to (c)], 136(b), 138 to 140, 150, 152(b), [F8155] to 156A of Schedule 6 to that Act of 1972, and
 - (c) the amendments made by paragraphs F9 69(2), 82, 96, 102, 106, 109, 123, 128, 130, 133, 134, 140 and 141 of Schedule 4 to that Act of 1973,
- shall continue to have the same effect as they had immediately before the coming into force of this Act, subject to any amendments made under this Act.

Textual Amendments

F2 “82” repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), [Sch. 10](#)

F3 Words in [Sch. 15 para. 10\(b\)](#) substituted (6.1.1997) by [S.I. 1996/3097](#), [arts. 1, 3\(2\)](#)

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- F4** Words in **Sch. 15 para. 10(b)** repealed (28.6.1995 for certain purposes and otherwise 1.4.1996) by **1995 c. 17, ss. 2(1)(3), 5(1)(2), Sch. 1 Pt. III para. 102(8)(a), Sch. 3** (with **Sch. 2 para. 6**)
- F5** “102” repealed by **Mental Health Act 1983 (c. 20, SIF 85), ss. 131(1), 148(3), Sch. 6**
- F6** Words repealed by **Education (Scotland) Act 1980 (c. 44), Sch. 5**
- F7** Words in **Sch. 15 para. 10(b)** substituted (28.6.1995 for certain purposes and 1.4.1996 for all other purposes) by **1995 c. 17, ss. 2(1)(3), Sch. 1 Pt. III para. 102(8)(b)** (with **Sch. 2 para. 6**)
- F8** Word substituted by **Education (Scotland) Act 1980 (c. 44), Sch. 4 para. 19**
- F9** Word repealed by **Reserve Forces Act 1980 (c. 9), Sch. 10 Pt. II**

Marginal Citations

- M9** 1973 c. 32.
M10 1897 c. 38.

Transfer of property of voluntary organisations

- 11 Notwithstanding the repeal by this Act of section 23(2) of the ^{M11}National Health Service (Amendment) Act 1949, section 23(1) of that Act shall be deemed to have had effect as from 5th July 1948.

Marginal Citations

- M11** 1949 c. 93.

Investigations by the Health Service Commissioner for Scotland

- ^{F10}12

Textual Amendments

- F10** **Sch. 15 para. 12** repealed (5.2.1994) by **1993 c. 46, ss. 20, 22(4), Sch. 3** (with s. 3(4)).

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) of the ^{M12}Health Services Act 1976—
- (a) a person was deemed to have been granted under that section permission to use accommodation and facilities to the same extent and for the same purposes as were covered by those arrangements, then
 - (b) that person shall be deemed to have been granted under section 64 of [^{F11}this Act] the like permission (and the provisions of that section shall apply accordingly).

Textual Amendments

- F11** Words inserted by **Health Services Act 1980 (c. 53), Sch. 6 para. 10**

Marginal Citations

- M12** 1976 c. 83.

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

- 14 Notwithstanding the repeal by this Act of the provisions of section 6(2) and (3) of the ^{M13}Hospital Endowments (Scotland) Act 1971 relating to borrowings from relevant endowments by Boards of Management and Regional Hospital Boards, regulations made under that section shall continue to have effect until revoked by regulations under this Act.

Marginal Citations

M13 1971 c. 8.

Health functions of local authorities

- [^{F12}15 Notwithstanding the repeal by this Act of section 27 of the ^{M14}National Health Service (Scotland) Act 1947 (functions of local authorities relating to the prevention of illness, care and after-care), that section shall continue to have the same effect for the purposes of section 1(4) of the ^{M15}Social Work (Scotland) Act 1968 as it had immediately before the coming into force of this Act.]

Textual Amendments

F12 Sch. 15 para. 15 repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), Sch. 10

Marginal Citations

M14 1947 c. 27.

M15 1968 c. 49.

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