

Status: Point in time view as at 01/09/1997.

Changes to legislation: National Health Service (Scotland) Act 1978, Part III is up to date with all changes known to be in force on or before 19 July 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

[^{F1}SCHEDULE 7A

NATIONAL HEALTH SERVICE TRUSTS]

Textual Amendments

- F1** Schs. 7A, 7B inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 32, [Sch. 6](#)

Modifications etc. (not altering text)

- C1** [Sch. 7A](#) applied in part (1.4.1999) by [S.I. 1999/686, art. 5\(1\)\(2\)](#)

[^{F1}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 or services for the benefit of an individual and—
- (a) those goods or services are not provided pursuant to an NHS contract; and
 - (b) the condition of the individual is such that he needs those goods or services and, having regard to his condition, it is not practicable before providing them to enter into an NHS contract for their provision, and
 - (c) the provision of those goods or services is a function of a Health Board or is within the primary functions of a [^{F2}Health Authority established under section 8] of the National Health Service Act 1977, [^{F3}or is within the primary functions of a Health and Social Services Board within the meaning of Article 9 and Health and Personal Social Services (Northern Ireland) Order 1991]
- the trust shall be remunerated by that Board [^{F4}or Health Authority][^{F5}or Health and Social Services Board] in respect of the provision of the goods or services in question.
- (2) The rate of any remuneration payable by virtue of sub-paragraph (1) shall be calculated in such manner or on such basis as may be determined by the Secretary of State.

Textual Amendments

- F2** Words in [Sch. 7A para. 22\(1\)\(c\)](#) substituted (28.6.1995 for certain purposes and 1.4.1996 for all other purposes) by [1995 c. 17, ss. 2\(1\), 2\(3\), 8\(1\)](#), [Sch. 1 Pt. III para. 102\(7\)\(b\)\(i\)](#) (with [Sch. 2 para. 6](#))

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- F3** Words in Sch. 7A para. 22(1)(c) added by S.I. 1991/195, art. 4(6)
- F4** Words in Sch. 7A para. 22(1) substituted (28.6.1995 for certain purposes and 1.4.1996 for all other purposes) by 1995 c. 17, ss. 2(1), 2(3), 8(1), Sch. 1 Pt. III para. 102(7)(b)(ii) (with Sch. 2 para. 6)
- F5** Words in Sch. 7A para. 22(1) inserted by S.I. 1991/195, art. 4(6)

- 23 In any case where an NHS trust provides goods or services for the benefit of an individual and—
- (a) paragraph 22(1)(a) applies but paragraph 22(1)(c) does not apply; and
 - (b) the individual is resident outside the United Kingdom and is of a description (being a description associating the individual with another country) specified for the purposes of this paragraph by a direction made by the Secretary of State,
- the trust shall be remunerated by the Secretary of State in respect of the provision of the goods or services in question at such rate or rates as he considers appropriate.

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

- 24 Where land consisting of a church or other building used or formerly used for religious worship, or the site thereof, or a burial ground, within the meaning of [F6section 197 of the Town and Country Planning (Scotland) Act 1997] (provisions as to churches and burial grounds), is held by an NHS trust for any of its purposes, that section applies to the land as if—
- (a) the land had been acquired by the trust as mentioned in subsection (1) of that section; and
 - (b) the trust were a statutory undertaker, within the meaning of that Act.]

Textual Amendments

- F6** Words in Sch. 7A para. 24 substituted (27.5.1997) by virtue of 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 46(1)

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