

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)



Health Services Act 1980

1980 CHAPTER 53

An Act to make further provision with respect to the health services in England, Wales and Scotland and their use by private patients and with respect to hospitals and nursing homes outside those services; to dissolve or make further provision with respect to certain bodies connected with or with persons providing services within those health services; and for connected purposes. [8th August 1980]

Modifications etc. (not altering text)

C1 Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

PART I

THE NATIONAL HEALTH SERVICE

Local administration of the health service in England and Wales

1 Power to make changes in the local administration of the health service in England and Wales.

^{F1}(1)

^{F1}(2)

^{F1}(3)

^{F1}(4) . . . ^{F2}

^{F1}(5)

^{F1}(6)

^{X1}(7) In consequence of the foregoing provisions of this section the enactments specified in Part I of Schedule 1 to this Act shall have effect subject to the amendments provided

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for in that Part of that Schedule (which also includes certain minor corrections of the Act of 1977).

- F1(8)
- F1(9)
- F1(10)

Editorial Information

X1 The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F1 S. 1(1)-(3)(5)(6)(8)-(10) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

F2 S. 1(4) repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30(1), **Sch. 10 Pt. I** and repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

2 F3

Textual Amendments

F3 S. 2 repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, **Sch. 8 Pt. I**

Financial provisions relating to the health services in England, Wales and Scotland

3 Extension of the powers to make services available to local authorities etc. under s. 26 of the Act of 1977 and s. 15 of the Scottish Act of 1978.^{X2}

(1) At the end of section 26 of the Act of 1977 (which confers functions on the Secretary of State for the supply of goods and services to local authorities and others) there shall be added the following subsection—

“(4) The Secretary of State may arrange to make available to local authorities the services of persons of the following descriptions, that is to say—

- (a) persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services, and
- (b) persons providing health authorities with services of a kind provided as part of the health service,

so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.”

(2) In section 15 of the Scottish Act of 1978 (which empowers the Secretary of State, Health Boards and the Agency to supply goods and services to local authorities and

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others), in subsection (1), in paragraph (c), after the word “by” there shall be inserted the words “ or having contacts with ”.

Editorial Information

X2 The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4 F4

Textual Amendments

F4 S. 4 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30(1), [Sch. 10 Pt. I](#)

5 Power of health authorities etc. to raise money, etc., by appeals, collections, etc.^{X3}

(1) After section 96 of the Act of 1977 there shall be inserted the following section—

“96A Power of health authorities etc. to raise money, etc., by appeals, collections, etc.

- (1) A health authority shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist the authority in providing or improving any services or any facilities or accommodation which is or are or is or are to be provided as part of the health service or to assist them in connection with their functions with respect to research.
- (2) A Board of Governors of a teaching hospital shall, so long as it is a preserved Board by virtue of section 15 of the ^{M1}National Health Service Reorganisation Act 1973, have the like power in relation to services, facilities or accommodation provided or to be provided at or by the hospital or their functions with respect to research.
- (3) Subject to any directions of the Secretary of State excluding specified descriptions of activity, the activities authorised by this section include public appeals or collections and competitions, entertainments, bazaars, sales of produce or other goods and other similar activities and the activities may involve the use of land, premises or other property held by or for the benefit of the health authority or Board exercising the power subject however to any restrictions on the purposes for which trust property may be used.
- (4) Subject to the following provisions of this section, the health authority or Board at whose instance property is given in pursuance of this section shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply the property on trust for or for the purpose for which it was given.

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- (5) Where property is given in pursuance of this section to or on trust for any purposes of a hospital for which special trustees have been appointed, the property may be held, administered and applied by the special trustees instead of by the Area or District Health Authority exercising functions on behalf of the Secretary of State in respect of the hospital if the special trustees and the Authority agree.
 - (6) Property given in pursuance of this section on trust may be transferred to another health authority or to special trustees by order of the Secretary of State under section 92 above in the same circumstances as other trust property may be transferred under that section, and sections 94 and 96 above shall apply as they apply to other trust property transferred under the said section 92.
 - (7) Where property held by a health authority or Board under this section is more than sufficient to enable the purpose for which it was given to be fulfilled the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the authority or Board as the authority or Board think fit.
 - (8) Where property held by a health authority or Board under this section is insufficient to enable the purpose for which it was given to be fulfilled then—
 - (a) the authority or Board may apply so much of the capital or income at their disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purpose for which the trust property may be applied and, in the case of money paid or payable by the Secretary of State or by a Regional Health Authority under section 97 below, to any directions he or that Authority may give; but
 - (b) where the capital or income applicable under paragraph (a) above is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the health authority or Board shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the authority or Board as the authority or Board think fit.
 - (9) Where under subsection (7) or (8) above property becomes available for purpose other than that for which it was given the authority or Board shall have regard to the desirability of applying the property for a purpose similar to that for which it was given.
 - (10) In this section “special trustees” has the same meaning as in section 95 above and references to the purposes for which trust property may be used or applied are to be taken, in the case of trust property which has been transferred under section 92 above, to include references to those purposes as enlarged by section 94 above.”.
- (2) After section 84 of the Scottish Act of 1978 there shall be inserted the following section—

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“84A Power to raise money, etc. by appeals, collections, etc.

- (1) A Health Board shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist them in providing or improving any services or any facilities or accommodation which is or are or is or are to be provided as part of the health service or to assist them in connection with their functions with respect to research.
- (2) A local health council shall have power to engage in activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist them in carrying out any function conferred upon them by or under any enactment.
- (3) Subject to any directions of the Secretary of State excluding specified descriptions of activity, the activities authorised by this section include public appeals or collections and competitions, entertainments, bazaars, sales of produce or other goods and other similar activities and the activities may involve the use of land, premises or other property held by or for the benefit of the Board or local health council exercising the power subject however to any restrictions on the purposes for which trust property may be used.
- (4) Subject to subsections (5) and (6), the Health Board or local health council at whose instance property is given in pursuance of this section shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply the property on trust for or for the purpose for which it was given.
- (5) Where property held by a Health Board or local health council under this section is more than sufficient to enable the purpose for which it was given to be fulfilled, the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the Board or council as the Board or council think fit.
- (6) Where property held by a Health Board or local health council under this section is insufficient to enable the purpose for which it was given to be fulfilled then—
 - (a) the Board or council may apply so much of the capital or income at their disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purposes for which the trust property may be applied, and in the case of money paid or payable by the Secretary of State under section 85(1), to any directions he may give; but
 - (b) where the capital or income applicable under paragraph (a) is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the Board or the council shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the Board or council as the Board or council think fit.

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- (7) Where under subsections (5) or (6) property becomes available for purpose other than that for which it was given, the Health Board or local health council shall have regard to the desirability of applying the property for a purpose similar to that for which it was given.”

Editorial Information

X3 The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1973 c. 32.

6 Provision of public money for and financial duties of health authorities, Health Boards, etc.

^{F5X4}(1)

^{F5}(2)

^{X4}(3) For subsections (1) and (2) of section 85 of the Scottish Act of 1978 there shall be substituted the following subsections—

“(1) Subject to subsection (2), there shall, in respect of each financial year, be paid by the Secretary of State sums not exceeding the amount allotted or further allotted by him for that year to each of the following bodies towards meeting the expenditure attributable to the performance by that body of their functions in that year—

- (a) the Planning Council;
- (b) every Health Board;
- (c) the Agency;
- (d) the Medical Practices Committee;
- (e) the Dental Estimates Board;
- (f) the Tribunal;
- (g) every local health council.

(2) Subsection (1) does not apply in respect of the expenditure of a Health Board which is attributable to the performance of their functions under Part II, but in that respect there shall, in respect of each financial year, be paid by the Secretary of State sums equal to the expenditure which he determines is attributable to the performance of those functions in that year.

(2A) The Secretary of State may give directions to a body referred to in subsection (1) with respect to the application of the sums paid to them under that subsection and it shall be the duty of any body to whom directions have been given under this subsection to comply with the directions.”

^{X4}(4) After the said section 85 there shall be inserted the following section—

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“85A Financial duties of bodies referred to in section 85.

- (1) It is the duty of each such body as is referred to in section 85(1), in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of their functions in that year does not exceed the aggregate of—
 - (a) the amounts allotted to that body for that year under section 85(1);
 - (b) any other sums received under this Act in that year by that body; and
 - (c) any sums received otherwise than under this Act in that year by that body for the purpose of enabling them to defray any such expenditure.
- (2) Subsection (3) of section 85 shall apply for the purposes of this section as it applies for the purposes of that section.
- (3) The Secretary of State may give such directions to a body referred to in section 85(1) as appear to him to be requisite to secure that the body comply with the duty imposed on them by subsection (1) and it shall be the duty of the body to comply with the directions.

Directions under this subsection may be specific in character.

- (4) To the extent to which—
 - (a) any expenditure of a Health Board or a local health council is defrayed by that body as trustee; or
 - (b) any sums are received by such a body as trustee or under section 84A, that expenditure and, subject to subsection (5), those sums shall be disregarded for the purposes of this section, and, for those purposes, sums which, in the hands of such a body, cease to be trust funds and become applicable by that body otherwise than as trustee shall be treated, on their becoming so applicable, as having been received by that body otherwise than as trustee.
- (5) Of the sums received by a body under section 84A so much only as accrues to the body after defraying any expenses incurred in obtaining them shall be disregarded under subsection (4).
- (6) Subject to subsection (4), the Secretary of State may, by directions, determine—
 - (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by a body of a description so specified;
 - (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable to the performance of the functions by a body of a description so specified; or
 - (c) the extent to which and the circumstances in which sums received but not yet spent by a body under section 85(1) are to be treated for the purposes of this section as part of the expenditure of the body and to which financial year’s expenditure they are to be attributed.”
- (5) The foregoing provisions of this section shall have effect in relation to the financial year 1980 to 1981 and subsequent years.

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Editorial Information

- X4** The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F5** [S. 6\(1\)\(2\)](#) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 5\(1\)\(2\), 8, Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

7 **Services provided by relatives of doctors providing general medical services.**^{X5}

The following subsection shall be added at the end of section 29 of the Act of 1977 (arrangements and regulations for general medical services) as subsection (5) of that section and at the end of section 19 of the Scottish Act of 1978 (which makes corresponding provision for Scotland) as subsection (4) of that section:—

“(0) Regulations shall—

- (a) include provision for the making to a medical practitioner providing general medical services of payments in respect of qualifying services provided by a spouse or other relative of his; and
- (b) provide that the rates and conditions of payment and the qualifying services in respect of which the payments may be made shall be such as may be determined by the Secretary of State after consultation with such bodies as he may recognise as representing such medical practitioners.”

Editorial Information

- X5** The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Dissolution of the Central Health Services Council

8 **Dissolution of the Central Health Services Council.**

- (1) On the passing of this Act the Central Health Services Council (which under section 6(1) of the Act of 1977 advises the Secretary of State on general matters relating to the health service) shall cease to exist.
- (2) The standing advisory committees constituted under subsection (3) of that section shall continue in being but shall consist wholly of members appointed by the Secretary of State after consultation with such representative organisations as he recognises for the purpose and the persons who, immediately before the passing of this Act, were members of those committees but not of the Council shall be deemed to have been appointed under this subsection.
- (3) In consequence of the foregoing provisions of this section so much of section 6 of and Schedule 4 to the Act of 1977 as relates to the Council shall cease to have effect and the following amendments shall be made in that section, that is to say—

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- ^{X6}(a) at the end of subsection (3), there shall be added the words “ and the provisions of Schedule 4 to this Act shall have effect in relation to such committees ”; and
- ^{X6}(b) for subsection (4), there shall be substituted the following—
- “(4) Any committee so constituted shall consist of persons appointed by the Secretary of State after consultation with such representative organisations as he recognises for that purpose.”.

Editorial Information

- X6** The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART II

PRIVATE PRACTICE

Pay beds and Health Services Board, etc.

9 Repeal of provisions relating to withdrawal of pay beds and dissolution of Board, etc.

- (1) On the commencement date—
- (a) sections 67 to 71 of the Act of 1977 and sections 59 to 63 of the Scottish Act of 1978 (withdrawal of pay beds) shall cease to have effect; and
- (b) the Health Services Board established under section 1 of the ^{M2}Health Services Act 1976 (in this Act referred to as “the Act of 1976”) and the Scottish and Welsh Committees constituted in accordance with Part II of Schedule 1 to that Act shall cease to exist.
- (2) Subject to subsection (1)(a) above, all functions of that Board or either of those Committees shall be transferred, as from the commencement date, to the Secretary of State or, if they relate to a hearing afforded or to be afforded to an applicant for an authorisation under Part III of the Act of 1976, such person or persons as the Secretary of State may appoint.
- (3) All property, rights and liabilities to which the Board or either Committee is entitled or subject immediately before the commencement date shall be transferred, as from that date, to the Secretary of State.
- (4) This section shall not affect the validity of anything done by or in relation to the Board or either Committee before the commencement date; and anything which at that date is in the process of being done by or in relation to the Board or either Committee (including any legal proceedings to which any of them is a party) may be continued by or in relation to the Secretary of State or, as the case may require, such person or persons as he may appoint.
- (5) In consequence of the foregoing provisions of this section—

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- x7(a) section 1 of and Schedule 1 to the Act of 1976, sections 73 to 76 of the Act of 1977 and sections 65 to 68 of the Scottish Act of 1978 shall cease to have effect;
- x7(b) the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments provided for in that Schedule; and
- (c) any instrument or document made before the commencement date shall have effect as if any reference to the Board or either Committee were a reference to the Secretary of State or, as the case may require, such person or persons as he may appoint.

(6) In this section “commencement date” means the date of the passing of this Act.

Editorial Information

X7 The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 1976 c. 83.

10, 11. F6

Textual Amendments

F6 Ss. 10, 11 repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), [Sch. 3](#)

F7 Control of hospitals outside the national health service

Textual Amendments

F7 Ss. 12–15 repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), [Sch. 10](#)

12 Meaning of “controlled premises”.^{x8}

(1) In subsection (2) of the Act of 1976 (control of construction and extension of controlled premises)—

(a) for the definition of “controlled premises” there shall be substituted the following definition—

““controlled premises” means hospital premises which provide or will provide beds for the use of patients, being hospital premises—

- (a) in the case of which the number of beds which are or will be so provided is one hundred and twenty or more; or
- (b) which are or are to be situated in an area designated by the Secretary of State under subsection (2A) below;”;

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- (b) after the definition of “controlled works” there shall be inserted the following definitions—

“ “ hospital premises” means premises at which there are or are to be facilities for the provision of hospital services;

“hospital services” means all or any of the following services, namely—

- (a) the carrying out of surgical procedures under general anaesthesia;
- (b) obstetrics;
- (c) radiotherapy;
- (d) haemodialysis or peritoneal dialysis;
- (e) pathology or diagnostic radiology;

“relevant hospital premises” means hospital premises occupied otherwise than by or on behalf of the Crown or for the purposes of a visiting force”.

- (2) After the said subsection (2) there shall be inserted the following subsections—

“(2A) If, on an application by a health authority, the Secretary of State is satisfied that relevant hospital premises in the whole or any part of their area or district provide or will provide, if taken together, one hundred and twenty or more beds for the use of patients, he may, after consulting with such persons and representative bodies as appear to him to be concerned, by regulations designate the whole or, as the case may be, that part of the authority’s area or district as an area in which all hospital premises which provide or will provide beds for the use of patients shall be controlled premises; and regulations under this subsection—

- (a) may contain such transitional provisions as appear to the Secretary of State to be necessary or expedient; and
- (b) shall have effect for such period not exceeding five years as may be prescribed.

(2B) in determining for the purposes of subsection (2A) above how many beds relevant hospital premises will provide, the Secretary of State shall not take into account the proposed execution of any works unless—

- (a) an authorisation for the execution of those works has been granted; or
- (b) a contract for the execution of those works has been entered into.

(2C) The Secretary of State shall not exercise the power conferred by subsection (2A) above unless, having regard to the matters mentioned in subsection (3)(a) of section 13 below, he considers that the execution of works which, if the power were exercised, would be controlled works would be likely to interfere as mentioned in paragraph (b) of subsection (2) of that section.”.]

Editorial Information

- X8** The text of ss. 12, 13, 14(1)(a)(b)(2)-(4), 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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[^{F8}13 Exemptions from control. ^{X9}

- (1) In subsection (1) of section 12 of the Act of 1976 (control of construction and extension of controlled premises) for the words “Subject to subsection (3)” there shall be substituted the words “ Subject to subsections (3) and (4) ”.
- (2) After subsection (3) of that section there shall be inserted the following subsections—
 - “(4) Subsection (1) above does not apply in the case of works for the construction of a controlled extension of controlled premises if —
 - (a) the premises are situated elsewhere than in an area designated by the Secretary of State under subsection (2A) above; and
 - (b) the premises were constructed as controlled premises, or were converted into controlled premises, whether before or after the coming into force of this Part of this Act; and
 - (c) where the works will enable additional beds to be provided, the aggregate number of additional beds which will have then been provided at the premises since the beginning of the current three year period (or, if later, the time when the premises were constructed or converted) will not exceed the permitted number.
 - (5) In subsection (4) above— “permitted number”, in relation to a three year period, means one fifth of the number of beds provided at the premises in question at the beginning of that period or, if later, the time when the premises were constructed or converted; “three year period” means the period of three years beginning with the passing of the Health Services Act 1980 and each successive period of three years.”.]

Editorial Information

X9 The text of ss. 12, 13, 14(1)(a)(b)(2)-(4), 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F8 Ss. 12–15 repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), [Sch. 10](#)

[^{F9}14 Notice of notifiable changes.

- (1) In subsection (1) of section 14 of the Act of 1976 (notice of notifiable works)—
 - ^{X10}(a) for the words “an application for planning permission for any notifiable works” there shall be substituted the following paragraphs—
 - “(a) an application for planning permission for any notifiable works; or
 - (b) a notifiable change.”;
 - ^{X10}(b) after the words “the application” and “the proposed application” there shall be inserted the words “ or change ”; and
 - (c) the reference to the coming into force of Part III of that Act shall be construed, so far as it relates to the making of notifiable changes, as a reference to the coming into force of this section.

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- ^{X10}(2) In subsection (2) of that section—
- (a) in paragraph (a) there shall be inserted after the words “applied for” the words “or the notifiable change”; and
 - (b) in paragraph (b) there shall be inserted at the beginning the words “in the case of notifiable works,”.
- ^{X10}(3) For subsection (6) of that section there shall be substituted the following subsection—
- “(6) Subsection (1) above—
- (a) does not apply in the case of works that are to be executed or a change that is to be made by or on behalf of the Crown or for the purposes of a visiting force; but
 - (b) in the case of works that are to be executed or a change that is to be made otherwise than as aforesaid, shall apply notwithstanding any interest of the Crown in the land on which, or in any premises in connection with which, the works are to be executed or the change is to be made.”
- ^{X10}(4) In subsection (7) of that section for the definition of “hospital premises” there shall be substituted the following definition—
- ““notifiable change” means—
- (a) any change in the nature or extent of the hospital services provided at controlled premises; or
 - (b) any change in the facilities or the number of beds provided at any premises which results in their becoming controlled premises;”.]

Editorial Information

X10 The text of ss. 12, 13, 14(1)(a)(b)(2)-(4), 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F9 [S. 14](#) repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), [Sch. 10](#)

[^{F10}15 **Minor and consequential amendments of the Act of 1976.** ^{X11}

The Act of 1976 shall have effect subject to the amendments provided for in Schedule 3 to this Act, being minor amendments and amendments consequential on the amendments made by sections 12 to 14 above.]

Editorial Information

X11 The text of ss. 12, 13, 14(1)(a)(b)(2)-(4), 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

Textual Amendments

F10 Ss. 12–15 repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**

Nursing homes and mental nursing homes, etc.

16 Nursing homes and mental nursing homes, etc.

The enactments specified in Schedule 4 to this Act (which relate to the registration of [^{F11}nursing homes, mental nursing homes and] private hospitals within the meaning of the ^{M3}Mental Health (Scotland) Act 1960) shall have effect subject to the amendments provided for in that Schedule.

Textual Amendments

F11 Words repealed (E.W.) by [Registered Homes Act 1984 \(c. 23, SIF 113:3\)](#), s. 57, **Sch. 3**

Marginal Citations

M3 1960 c. 61.

PART III

MISCELLANEOUS

17 **F12**

Textual Amendments

F12 S. 17 repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), **Sch. 3**

18 **F13**

Textual Amendments

F13 S. 18 repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, **Sch. 8 Pt. I**

19 **F14**

Textual Amendments

F14 S. 19 repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), **Sch. 3**

Status: Point in time view as at 10/12/1998.

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20 Extension of pharmaceutical services in connection with dental treatment provided by health authorities, etc.^{X12}

(1) Section 41 of the Act of 1977 (which imposes a duty on health authorities to arrange for the supply of proper and sufficient drugs and medicines ordered by medical practitioners and of listed drugs and medicines ordered by dental practitioners) shall be amended by substituting for paragraph (b) the following paragraphs, that is to say—

- “(b) proper and sufficient drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by that Board of dental services; and
- (c) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by him of general dental services.”.

(2) Section 27(1) of the Scottish Act of 1978 (which imposes a corresponding duty on Health Boards) shall be amended by substituting for paragraph (b) the following paragraphs, that is to say—

- “(b) proper and sufficient drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by that Board of dental services; and
- (c) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision by him of general dental services.”.

Editorial Information

X12 The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

21 Regulation of right to provide pharmaceutical services.

(1)^{F15}

(2) in section 43(1) and (2) of the Act of 1977 (which contains restrictions, to which regulations may provide exceptions, as to the persons who may be authorised to provide pharmaceutical services), after the words “provided by”, there shall be inserted the words “ or under ”.

Textual Amendments

F15 S. 21(1) ceased to have effect by virtue of [National Health Service \(Amendment\) Act 1986 \(c. 66, SIF 113:2\)](#), s. 8(3)

Miscellaneous and supplementary

22^{F16}

Status: Point in time view as at 10/12/1998.

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Textual Amendments

- F16** S. 22 repealed by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), [Sch. 10](#)

23 Correction of meaning of “local authority” in Part IV of the National Assistance Act 1948. ^{X13}

Section 195 of the ^{M4}Local Government Act 1972 (which amends existing enactments conferring social services functions, including the ^{M5}National Assistance Act 1948, so as to vest those functions in the authorities which are local authorities for the purposes of the ^{M6}Local Authority Social Services Act 1970) shall have effect, and be deemed always to have had effect, as if at the end of the section there were added the following subsection—

“(7) In section 64(1) of the National Assistance Act 1948 (interpretation), in the definition of “local authority”, the words “county borough” shall be omitted and, after the word “district”, there shall be inserted the words “or London borough or the Common Council of the City of London”.”

Editorial Information

- X13** The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M4** 1972 c. 70.
M5 1948 c. 29.
M6 1970 c. 42.

24 Expenses and receipts of the Secretary of State, etc.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State for the purposes of this Act, and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided,

and any sums received by the Secretary of State by virtue of this Act shall be paid into the Consolidated Fund.

25 Interpretation and minor amendments and repeals.

(1) In this Act—

- “the Act of 1976” means the ^{M7}Health Services Act 1976;
“the Act of 1977” means the ^{M8}National Health Service Act 1977; and
“the Scottish Act of 1978” means the ^{M9}National Health Service (Scotland) Act 1978.

Status: Point in time view as at 10/12/1998.

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- ^{x14}(2) Schedule 12 to the Act of 1977 and Schedule 11 to the Scottish Act of 1978 (additional provisions as to regulations for the making and recovery of charges) shall be amended as provided in Parts I and II respectively of Schedule 5 to this Act.
- ^{x14}(3) The minor amendments specified in Schedule 6 to this Act shall have effect.
- ^{x14}(4) The enactments specified in Schedule 7 to this Act (which include enactments that are spent or unnecessary) are hereby repealed to the extent specified in the third column of that Schedule.

Editorial Information

X14 The text of ss. 1(7), 3, 5, 6(1)(3)(4), 7, 8(3), 9(5)(a)(b), 20, 23, and 25(2)-(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M7 1976 c. 83.
M8 1977 c. 49.
M9 1978 c. 29.

26 Short title, commencement and extent.

- (1) This Act may be cited as the Health Services Act 1980.
- (2) The following provisions of this Act, namely—
- (a) section 14;
 - (b) section 16 and Schedule 4;
 - (c) section 21;
 - (d) section 25(2) and Schedule 5; and
 - (e) in Schedule 7, the repeals in the ^{M10}Nursing Homes Registration (Scotland) Act 1938, the ^{M11}Nursing Homes Act 1975 and the ^{M12}Nurses, Midwives and Health Visitors Act 1979 (and section 25(4) so far as it relates to those repeals), shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument and different days may be appointed under this subsection for different provisions.
- (3) With the exception of the provisions specified in subsection (2) above, this Act shall come into force on its passing.
- (4) This Act does not extend to Northern Ireland.

Subordinate Legislation Made

P1 Power of appointment conferred by s. 26(2) fully exercised: [S.I. 1980/1257](#), [S.I. 1981/306](#) and [S.I. 1981/884](#), [S.I. 1983/303](#)

Marginal Citations

M10 1938 c. 73.
M11 1975 c. 37.
M12 1979 c. 36.

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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

^{X15}SCHEDULE 1

Sections 1 and 2.

AMENDMENTS CONSEQUENTIAL ON CHANGES IN THE LOCAL ADMINISTRATION OF THE HEALTH SERVICE

Editorial Information

X15 The text of Schedule 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

AMENDMENTS RELATING TO DISTRICT HEALTH AUTHORITIES

The Public Health Act 1936

[^{F171} In section 143(3) of the ^{M13}Public Health Act 1936 after the words “Area Health Authorities” there shall be inserted the words “ District Health Authorities ”.]

Textual Amendments

F17 Sch. 1 paras. 1–3 repealed (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78(b), Sch. 3

Marginal Citations

M13 1936 c. 49.

2 In section 169(1) of the Public Health Act 1936, between the words “Area” and “Health Authority” there shall be inserted the words “ or District ”.

3 In section 244(1) of the Public Health Act 1936, between the words “Area” and “Health Authority” there shall be inserted the words “ or District ”.

The Polish Resettlement Act 1947

^{F184}

Textual Amendments

F18 Sch. 1 Pt. I, para. 4 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17](#), ss. 5(1)(2), 8, [Sch. 3](#) (with [Sch. 2](#) paras. 6, 16)

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

5 F19

Textual Amendments

F19 Sch. 1 para. 5 repealed by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**

The Recall of Army and Air Force Pensioners Act 1948

F20 6

Textual Amendments

F20 Sch. 1 Pt. I, para. 6 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

7, 8. F21

Textual Amendments

F21 Sch. 1 paras. 7, 8 repealed by S.I. 1985/39, **art. 9(a)**

The Midwives Act 1951

F22 9

Textual Amendments

F22 Sch. 1 Pt. I, para. 9 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

The Landlord and Tenant Act 1954

F23 10

Textual Amendments

F23 Sch. 1 Pt. I, para. 10 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

The Nurses Act 1957

F24 11

Status: Point in time view as at 10/12/1998.

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Textual Amendments

F24 Sch. 1 Pt. I, para. 11 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

The Public Records Act 1958

12 In Schedule 1 to the ^{M14}Public Records Act 1958, in the entries in the Table relating to National health service hospitals, for the words from “Regional” to “Area” (in both places) there shall be substituted the words “ Regional, Area or District ”.

Marginal Citations

M14 1958 c. 51.

13 **F25**

Textual Amendments

F25 Sch. 1 para. 13 repealed by Mental Health Act 1983 (c. 20, SIF 85), ss. 131(1), 148(3), **Sch. 6**

The Radioactive Substances Act 1960

^{F26}14 **F27**

Textual Amendments

F26 Sch. 1 Pt. I, para. 14 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

15 **F27**

Textual Amendments

F27 Sch. 1 para. 15 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

The Parliamentary Commissioner Act 1967

^{F28}16 **F29**

Textual Amendments

F28 Sch. 1 Pt. I, para. 16 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

Status: Point in time view as at 10/12/1998.

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The Abortion Act 1967

- 17 (1) In section 1(3) of the ^{M15}Abortion Act 1967, for the words from “the Minister” to the end there shall be substituted the words “ the Secretary of State for the purposes of his functions under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 or in a place approved for the purposes of this section by the Secretary of State. ”
- (2) In section 3(1) of the Abortion Act 1967, for the words from “a Minister” to “Acts” there shall be substituted the words “ the Secretary of State ”.

Marginal Citations

M15 1967 c. 87.

The Leasehold Reform Act 1967

^{F29}18

Textual Amendments

F29 Sch. 1 Pt. I, para. 18 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

The Health Services and Public Health Act 1968

19 ^{F30}(1)

[^{F31}(2) In section 48(2), in paragraph (a), after the words “whose area” there shall be inserted the words “ or the District Health Authority within whose district ” and, in paragraph (b), after the words “for that area”, there shall be substituted the words “ or the District Health Authority for the district ”.]

^{F30}(3)

^{F30}(4)

[^{F31}(5) In section 70(1), after the words “whose area”, there shall be inserted the words “ or the District Health Authority within whose district ”.]

Textual Amendments

F30 Sch. 1 Pt. I, para. 19(1)(3)(4) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

F31 Sch. 1 para. 19(2)(5) repealed (E.W.) by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78(b), Sch. 3

The Post Office Act 1969

^{F32}20

Status: Point in time view as at 10/12/1998.

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Textual Amendments

F32 Sch. 1 Pt. I, para. 20 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

21 F33

Textual Amendments

F33 Sch. 1 para. 21 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 3(1), Sch. 1 Pt. I (with s. 5, Sch. 4 paras. 1, 2)

The Local Government Act 1972

F34 22

Textual Amendments

F34 Sch. 1 Pt. I, para. 22 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

The National Health Service Reorganisation Act 1973

F35 23

Textual Amendments

F35 Sch. 1 Pt. I, para. 23 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

The Health and Safety at Work, etc. Act 1974

F36 24

Textual Amendments

F36 Sch. 1 Pt. I, para. 24 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

The Trade Union and Labour Relations Act 1974

F37 25

Textual Amendments

F37 Sch. 1 para. 25 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992, ss. 300(1), 302, Sch. 1

Status: Point in time view as at 10/12/1998.

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The House of Commons Disqualification Act 1975

^{F38}26

Textual Amendments

F38 Sch. 1 Pt. I, para. 26 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

^{F39}The Nursing Homes Act 1975

Textual Amendments

F39 Sch. 1 para. 27 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

27 In section 2(3)(a) of the ^{M16}Nursing Homes Act 1975, for the words “by virtue of” there shall be substituted the words “ for the purposes of his functions under ”.]

Marginal Citations

M16 1975 c. 37.

The National Health Service Act 1977

^{F40}28

Textual Amendments

F40 Sch. 1 Pt. I, para. 28 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

29 ^{F41}

Textual Amendments

F41 Sch. 1 para. 29 repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30(1), **Sch. 10 Pt. I**

30 ^{F42}

Textual Amendments

F42 Sch. 1 para. 30 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**

^{F43}31

Status: Point in time view as at 10/12/1998.

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Textual Amendments

F43 Sch. 1 Pt. I, para. 31 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

F44 32

Textual Amendments

F44 Sch. 1 Pt. I, para. 32 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

F45 33

Textual Amendments

F45 Sch. 1 Pt. I, para. 33 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

F46 34

Textual Amendments

F46 Sch. 1 Pt. I, para. 34 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

35 F47

Textual Amendments

F47 Sch. 1 para. 35 repealed by S.I. 1985/39, art. 9(a)

F48 36

Textual Amendments

F48 Sch. 1 Pt. I, para. 36 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

37 F49

Textual Amendments

F49 Sch. 1 para. 37 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. I

F50 38

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

Textual Amendments

F50 Sch. 1 Pt. I, para. 38 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F51}39

Textual Amendments

F51 Sch. 1 Pt. I, para. 39 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F52}40

Textual Amendments

F52 Sch. 1 Pt. I, para. 40 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F53}41

Textual Amendments

F53 Sch. 1 Pt. I, para. 41 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

42 ^{F54}

Textual Amendments

F54 Sch. 1 para. 42 repealed by S.I. 1985/39, art. 9(b)

^{F55}43

Textual Amendments

F55 Sch. 1 Pt. I, para. 43 repealed (10.12.1998) by 1997 c. 46, s. 41(12), Sch. 3 Pt. I; S.I. 1998/2840, art. 2(3), Sch.

44—49. ^{F56}

Textual Amendments

F56 Sch. 1 paras. 44—49, 51 repealed by S.I. 1985/39, art. 9(d)

^{F57}50

Status: Point in time view as at 10/12/1998.

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Textual Amendments

F57 Sch. 1 Pt. I, para. 50 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

51 **F58**

Textual Amendments

F58 Sch. 1 paras. 44–49, 51 repealed by S.I. 1985/39, art. 9(d)

52 In section 39 of the Act of 1977, in paragraph (b), after the words “the provisions of this” there shall be inserted the words “ Part of this ”, . . . **F59**

Textual Amendments

F59 Words expressed to be omitted by S.I. 1985/39, art. 9(e)

53 **F60**

Textual Amendments

F60 Sch. 1 para. 53 repealed by S.I. 1985/39, art. 9(f)

54 **F61**

Textual Amendments

F61 Sch. 1 para. 54 repealed by S.I. 1985/39, art. 9(f) and by National Health Service (Amendment) Act 1986 (c. 66, SIF 113:2), s. 8(3)

55 **F62**

Textual Amendments

F62 Sch. 1 para. 55 repealed by S.I. 1985/39, art. 9(f)

56, 57. **F63**

Textual Amendments

F63 Sch. 1 paras. 56, 57 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. I

58—61. **F64**

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

Textual Amendments

F64 Sch. 1 paras. 58–61 repealed by S.I. 1985/39, art. 9(f)

^{F65}62

Textual Amendments

F65 Sch. 1 Pt. I, para. 62 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F66}63

Textual Amendments

F66 Sch. 1 Pt. I, para. 63 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F67}64

Textual Amendments

F67 Sch. 1 Pt. I, para. 64 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F68}65

Textual Amendments

F68 Sch. 1 Pt. I, para. 65 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

66 In section 88 of the Act of 1977, in subsection (1) for the words “so vests” there shall be substituted the words “ is so vested ” and in subsection (2) for the words “section 6 of the Act of 1946” there shall be substituted the words “ the exercise of the power hereby conferred ”.

^{F69}67

Textual Amendments

F69 Sch. 1 Pt. I, para. 67 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

68 In section 95(1) of the Act of 1977 for the word “and” (where first occurring) there shall be substituted the word “ or ”.

69 Section 98 of the Act of 1977 shall be amended as follows—

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

F70 (a)
(b) F71

Textual Amendments

- F70** Sch. 1 Pt. I para. 69(a) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)
- F71** Sch. 1 para. 69(b) and the word immediately preceding it repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. I

F72-70

Textual Amendments

- F72** Sch. 1 Pt. I, para. 70 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

F73-71

Textual Amendments

- F73** Sch. 1 Pt. I, para. 71 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

F74-72

Textual Amendments

- F74** Sch. 1 para. 72 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch.3 (with s. 3(4)).

F75-73

Textual Amendments

- F75** Sch. 1 para. 73 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch.3 (with s. 3(4)).

F76-74

Textual Amendments

- F76** Sch. 1 para. 74 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch.3 (with s. 3(4)).

F77-75

Textual Amendments

- F77** Sch. 1 Pt. I, para. 75 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

76^{F78}

Textual Amendments

F78 Sch. 1 Pt. I, para. 76 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

77 Section 128(1) of the Act of 1977 shall be amended as follows—

- ^{F79}(a)
- (b) ^{F80}
- (c) in the definition of “the health service”, after the words “in pursuance of”, there shall be inserted the words “ section 1 of the National Health Service Act 1946 and continued under ”;
- (d) in the definition of “health service hospital”, after the word “State”, there shall be inserted the words “ for the purposes of his functions ”; and
- (e) for the definition of “voluntary”, there shall be substituted the following definition— “ “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority; ”.

Textual Amendments

F79 Sch. 1 Pt. I, para. 77(a) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

F80 Sch. 1 para. 77(b) repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**

78 ^{F81}(1)

(2) ^{F82}

Textual Amendments

F81 Sch. 1 Pt. I, para. 78(1) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

F82 Sch. 1 para. 78(2)–(6) repealed by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**

79 ^{F83}

Textual Amendments

F83 Sch. 1 para. 79 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I** and expressed to be repealed by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**

^{F84}80

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

Textual Amendments

F84 Sch. 1 Pt. I, para. 80 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F85}81

Textual Amendments

F85 Sch. 1 Pt. I, para. 81 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

82 ^{F86}(1)

(2) ^{F87}

^{F86}(4)

Textual Amendments

F86 Sch. 1 Pt. I, para. 82(1)(4) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

F87 Sch. 1 paras. 82(2)(3), 87–97 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. I

83 In Schedule 15 to the Act of 1977, in paragraph 46(c), for the words “(a)(xvii) add “(xviii)””, there shall be substituted the words “ (a)(xviii) add “(xix)” ” and in paragraph 47(c), for the words “(b)(xviii) add “(xix)””, there shall be substituted the words “ (b)(xix) add “(xx)” ”.

The Employment Protection (Consolidation) Act 1978

^{F88}84

Textual Amendments

F88 Sch. 1 Pt. I, para. 84 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

^{F89}85

Textual Amendments

F89 Sch. 1 Pt. I, para. 85 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

The Nurses, Midwives and Health Visitors Act 1979

^{F90}86

Textual Amendments

F90 Sch. 1 Pt. I, para. 86 repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, **Sch. 3** (with Sch. 2 paras. 6, 16)

PART II

AMENDMENTS RELATING TO SHARED FAMILY PRACTITIONER COMMITTEES

87—97. ^{F91}

Textual Amendments

F91 Sch. 1 paras. 82(2)(3), 87–97 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**

98

Textual Amendments

F92 Sch. 1 para. 98 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I** and expressed to be repealed by S.I. 1985/39, **art. 9(h)**

99

Textual Amendments

F93 Sch. 1 para. 99 repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**

SCHEDULE 2

Section 9.

AMENDMENTS CONSEQUENTIAL ON THE
DISSOLUTION OF THE HEALTH SERVICES BOARD ETC.

Modifications etc. (not altering text)

C2 The text of Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

[^{F94}The Health Services Act 1976]

Textual Amendments

F94 Sch. 2 paras. 1–6, Sch. 3 repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**

- 1 In sections 12(1), 13(2) and (4), 14(1) and (3), 16(1)(a) and (b) and 17(6) and (7) of the Act of 1976 for the words “the Board” wherever they occur, there shall be substituted the words “ the Secretary of State ”.
- 2 In section 13 of that Act—
- (a) in subsection (1) for the words from “the Board”, in the first place where they occur, onwards there shall be substituted the words “ the Secretary of State ”; and
 - (b) in subsection (2) for the word “it” there shall be substituted the word “ he ”.
- 3 In section 14 of that Act—
- (a) in subsection (1) for the word “it” there shall be substituted the word “ him ”; and
 - (b) subsection (5) shall be omitted.
- 4 In section 16 of that Act—
- (a) for paragraphs (d) and (e) of subsection (1) there shall be substituted the following paragraphs—
 - “(d) for enabling the Secretary of State to require such person or persons as he may appoint to afford the applicant for an authorisation a hearing and to report to the Secretary of State;
 - (e) for determining the locality of, and entitling persons other than the applicant to appear and be heard at, such a hearing;”;
 - (b) subsection (2) shall be omitted; and
 - (c) in subsection (4) for the words “under the direction of the Board” there shall be substituted the words “ under his direction ”.
- 5 In section 17 of that Act—
- (a) in subsection (1) for the words “the Board”, in the first place where they occur, there shall be substituted the words “ the Secretary of State ” and for the words “the Board”, in the second and third places where they occur, there shall be substituted the words “ a person or persons appointed by the Secretary of State ”;
 - (b) in subsections (1) and (3) for the words “the Board’s” there shall be substituted the words “ the Secretary of State’s ”;

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

- (c) in subsection (4) for the words “The Board and the Secretary of State” there shall be substituted the words “ The Secretary of State ”; and
- (d) in subsection (7), for the word “it” there shall be substituted the word “ he ”.

6 In section 22(2) of that Act paragraph (a) and the words “under paragraph 10 of Schedule 1 to this Act or” shall be omitted.

The National Health Service Act 1977

F957

Textual Amendments

F95 Sch. 2 para. 7 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch.3 (with s. 3(4)).

F968

Textual Amendments

F96 Sch. 2 para. 8 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch.3 (with s. 3(4)).

F979

Textual Amendments

F97 Sch. 2 para. 9 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch.3 (with s. 3(4)).

10 In section 128(1) of that Act the definitions of “Health Services Board” and “Welsh Committee” shall be omitted.

The National Health Service (Scotland) Act 1978

11 In the Scottish Act of 1978—

- F98(a)
- F98(b)
- F98(c)
- F98(d)
- F98(e)

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

- ^{F98}(f)
- (g) in section 108(1), the definitions of “Health Services Board” and “Scottish Committee”, shall be omitted.

Textual Amendments

F98 Sch. 2 para. 11(a)-(f) repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), **Sch.3** (with s. 3(4)).

[^{F99X16}SCHEDULE 3

Section 15.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1976

Editorial Information

X16 The text of Schedule 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F99 Sch. 2 paras. 1–6, Sch. 3 repealed (1.4.1991) by **National Health Service and Community Care Act 1990** (c. 19, SIF 113:2), s. 66(2), **Sch. 10**

- 1 In this Schedule references to sections are references to sections of the Act of 1976.
- 2 (1) In subsection (2) of section 13 (authorisations to construct or extend controlled premises) for the words “the National Health Service Acts” and “those Acts” (in both cases as originally enacted) there shall be substituted the words “ the principal Act ” and “ that Act ” respectively.
- (2) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) The matters referred to in subsection (2) above are—
- (a) how much accommodation and what facilities are or will be provided at, and what are or will be the staffing requirements of, relevant hospital premises in the area or areas served by the health service hospital or hospitals concerned;
- (b) how much accommodation or additional accommodation the works would provide;
- (c) what facilities or additional facilities the works would enable to be provided; and
- (d) what staffing requirements or additional staffing requirements the works would give rise to.”.
- (3) In subsection (4) of that section after the words “as to” there shall be inserted the words “ the use of the premises, ”.
- 3 In subsection (4) of section 16 (regulations in connection with the provisions of Part III) after the words “notifiable works” there shall be inserted the words “ or a notifiable change ”.

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

- 4 In subsection (2)(a) of section 18 (offences) after the words “notifiable works” there shall be inserted the words “ or the making of any notifiable change ” .
- 5 (1) Section 20 (interpretation of Part III) shall be amended as provided in this paragraph.
- (2) After the definition of “controlled works” there shall be inserted the following definition— “ “health authority” means, for England and Wales, an Area Health Authority or a District Health Authority or, for Scotland, a Health Board; ”.
- (3) In the definition of “hospital premises” for the words “has the meaning given by section 14(7)” there shall be substituted the words “ and “hospital services” have the meanings given by section 12(2) ”.
- (4) In the definition of “notifiable works” for the words “has the meaning” there shall be substituted the words “ and “notifiable change” have the meanings ”.
- (5) After the definition of “prescribed” there shall be inserted the following definition — “ “relevant hospital premises” has the meaning given by section 12(2) above; ”.
- 6 (1) In subsection (1) of section 23 (general interpretation, amendments and repeals) for the definition of “the principal Act” there shall be substituted the following definition — “ “the principal Act” means, for England and Wales, the ^{M17}National Health Service Act 1977 or, for Scotland, the ^{M18}National Health Service (Scotland) Act 1978; ”.
- (2) After subsection (2) there shall be inserted the following subsection—
- “(2A) The Secretary of State may by order provide that this Act shall extend to the Isles of Scilly with such modifications, if any, as are specified in the order, and except as may be so provided this Act does not extend to the Isles of Scilly.”.]

Marginal Citations

M17 1977 c. 49.

M18 1978 c. 29.

SCHEDULE 4

Section 16.

NURSING HOMES AND MENTAL NURSING HOMES, ETC.

PART I

ENGLAND AND WALES

1—5. **F100**

Textual Amendments

F100 Sch. 4 Pt. I (paras. 1–5) repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, Sch. 3

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

^{X17}PART II

SCOTLAND

Editorial Information

X17 The text of Schedule 4 Pt. II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 6 In this Part of this Schedule references to sections are, where not further identified, references to sections of the ^{M19}Nursing Homes Registration (Scotland) Act 1938.

Marginal Citations

M19 1938 c. 73.

- 7 In section 1 (registration of nursing homes)—
- (a) after subsection (1) there shall be inserted the following subsection—
- “(1A) If any person carries on a nursing home in contravention of a condition of his registration in respect of that home he shall be guilty of an offence against this Act.”;
- [^{F101}(b) after paragraph (bb) of the proviso to subsection (3), there shall be inserted the following—
- “; or
- (bc) that the use of the home or any premises used in connection therewith is in contravention of any term contained in an authorisation under section 13 of the said Act of 1976; or”;
- (c) for paragraphs (c) and (d) of the said proviso there shall be substituted the following paragraphs—
- “(c) in the case of a nursing home other than a maternity home—
- (i) that the home is not, or will not be, in the charge of a person who is either a registered medical practitioner or a qualified nurse; or
- (ii) that the condition mentioned in subsection (3B) below is not, or will not be, fulfilled in relation to the home; or
- (d) in the case of a maternity home—
- (i) that the home is not, or will not be, in the charge of a person who is either a registered medical practitioner or a certified midwife and qualified nurse; or

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

- (ii) that the condition mentioned in subsection (3B) below is not, or will not be, fulfilled in relation to the home”; and
- (d) after subsection (3) there shall be inserted the following subsections—
- “(3A) In the proviso to subsection (3) above “qualified nurse” in relation to a home, means a nurse possessing such qualifications as may be specified in a notice served by the Board on the person carrying on or proposing to carry on the home.
- (3B) The condition referred to in the proviso to subsection (3) above is that such number of nurses possessing such qualifications and, in the case of a maternity home, such number of certified midwives as may be specified in a notice served by the Health Board on the person carrying on or proposing to carry on the home are on duty in the home at such times as may be so specified.
- (3C) In preparing any notice under subsection (3A) or (3B) above, the Health Board shall have regard to the class and, in the case of a notice under subsection (3B) above, the number of patients for whom nursing care is or is to be provided in the home.
- (3D) It shall be a condition of the registration of any person in respect of a nursing home that the number of persons kept at any one time in the home (excluding persons carrying on, or employed in, the home, together with their families) does not exceed such number as may be specified in the certificate of registration.
- (3E) Without prejudice to subsection (3D) above, any such registration may be effected subject to such conditions (to be specified in the certificate of registration) as the Health Board may consider appropriate for regulating the age, sex or other category of persons who may be received into the home in question.
- (3F) The Health Board may, upon application in writing made to them by the person registered in respect of a nursing home, vary any condition of the registration of that person in respect of that nursing home imposed by or under subsection (3D) or (3E) above.
- (3G) A variation under subsection (3F) above may be for a definite or indefinite period.”.

Textual Amendments

F101 Sch. 4 para. 7(b) repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), Sch. 10

- 8 In section 2(1) (cancellation of registration)—
- (a) before the proviso there shall be inserted the words “ or on the ground that any condition imposed by or under section 1(3D) to (3G) of this Act has not been complied with ”; and
- (b) in the proviso after the words “Provide that” there shall be inserted the following words—

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

- “(a) where a person’s registration in respect of a nursing home is in force immediately before the coming into force of paragraph 8 of Schedule 4 to the Health Services Act 1980, the Health Board shall not cancel the registration on any ground mentioned in paragraph (c) or (d) of the proviso to subsection (3) of section 1 of this Act before the expiration of the period of three months beginning with the day on which the relevant notice is served by them under subsection (3A) or (3B) of that section; and
- (b)”.

9 After section 3 there shall be inserted the following section—

“3A Conduct and inspection of nursing homes.

The Secretary of State may make regulations—

- (a) as to the conduct of nursing homes;
- (b) with respect to entry and the inspection of premises used or reasonably believed to be used as a nursing home;
- (c) with respect to the production and inspection of records required to be kept under this Act, and regulations made under paragraph (a) above may include provision as to the facilities and services to be provided in nursing homes.”.

10 In section 4 (regulations) for subsection (2) there shall be substituted the following subsection—

“(2) Any regulations under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

11 Section 5 shall be omitted.

12 In section 7 (power to exempt Christian Science Homes), in subsection (1), for the words from “any requirement” to the end there shall be substituted the words “ the provisions of this Act. ”.

13 In section 10—

- (a) the definition of “pupil midwife” and “qualified nurse” shall be omitted;
- (b) for the definition of “nursing home” there shall be substituted the following — ““nursing home” has the meaning given by subsection (2) below; ”; and
- (c) in the definition of “certified midwife”, for the word “1915” there shall be substituted the word “ 1951 ”.

14 The said section 10 shall be renumbered as subsection (1) of that section, and after that subsection there shall be inserted the following subsections—

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

- “(2) In this Act “nursing home” means, subject to subsection (3) below—
- (a) any premises used, or intended to be used, for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity;
 - (b) any maternity home; and
 - (c) any premises not falling within either of the preceding paragraphs which are used, or intended to be used, for the provision of all or any of the following services, namely—
 - (i) the carrying out of surgical procedures under anaesthesia;
 - (ii) the termination of pregnancies;
 - (iii) endoscopy;
 - (iv) haemodialysis or peritoneal dialysis.
- (3) The definition in subsection (2) above does not include—
- (a) any hospital or other premises maintained or controlled by a government department or local authority or any other authority or body established or incorporated by or under any local Act or by Royal Charter;
 - (b) any private hospital within the meaning of the ^{M20}Mental Health (Scotland) Act 1960;
 - (c) any sanatorium provided at a school or educational establishment and used or intended to be used solely by persons in attendance at, or members of the staff of, that school or establishment or members of their families;
 - (d) any first aid or treatment room provided at factory premises, at premises to which the ^{M21}Offices, Shops and Railway Premises Act 1963 applies or a sports ground, show ground or place of public entertainment;
 - (e) any premises used, or intended to be used, wholly or mainly—
 - (i) by a medical practitioner for the purpose of consultations with his patients;
 - (ii) by a dental practitioner or chiropodist for the purpose of treating his patients; or
 - (iii) for the provision of occupational health facilities;
 - (f) any premises used, or intended to be used, wholly or mainly as a private dwelling; or
 - (g) any other premises excepted from that definition by regulations made by the Secretary of State.”.

Marginal Citations

M20 1960 c. 61.

M21 1963 c. 41.

15 In section 16(1) of the ^{M22}Mental Health (Scotland) Act 1960 (prerequisites of registration of private hospital) after paragraph (bb) there shall be inserted the following paragraph—

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

“(bc) that the use of the hospital or any premises used in connection therewith is in contravention of any term contained in an authorisation under section 13 of the said Act of 1976;”.

Marginal Citations

M22 1960 c. 61.

- 16 In Schedule 7 to the ^{M23}Nurses, Midwives and Health Visitors Act 1979—
- (a) in paragraph 1, the words from “and”, where it first occurs, to the end and paragraphs 2 and 3(b) shall be omitted; and
 - (b) in paragraph 3(a), for the words “definitions of “qualified nurse” and” there shall be substituted the words “ definition of ”.

Marginal Citations

M23 1979 c. 36.

^{X18}SCHEDULE 5

Section 25(2).

AMENDMENTS OF THE ACT OF 1977 AND THE SCOTTISH ACT OF 1978 RELATING
 TO EXEMPTIONS FROM CHARGES FOR CERTAIN SERVICES AND APPLIANCES

Editorial Information

X18 The text of Schedule 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

AMENDMENTS OF THE ACT OF 1977

Exemption from charges for appliances

- 1 In paragraph 1(1)(c) of Schedule 12 to the Act of 1977, for the words “or is undergoing full-time education in a school, or”, there shall be substituted the words “or is under 19 years of age and receiving qualifying full-time education, or”.

Exemption from charges for dental or optical appliances

- 2 (1) Paragraph 2 of the said Schedule 12 shall be amended as provided in this paragraph.

(2) **F102**

Status: Point in time view as at 10/12/1998.

Changes to legislation: Health Services Act 1980 is up to date with all changes known to be in force on or before 05 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)

- (3) For sub-paragraph (4)(a), there shall be substituted,—
 - “(a) was under 16 years of age or was under 19 years of age and receiving qualifying full-time education; or”.
- (4) F102
- (5) In sub-paragraph (8), after the word “replacement”, where it first occurs, there shall be inserted the words “ and, in the case of dentures, to their being relined or adjusted or having additions made to them, ”.

Textual Amendments

F102 Sch. 5 paras. 2(2)(4), 6(2)(4) repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. I

Exemptions from charges for dental treatment

- 3 (1) Paragraph 3 of the said Schedule 12 shall be amended as provided in this paragraph.
- (2) In sub-paragraph (4), for the words from “(a) was under 21 years” to “in a school”, there shall be substituted—
 - “(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or”;
 and the words from “if” to the end shall be omitted.
- (3) In sub-paragraph (5), for the words from “under section 79(1)” to “to a denture” there shall be substituted the words “ made with respect to any exemption under sub-paragraph (4) above ”.

Interpretation

- 4 For paragraph 7 of the said Schedule 12, there shall be substituted the following paragraph—
 - “7 References in this Schedule to qualifying full-time education mean full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Secretary of State, and for the purposes of such references—
 - (a) “recognised educational establishment” means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university; and
 - (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.”

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PART II

AMENDMENTS OF THE SCOTTISH ACT OF 1978

Exemption from charges for appliances

- 5 In paragraph 1(1)(c) of Schedule 11 to the Scottish Act of 1978, for the words “or is undergoing full-time education in a school, or”, there shall be substituted the words “or is under 19 years of age and receiving qualifying full-time education, or”.

Exemption from charges for dental or optical appliances

- 6 (1) Paragraph 2 of the said Schedule shall be amended as provided in this paragraph.
- (2) ^{F103}
- (3) For sub-paragraph (4)(a), there shall be substituted,—
“(a) was under 16 years of age or was under 19 years of age and receiving qualifying full-time education; or”.
- (4) ^{F103}
- (5) In sub-paragraph (8), after the word “replacement”, where it first occurs, there shall be inserted the words “and, in the case of dentures, to their being relined or adjusted or having additions made to them,”.

Textual Amendments

F103 Sch. 5 paras. 2(2)(4), 6(2)(4) repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

Exemptions from charges for dental treatment

- 7 (1) Paragraph 3 of the said Schedule 11 shall be amended as provided in this paragraph.
- (2) In sub-paragraph (4), for the words from “(a) was under 21 years” to “in a school”, there shall be substituted—
“(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or”;
and the words from “if” to the end shall be omitted.
- (3) In sub-paragraph (5), for the words from “under section 71(1)” to “to a denture” there shall be substituted the words “made with respect to any exemption under sub-paragraph (4)”.

Interpretation

- 8 After paragraph 6 of the said Schedule 11, there shall be inserted the following paragraph—
“7 References in this Schedule to qualifying full-time education mean full-time instruction at a recognised educational establishment or by other

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means accepted as comparable by the Secretary of State, and for the purposes of such references—

- (a) “recognised educational establishment” means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university; and
- (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.”

X¹⁹SCHEDULE 6

Section 25(3).

OTHER MINOR AMENDMENTS

Editorial Information

X19 The text of Schedule 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The National Health Service (Scotland) Act 1978

- 1 (1) In subsection (6) of the Scottish Act of 1978 (local health councils) after the word “thereof,” there shall be inserted “ and of any body established under subsection (9) (g), ”.
- (2) After paragraph (f) of section 7(9) of that Act there shall be inserted the following paragraphs—
 - “(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).”.
- 2 In subsection (1) of section 10 of that Act (common Services Agency) for the words “health service” there shall be substituted the words “ Scottish Health Service ”.
- 3 In section 20 of that Act (applications to provide general medical services) immediately before the words “be entitled” there shall be inserted the words “ subject to the provisions of this Part of this Act relating to the disqualification of practitioners ”; and the words “(except as mentioned in subsection (2))” and subsection (2) shall be omitted.
- 4 In section 25(3) of that Act (remuneration of dentists providing general dental services) the words “except in special circumstances” shall be omitted and at the end there shall be inserted—
 - “unless either—
 - (a) the remuneration is paid in pursuance of arrangements made under section 33, or

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- (b) the services are provided in prescribed circumstances and the practitioner consents,

and it shall be the Secretary of State's duty, before he prescribes any circumstances for the purposes of paragraph (b), to consult such organisations as appear to him to be representative of the dental profession. ”

- 5 (1) In section 105(7) of that Act (power to make regulations and orders)—
- (a) there shall be inserted after the word “power” where it first occurs the words “conferred by this Act”;
 - (b) the words from “under sections 2” to “Schedule 5” shall be omitted;
 - (c) in paragraph (a) for the words “particular case or cases” there shall be substituted the words “specified cases or classes of case”; and
 - (d) at the end there shall be inserted— “ This subsection does not apply to the regulations made under section 22 (but without prejudice to subsection (3) of that section) or to an order made under section 49 (but without prejudice to paragraph 1(1) of Schedule 10). ”.
- 6 Section 108(1) of that Act (definitions) shall be amended as follows—
- (a) in the definition of “health service hospital”, after the word “State” there shall be inserted the words “for the purposes of his functions”; and
 - (b) for the definition of “voluntary” there shall be substituted the following definition— “ “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority. ”.
- 7 (1) Schedule 1 to that Act shall be amended as provided in this paragraph.
- (2) In paragraph 5—
 - (a) the words “, subject to regulations,” shall be omitted; and
 - (b) at the end there shall be inserted the words “in accordance with regulations and any directions given under this paragraph by the Secretary of State”.
 - (3) In paragraph 7—
 - (a) after the word “regulations” where it first occurs there shall be inserted the words “or any directions given under paragraph 5”; and
 - (b) at the end there shall be inserted the words “or, as the case may be, the directions”.
 - (4) In paragraph 11—
 - (a) after sub-paragraph (b) there shall be inserted the word “and”; and
 - (b) sub-paragraph (d) and the word “and” immediately preceding it shall be omitted.
 - (5) After paragraph 11 there shall be inserted the following paragraph—

“11A A Health Board may subscribe to the funds of any associations or other bodies having objects of which the Board approves.”.
- 8 (1) Schedule 5 to that Act shall be amended as provided in this paragraph.
- (2) After paragraph 3 there shall be inserted the following paragraph—

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“3A The Secretary of State may pay to the chairman of the management committee such remuneration as he may, with the approval of the Minister for the Civil Service, from time to time determine.”.

(3) In paragraph 7—

- (a) the words “, subject to regulations,” shall be omitted; and
- (b) at the end there shall be inserted the words “ in accordance with regulations and any directions given under this paragraph by the Secretary of State. ”.

(4) In paragraph 9—

- (a) after the word “regulations” where it first occurs there shall be inserted the words “ or any directions given under paragraph 7 ”; and
- (b) at the end there shall be inserted the words “ or, as the case may be, the directions ”.

9 In paragraph 3 of Schedule 14 to that Act—

- (a) for the words “an Executive Council” there shall be substituted the words “ a Joint Ophthalmic Committee ”;
- (b) sub-paragraph (b) shall be omitted;
- (c) in sub-paragraph (c) the words “or order” and “or that order” shall be omitted.

10 In paragraph 13(b) of Schedule 15 to that Act, after the word “of”, where it first occurs, there shall be inserted the words “ this Act ”.

The Nurses, Midwives and Health Visitors Act 1979

11 (1) After paragraph 6 of Schedule 7 to the ^{M24}Nurse, Midwives and Health Visitors Act 1979 there shall be inserted the following paragraph—

“6A In section 33—

- (a) in subsection (5) omit the words from the beginning to “this section and” and for the word “him” substitute “the Secretary of State”; and
- (b) in subsection (6) omit the words from the beginning to “is exercised and”.

(2) In Schedule 8 to the Nurses, Midwives and Health Visitors Act 1979 in column 3 of the entry relating to the Nurses (Scotland) Act 1951 for the words “except section 36(1) and (2)” there shall be substituted “ except sections 33(4) to (6) and 36(1) and (2) ”.

Marginal Citations

M24 1979 c. 36.

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^{x20}SCHEDULE 7

Section 25(4).

ENACTMENTS REPEALED

Editorial Information

X20 The text of Schedule 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
1938 c. 73.	The Nursing Homes Registration (Scotland) Act 1938.	Section 5. In section 10, the definitions of “pupil midwife” and “qualified nurse”.
1967 c. 87.	The Abortion Act 1967.	In section 6, the definition of “the National Health Service Acts”.
1971 c. 62.	The Tribunals and Inquiries Act 1971.	In section 8(2) the words “7A” and “37A”. In Schedule 1, paragraphs 7A and 37A.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 1, the entry relating to the Health Services Board.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In section 15(3), the words from “but nothing” to the end.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entries relating to the Health Services Board and the Scottish and Welsh Committees of that Board.
1975 c. 37.	The Nursing Homes Act 1975.	Section 5(2). In section 20, subsection (2), and the definitions of “pupil midwife” and “qualified nurse” in subsection (1).
1976 c. 83.	The Health Services Act 1976.	Section 1. Section 3. Section 6.

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		Section 14(5).
		Section 16(2).
		In section 21 the words “subject to section 8(8) above”.
		In section 22(2), paragraph (a) and the words “under paragraph 10 of Schedule 1 to this Act or”.
		In section 23, in subsection (1), the definition of “NHS hospital” and subsection (5).
		In section 24— (a) in subsection (1) the words from “and Part II of this Act” onwards; and (b) in subsection (3) the words “except so far as it amends the House of Commons Disqualification Act 1975”.
		Schedules 1 and 2.
1977 c. 49.	The National Health Service Act 1977.	In section 6, subsections (1) and (2), in subsection (3) the words “after consultation with the Central Council” and “and the Council”, in subsection (5) the words “and the Central Council”, the words “or the Council” and the words following paragraph (b), and subsections (6) and (7).
		In section 23(1), the paragraph beginning “In this section”.
		In section 30, the words “(except as mentioned in subsection (2) below)” and subsection (2).
		In section 41 the word “and” at the end of paragraph (a).
		Sections 59 and 60.
		Section 65(6).
		Section 66(3).

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Sections 67 to 71.

Sections 73 to 76.

In section 100(1),
paragraph (a).

In section 101, the words
from “but this section”
onwards.

In section 102(1)(a), in
subparagraph (i), the words
“the Central Council”,
the words from “and that
Council” to “this Act”
and the words “under that
paragraph”.

In section 109, paragraph (g)
and the word “and”
immediately preceding that
paragraph.

In section 110, paragraph (d)
and the word “or”
immediately preceding that
paragraph.

In section 119—
(a) in subsection (1)
the words from “but
paragraph (d)” onwards;
(b) in subsection (3)
paragraph (a) and, in
paragraph (b), the words
“in relation to any other
investigation”; and
(c) in subsection (4),
paragraph (a) and, in
paragraph (b), the word
“other” in the first place
where it occurs.

In section 128(1) the
definitions of “the Central
Council”, “Health Services
Board” and “Welsh
Committee”.

In Schedule 4, paragraph 1,
in paragraph 2 the words “the
Central Council, and of”,
in paragraph 3, the words
“the Central Council and to”,
in paragraph 4, the words
“The Central Council may

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		appoint such committees, and”, the words “Central Council or” (in both places), the words “committee or” and the words “as the case may be”, in paragraph 5 the words “The Central Council and”, the words “Council or” (in both places) and the words “as the case may be” and, in paragraph 6 the words “the Central Council or of” and “Council or”.
		In Schedule 12, in paragraph 3(4), the words from “if” to the end.
		In Schedule 15, paragraphs 11, 41 and 68 to 70.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	Section 16(3). In section 20, the words “(except as mentioned in subsection (2))” and subsection (2). In section 25(3), the words “, except in special circumstances,”. Sections 51 and 52. Section 57(6). Section 58(3). Sections 59 to 63. Sections 65 to 68. In section 85(6) the words from “but” to the end. Section 93(1)(c). In section 96— (a) in subsection (1)(d) the words “subject to subsection (2)”; (b) subsection (2); (c) in subsection (4) paragraph (a) and, in paragraph (b), the words from the beginning to “investigation”;

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(d) in subsection (5) the words from “(other than” to “Committee”); and
(e) in subsection (6) the words from “shall” to “and” and the words “other” and “said”.

In section 105(7) the words from “under sections 2” to “Schedule 5”.

In section 108(1) the definitions of “full-time education in a school”, “Health Services Board” and “Scottish Committee”.

In Schedule 1, in paragraph 5 the words “, subject to regulations,” and paragraph 11(d) and the word “and” immediately preceding it.

In Schedule 5, in paragraph 7 the words “, subject to regulations,”.

In Schedule 11, in paragraph 3(4), the words from “if” to the end.

In Schedule 14, in paragraph 3 sub-paragraph (b) and in sub-paragraph (c) the words “or order” and “or that order.”

In Schedule 16, paragraphs 25 and 43.

1979 c. 36.

The Nurses, Midwives and Health Visitors Act 1979.

In Schedule 7, in paragraph 1, the words from “and” where it first occurs to the end and paragraphs 2, 3(b), 24 and 25.

Status:

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