

## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

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

#### PART I

##### AMENDMENTS RELATING TO DISTRICT HEALTH AUTHORITIES

###### *The Public Health Act 1936*

- 1 In section 143(3) of the Public Health Act 1936 after the words " Area Health Authorities" there shall be inserted the words " District Health Authorities ".
- 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*

- 4 In section 4(1) of the Polish Resettlement Act 1947, after the words " Area Health Authorities " there shall be inserted the words " District Health Authorities ".

###### *The National Assistance Act 1948*

- 5 In section 21(7)(c) of the National Assistance Act 1948, after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".

###### *The Recall of Army and Air Force Pensioners Act 1948*

- 6 In the Schedule to the Recall of Army and Air Force Pensioners Act 1948, in paragraph 2, after the word " Wales " there shall be inserted the words " of a District Health Authority of which the district is in Wales ".

###### *The Shops Act 1950*

- 7 In section 22(1) of the Shops Act 1950, in proviso (v), between the words " Area " and " Health Authority ", there shall be inserted the words " or District ".
- 8 In Schedule 5 to the Shops Act 1950, in paragraph 1(g), between the words " Area " and " Health Authority ", there shall be inserted the words " or District ".

*The Midwives Act 1951*

- 9 (1) The Midwives Act 1951 shall be amended as provided in this paragraph.
- (2) In section 23(2) for the words " of which the areas ", there shall be substituted the words " and District Health Authorities of which the areas or districts ".
- (3) In section 29(2), for the words from " Regional" to the end there shall be substituted the words "following authority for the region, area or district, as the case may be, in which the prosecution takes place, that is to say—
- (a) where the prosecution takes place in England, the Regional Health Authority for the region in which the prosecution takes place ; and
  - (b) where the prosecution takes place in Wales, the Area Health Authority for the area or the District Health Authority for the district in which the prosecution takes place."
- (4) For section 31 there shall be substituted the following—
- “**31** The following health authorities shall be the local supervising authority over certified midwives, that is to say—
- (a) for midwives within a region in England, the Regional Health Authority for the region ; and
  - (b) for midwives within an area or district in Wales, the Area Health Authority or District Health Authority for the area or district.”.

*The Landlord and Tenant Act 1954*

- 10 In section 57(6) of the Landlord and Tenant Act 1954, after the words " Area Health Authority", there shall be inserted the words " District Health Authority ".

*The Nurses Act 1957*

- 11 (1) The Nurses Act 1957 shall be amended as provided in this paragraph.
- (2) In section 11(2)(c), after the words " Area Health Authorities ", there shall be inserted the words " and District Health Authorities ".
- (3) In section 13(1), after the words "Area Health Authority", there shall be inserted the words " District Health Authority ".
- (4) In section 14, after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".
- (5) In section 16, after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".
- (6) In Schedule 2, in paragraph 1(b), after the words " the areas ", there shall be inserted the words " and District Health Authorities of which the districts ".

*The Public Records Act 1958*

- 12 In Schedule 1 to the 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 ".

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*The Mental Health Act 1959*

- 13 (1) The Mental Health Act 1959 shall be amended as provided in this paragraph.
- (2) In section 37(2), after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".
- (3) In section 41(3), after the word "Minister", there shall be inserted the words " for the purposes of his functions ".
- (4) In section 47(3), after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".
- (5) In section 56(3), after the words " Area Health Authorities ", there shall be inserted the words " District Health Authorities ".
- (6) In section 59(1), in the definition of the managers of a hospital, for the words " under the National Health Service Act 1946 " there shall be substituted the words " for the purposes of his functions under the National Health Service Act 1977 " and after the words "Area Health Authority", there shall be inserted the words " District Health Authority ".
- (7) In section 132, between the words "Area" and "Health Authority ", there shall be inserted the words " and every District " and for the words " or area " there shall be substituted the words " , area or district ".
- (8) In section 147(1), in the definition of "hospital", for the words "under the National Health Service Act 1946" there shall be substituted the words " for the purposes of his functions under the National Health Service Act 1977 ".

*The Radioactive Substances Act 1960*

- 14 In section 14(1) of the Radioactive Substances Act 1960, after the words " Area Health Authority " (in both places), there shall be inserted the words " District Health Authority ".

*The Public Bodies (Admission to Meetings) Act 1960*

- 15 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, in paragraph 1(f), after the words "Area Health Authorities", there shall be inserted the words " District Health Authorities ".

*The Parliamentary Commissioner Act 1967*

- 16 In Schedule 3 to the Parliamentary Commissioner Act 1967, in paragraph 8, after the words " Area Health Authority ", there shall be inserted the words " a District Health Authority ".

*The Abortion Act 1967*

- 17 (1) In section 1(3) of the 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 ".

*The Leasehold Reform Act 1967*

- 18 In section 28 of the Leasehold Reform Act 1967, in subsection (5)(d), after the words " Area Health Authority", there shall be inserted the words " any District Health Authority " and, in subsection (6)(c), after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".

*The Health Services and Public Health Act 1968*

- 19 (1) The Health Services and Public Health Act 1968 shall be amended as provided in this paragraph.
- (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 the area ", there shall be substituted the words " or the District Health Authority for the district ".
- (3) In section 63, in subsection (1)(a) and in subsection (2)(b), after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".
- (4) In section 64, in subsection (3)(b). after the words "Area Health Authority ", there shall be inserted the words " or District Health Authority ".
- (5) In section 70(1), after the words " whose area ", there shall be inserted the words " or the District Health Authority within whose district ".

*The Post Office Act 1969*

- 20 In section 86(1) of the Post Office Act 1969, in the definition of " national health service authority ", in relation to England and Wales, after the words " Area Health Authority", there shall be inserted the words " District Health Authority ".

*The Road Traffic Act 1972*

- 21 In section 156(1)(a) of the Road Traffic Act 1972, after the words " Area Health Authority ", there shall be inserted the words " District Health Authority ".

*The Local Government Act 1972*

- 22 In section 113(1 A) of the Local Government Act 1972, after the words " Area Health Authority ", where first appearing, there shall be inserted the words " District Health Authority " and for the words " or Area ", in paragraphs (a) and (b), there shall be substituted the words " Area or District ".

*The National Health Service Reorganisation Act 1973*

- 23 (1) The National Health Service Reorganisation Act 1973 shall be amended as provided in this paragraph.

- (2) In section 14(2), in paragraph (a), between the words " Area " and "Health Authorities" there shall be inserted the words " or District " and in paragraph (b), for the figure " (3) " (in both places), there shall be substituted the figure " (2) ".
- (3) In section 18(7), in the definition of "new health authority", between the words " Area " and " Health Authority " there shall be inserted the words " or District ".
- (4) In section 24(1), in column 2 of the Table, after the words " Area Health Authorities " in the second paragraph, there shall be inserted the words " District Health Authorities " and between the words " Area " and " Health Authority " in the third paragraph, there shall be inserted the words " or District ".

*The Health and Safety at Work, etc. Act 1974*

- 24 In section 60(1) of the Health and Safety at Work, etc. Act 1974, after the words " Area Health Authority", there shall be inserted the words " and each District Health Authority ".

*The Trade Union and Labour Relations Act 1974*

- 25 In section 30(2) of the Trade Union and Labour Relations Act 1974, after the words "Area Health Authority" in paragraphs (a) and (b), there shall be inserted the words " District Health Authority ".

*The House of Commons Disqualification Act 1975*

- 26 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975, in the entry relating to a Chairman in receipt of remuneration of any Regional Health Authority, Area Health Authority or special health authority, for the words " or Area Health Authority (Teaching) or of any " there shall be substituted the words " District Health Authority or " and at the end there shall be added the words " (within the meaning of the National Health Service Act 1977) ".

*The Nursing Homes Act 1975*

- 27 In section 2(3)(a) of the Nursing Homes Act 1975, for the words " by virtue of " there shall be substituted the words " for the purposes of his functions under ".

*The National Health Service Act 1977*

- 28 Section 8 of the Act of 1977 shall be amended as follows—
- (a) for subsection (1) there shall be substituted the following subsections—
- “(1) It is the Secretary of State's duty to establish by order in accordance with Part I of Schedule 5 to this Act-
- (a) authorities for such regions in England as he may by order determine ; and
- (b) authorities for such areas or districts in Wales or those regions in England as he may by order determine, and orders determining regions, areas or districts in pursuance of this subsection shall be separate from orders establishing authorities for the regions, areas or districts.

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(1A) The authorities established by order under subsection (1) above shall be named as follows—

- (a) an authority established for a region shall be called a Regional Health Authority ;
- (b) an authority established for an area shall, according as is provided in the order, be called an Area Health Authority with or without the word " Teaching " ; and
- (c) an authority for a district shall, according as is provided in the order, be called either a District Health Authority with or without the word " Teaching " or by a special name indicating the authority's connection with the district or a place in the district, with or without the word " Teaching " ;

but in the following provisions of this Act, except where the context otherwise requires, "Area Health Authority" and " District Health Authority" mean respectively the authority for an area and the authority for a district whether or not the name of the authority incorporates the word " Teaching" or, in the case of an authority for a district, the word " District."";

- (b) in subsection (2), after the word " area " (in both places) there shall be inserted the words " or district " and between the words " Area" and " Health Authority " the words " or District " ; and
- (c) in subsection (3), after the words " areas " and " area " there shall be inserted the words " or districts " and " or district " respectively.

29 For section 9 of the Act of 1977 there shall be substituted the following—

**“9 Special provisions for teaching authorities.**

- (1) An order under section 8(1) above establishing an authority for an area or district may provide for its name to incorporate the word " Teaching " if and only if the Secretary of State is satisfied that the authority is to provide for a university or universities substantial facilities for undergraduate or post-graduate clinical teaching.
- (2) Where the Secretary of State is satisfied that an Area or District Health Authority is to provide, or is providing such facilities, he may provide by order for the Authority's name to incorporate the word " Teaching" and, where he is satisfied that an Area or District Health Authority whose name incorporates the word " Teaching " no longer provides such facilities, he may provide by order for the Authority's name to cease to incorporate that word.
- (3) It is the Secretary of State's duty, before providing that an Authority's name shall incorporate or cease to incorporate the word "Teaching", to consult the university or universities concerned with the facilities in question.”

30 In section 10 of the Act of 1977 after the word " Authority " there shall be inserted the words " and of each District Health Authority "and after the word " area" there shall be inserted the words " or district " and for the words " described in " there shall be substituted the words " imposed by ".

31 In section 11(1) of the Act of 1977 between the words " Area " and "Health Authority" there shall be inserted the words " or District ".

- 32 In section 12(a) of the Act of 1977 the word " and " shall be omitted and after the words " Area Health Authorities " there shall be inserted the words " and District Health Authorities ".
- 33 In section 13(1) of the Act of 1977, after the word "Wales" there shall be inserted the words " a District Health Authority of which the district is in Wales ".
- 34 In section 14(1) and (2) of the Act of 1977 between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District " and in subsection (1) after the word " area " there shall be inserted the words " or district ".
- 35 In section 15 of the Act of 1977, in subsection (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the word " area " the words " or district" and in subsection (2), between the words " Area" and " Health Authority " there shall be inserted the words " or District ".
- 36 Section 16 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), between the words "Area" and "Health Authority ", wherever occurring, there shall be inserted the words " or District "; and
  - (b) in subsection (2), for the words " or Area " there shall be substituted the words " Health Authority, an Area Health Authority, a District " and after the words " same name " there shall be inserted the words " an Area Health Authority and a District Health Authority are equivalent to each other ".
- 37 Section 17 of the Act of 1977 shall be amended as follows—
- (a) between the words " Area" and " Health Authority" wherever occurring there shall be inserted the words " or District "; and
  - (b) after the word " area " in paragraph (a) there shall be inserted the words " or district ".
- 38 In section 18(3) of the Act of 1977 between the words " Area " and " Health Authority" there shall be inserted the words " or District ".
- 39 In section 19(3) of the Act of 1977 after the word " Authority " there shall be inserted the words " or for the district of a District Health Authority and, in the paragraph beginning " A committee ", there shall be inserted, after the words " called the Area " , the words "or the District" and after the words "for the area" the words " or district ".
- 40 Section 20 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), after the word "Authority" there shall be inserted the words " and a council for the district of each District Health Authority " and after the word " areas " there shall be inserted the words " or districts ";
  - (b) in subsection (2)(a), after the word " Authorities", there shall be inserted the words " or for a district which includes the districts or parts of the districts of two or more District Health Authorities "; and
  - (c) in subsection (2)(6), after the word " Authority " there shall be inserted the words " or of the district of a District Health Authority ".
- 41 Section 22 of the Act of 1977 shall be amended as follows—
- (a) in subsection (2), after the word " Authorities " there shall be inserted the words " and District Health Authorities "and, in the Table, in column 1, between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District " and, in column 2, after the

- word " area " (wherever occurring) there shall be inserted the words " or district ";
- (b) in subsection (3), between the words " Area " and " Health Authority" (in both places) there shall be inserted the words " or District ";
- (c) in subsection (4)(6), between the words " Area" and " Health Authority " (in both places) there shall be inserted the words " or District " and after the words " the area " there shall be inserted the words " or district ".
- 42 Section 29 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), after the word "duty" there shall be inserted the words " and every District Health Authority's duty " and after the words " their area " and " the area " there shall be inserted the words " or district ";
- (b) in subsection (2)(e), after the word " area " (in both places), there shall be inserted the words " or district ".
- 43 Section 30 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District ",  
 after the words " Authority's area " there shall be inserted the words " or district ",  
 the words " (except as mentioned in subsection (2) below " shall be omitted and 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
- (b) subsection (2) shall be omitted.
- 44 In section 31(1)(b) of the Act of 1977 between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the words " its area " and " that area " there shall be inserted the words " or district ".
- 45 In section 32(3)(a) of the Act of 1977, after the word " areas " there shall be inserted the words " or districts ".
- 46 Section 33 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), between the words " Area " and " Health Authority ", there shall be inserted the words " or District " and after the words " the area " and " that area " the words " or district " ;
- (b) in subsection (2), for the words " area or part", there shall be substituted the words " area or district or part of an area or district ";
- (c) in subsection (3), between the words "Area" and "Health Authority " there shall be inserted the words " or District " and after the words " Authority's area" the words " or district" ;
- (d) in subsection (4), after the words " parts of the area " there shall be inserted the words " or district " and between the words " Area " and " Health Authority " the words " or District" ;
- (e) in subsection (8)(a), for the words " area or part of an area " there shall be substituted the words " area or district or in the part of the area or district ".
- 47 In section 34 of the Act of 1977, in paragraph (a), between the words " Area" and " Health Authorities", there shall be inserted the words " and District " and after the words " their areas " and " those areas " the words " or districts " and in paragraph (b) between the words " Area " and " Health Authorities " there shall be inserted the words " or District ".



- 48 In section 35(1) of the Act of 1977 after the word " duty" there shall be inserted the words " and every District Health Authority's duty " and after the word " area " (in both places) there shall be inserted the words " or district ".
- 49 In section 36(d) of the Act of 1977 after the word " area " (in both places), there shall be inserted the words " or district ".
- 50 In section 37(6) of the Act of 1977 between the words " Area " and "Health Authority" there shall be inserted the words " or District ";
- 51 In section 38 of the Act of 1977 after the word "duty" there shall be inserted the words " and every District Health Authority's duty " and after the word "area" there shall be inserted the words " or district ".
- 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 ", in paragraph (c), for the word "wishes" there shall be substituted the word " is ", and, in paragraph (d), after the word "area" (in both places), there shall be inserted the words " or district ".
- 53 In section 41 of the Act of 1977 after the word " duty " there shall be inserted the words " and every District Health Authority's duty "and after the word " area" (in both places) there shall be inserted the words " or district ".
- 54 In section 42(c) of the Act of 1977 after the word "area" (in both places), there shall be inserted the words " or district ".
- 55 In section 43(1) of the Act of 1977, between the words " Area " and "Health Authority" there shall be inserted the words " or District ".
- 56 In section 44(1) of the Act of 1977 after the words "Area Health Authority" there shall be inserted the words " or for the district of any District Health Authority " and after the word "area" (wherever occurring) there shall be inserted the words " or district ".
- 57 Section 45 of the Act of 1977 shall be amended as follows—
- (a) in subsection (1), after the words " Area Health Authority ", there shall be inserted the words " or for the district of a District Health Authority "; and
  - (b) in subsection (2), after the word " area" there shall be inserted the words " or district ".
- 58 In section 46(1), (2) and (4) of the Act of 1977 between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District ".
- 59 In section 54(2) and (3) of the Act of 1977 between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the word " area " (wherever occurring) the words " or district".
- 60 In section 55 of the Act of 1977 between the words "Area" and " Health Authority" there shall be inserted the words " or District ".
- 61 In section 56 of the Act of 1977 after the words " Area Health Authority " where first occurring there shall be inserted the words " or any district or part of a district of a District Health Authority ", for the words "that area or part" there shall be substituted the words " that area or district or in that part of that area or district ", after the words " such area " there shall be inserted the word " district " and between the words " Area " and " Health Authority " (in (i)) there shall be inserted the words " or District ".

- 62 In section 65(1) of the Act of 1977, after the word " area ", there shall be inserted the words " or district ".
- 63 In section 66(1) of the Act of 1977, after the word " area ", there shall be inserted the words " or district ".
- 64 In section 83(a) and (b) of the Act of 1977 after the words " Area Health Authority" there shall be inserted the words " a District Health Authority ".
- 65 In section 85(1) of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
     “(bb) any District Health Authority ;”
- 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 ".
- 67 In section 91(3)(b) of the Act of 1977, between the words "Area" and "Health" there shall be inserted the words " or District ".
- 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—  
     (a) in subsection (1) after paragraph (b) there shall be inserted the following paragraph—  
         “(bb) every District Health Authority ;”; and  
     (b) in subsection (2), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and at the end there shall be added the words " or district ".
- 70 In section 99(1) of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
     “(bb) District Health Authorities ;”.
- 71 In section 104(1)(a) of the Act of 1977, between the words " Area " and " Health Authorities ", there shall be inserted the words " or District ".
- 72 In section 109 of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
     “(bb) District Health Authorities ;”.
- 73 In section 110 of the Act of 1977, after paragraph (a), there shall be inserted the following paragraph—  
     “(ad) a District Health Authority of which the district is in Wales;”;  
     and, in paragraph (b), for the words " by such an Authority " there shall be substituted the words " or adopted by an Area or District Health Authority of which the area or district is in Wales ".
- 74 In section 119(1) of the Act of 1977, in paragraphs (d), (e) and (f), between the words " Area " and " Health Authority ", there shall be inserted the words " or District " and, in paragraphs (d) and (e), after the word " area " there shall be inserted the words " or district ".
- 75 Section 124 of the Act of 1977 shall be amended as follows—

- (a) in subsection (2), between the words " Area " and " Health Authority ", mere shall be inserted the words " or District " and after the word " area" (in both places) there shall be inserted the words " or district ";
- (b) in subsection (4), between the words " Area " and " Health Authority ", there shall be inserted the words " or District " and after the words " the area " the words " or district " ;
- (c) in subsection (5), between the words " Area " and " Health Authority" (in both places) there shall be inserted the words " or District "and after the words " their area " there shall be inserted the words " or district " ; and
- (d) in subsection (6), between the words " Area " and " Health Authority " there shall be inserted the words " or District ".
- 76 In section 125 of the Act of 1977 after paragraph (b), there shall be inserted the following paragraph—  
“(bb) a District Health Authority ;”.
- 77 Section 128(1) of the Act of 1977 shall be amended as follows—
- (a) in the appropriate place in alphabetical order there shall be inserted the following definition—  
“" Area Health Authority " and "District Health Authority " mean respectively the authority for an area and the authority for a district, whether or not the name of the authority incorporates the word " Teaching " or, in the case of an authority for a district, the word " District " ;”
- (b) in the definition of " health authority ", for the words " or Area", there shall be substituted the words " Area or District ";
- (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 ;”.
- 78 (1) In Schedule 5 to the Act of 1977, the title of the Schedule shall be amended by substituting for the words " AND AREA " the words " AREA AND DISTRICT " and Part I shall be amended as provided in this paragraph.
- (2) In the tide to the Part the same amendment shall be made as is made by sub-paragraph (1) above in the tide of the Schedule.
- (3) In paragraph 2, in sub-paragraph (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the words " for an area" there shall be inserted the words " or district " and in sub-paragraph (2) after the words " in the area" there shall be inserted the words " or district " and between the words " Area " and " Health Authority " (in (a) and (c)) there shall be inserted the words " or District ".

- (4) In paragraph 3, between the words " Area" and " Health Authority" there shall be inserted the words " or District " and after the words " for an area" there shall be inserted the words " or district "
- (5) In paragraph 4, between the words " Area" and " Health Authority" there shall be inserted the words " or District " and after the words " the area" (in (a) and (6)) there shall be inserted the words " or district " .
- (6) In paragraph 5, in sub-paragraph (1)(a), after the words " metropolitan district" there shall be inserted the words " a non-metropolitan district " ,  
in sub-paragraph (1)(b), for the words " the area of the Area" there shall be substituted the words " the area or district of the Area or District " ,  
in sub-paragraph (1)(c), after the words "establishing the Area" there shall be inserted the words " or District " and, for the words from " it to be called " to " (Teaching) " there shall be substituted the words " its name to incorporate the word " Teaching " " and, in sub-paragraph (2)(a), after the words " establishing an Area " , there shall be inserted the words " or District " and, for the words from " it to be called " to " (Teaching) " , there shall be substituted the words " its name to incorporate or cease to incorporate the word " Teaching " ."
- 79 (1) In Schedule 5 to the Act of 1977, Part II shall be amended as provided in this paragraph.
- (2) In paragraph 6, in sub-paragraph (1), between the words " Area " and " Health Authority " there shall be inserted the words " or District " and after the word " area " (in (c), (d), (e) and (f)) there shall be inserted the words " or district " and, in sub-paragraph (2), between the words " Area " and " Health Authority " there shall be inserted the words " or District " .
- (3) In paragraph 7, in sub-paragraph (1) after the words "Area Health Authority " there shall be inserted the words " or the district of a District Health Authority " .
- 80 (1) In Schedule 5 to the Act of 1977, Part III shall be amended as provided in this paragraph.
- (2) In paragraph 8, after the words "Area Health Authority", there shall be inserted the words " District Health Authority " .
- (3) In paragraph 10(3)(b) and (d), between the words " Area " and " Health Authority " (wherever occurring) there shall be inserted the words " or District " and after the word " area " there shall be inserted the words " or district " .
- 81 (1) Schedule 6 to the Act of 1977 shall be amended as provided in this paragraph.
- (2) In paragraph 1(1), for the words "area of an Area " there shall be substituted the words " area or district of an Area or District " .
- (3) In paragraph 4, for the words " area of an Area " there shall be substituted the words " area or district of an Area or District " .
- (4) At the end of paragraph 5 there shall be added the following sub-paragraph—  
“(d) in relation to the district of a District Health Authority, that District Health Authority” .
- 82 (1) Schedule 7 to the Act of 1977 shall be amended as provided in this paragraph.

- (2) In paragraph 2, between the words " Area" and " Health Authorities " (in (d), (e), (f) and (g)), there shall be inserted the words " or District ".
- (3) In paragraph 3(d), between the words " Area" and " Health Authority " there shall be inserted the words " or District ".
- (4) In paragraph 7, in the definition of " district", for the words after " Authority", there shall be substituted the words " or the district or part of the district of a District Health Authority or for such an area or district or part thereof together with the areas or parts of the areas of other Area Health Authorities or the districts or parts of districts of other District Health Authorities ".
- 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*

- 84 In section 29 of the Employment Protection (Consolidation) Act 1978, in subsection (1)(d), for the words " or Area ", there shall be substituted the words " an Area Health Authority or a District " and, in subsection (2)(b), the word " and " where first appearing shall be omitted and after the words " Area Health Authority " there shall be inserted the words " and District Health Authority ".
- 85 In Schedule 5 to the Employment Protection (Consolidation) Act 1978, in paragraph 1, after the words " Area Health Authority " there shall be inserted the words " District Health Authority ".

*The Nurses, Midwives and Health Visitors Act 1979*

- 86 In section 16(1) of the Nurses, Midwives and Health Visitors Act 1979, at the end of paragraph (b) there shall be added the words " and District Health Authorities ".

**PART II**

AMENDMENTS RELATING TO SHARED FAMILY PRACTITIONER COMMITTEES

*The Tribunals and Inquiries Act 1971*

- 87 In Schedule 1 to the Tribunals and Inquiries Act 1971, at the end of paragraph 11(a), there shall be added the words " or established or adopted in pursuance of section 2 of the Health Services Act 1980 ".

*The National Health Service Act 1977*

- 88 In section 10 of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 ".
- 89 In section 2(b) of the Act of 1977, at the end, there shall be added the words " or under section 2 of the Health Services Act 1980 ".
- 90 In section 15(1) of the Act of 1977, at the end, there shall be added the following paragraph—

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“This subsection does not apply in relation to Family Practitioner Committees established or adopted under section 2 of the Health Services Act 1980 by two or more Area or District Health Authorities.”.

91 In section 17 of the Act of 1977, after paragraph (b), there shall be inserted the following paragraph—

“(c) Area or District Health Authorities may jointly give directions with respect to the exercise by the Family Practitioner Committee established or adopted by them under section 2 of the Health Services Act 1980 of any functions which are exercisable by the Committee by virtue of the said section 2 and are prescribed for the purposes of this paragraph.”.

92 In section 18(3) of the Act of 1977, at the end, there shall be added the words " nor shall Area or District Health Authorities as respects the Family Practitioner Committee which they have jointly established or adopted. " .

93 In section 29(1) of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

94 In section 35(1) of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

95 In section 38 of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

96 In section 41 of the Act of 1977, at the beginning, there shall be inserted the words " Subject to section 2 of the Health Services Act 1980 " .

97 In section 98(2) of the Act of 1977, in the paragraph beginning " The accounts ", after the word " established " there shall be inserted the words " or adopted " .

98 In section 119(1) of the Act of 1977, in paragraph (f), after the word " Authority " there shall be inserted the words " or Authorities " and after the word " established " there shall be inserted the words " or adopted " .

99 (1) In Schedule 5 to the Act of 1977 Part II shall be amended as provided in this paragraph.

(2) In paragraph 6(1), for the words "Subject to paragraph 7" there shall be substituted the words " Subject to paragraphs 6A and 7 " .

(3) After paragraph 6 there shall be inserted the following paragraph—

“6A (1) Paragraph 6 above shall have effect, in a case where a Family Practitioner Committee is established by two or more Area Health Authorities or two or more District Health Authorities jointly under section 2 of the Health Services Act 1980, subject to the modifications provided for in this paragraph.

(2) Eleven members shall be appointed by or for the Area Health Authorities or District Health Authorities jointly responsible for establishing the Committee as follows, that is to say—

(a) each Authority shall appoint one member, who shall be a member of the Authority;

(b) the remaining members (if any) shall be appointed by the Authorities jointly or, in default of agreement, in accordance

with directions given by the Secretary of State and at least one of them shall not be a member of any of the Authorities.

(3) Paragraph 6 above shall also have effect subject to the modifications provided for in this paragraph where, by reason of the occurrence of vacancies, appointments need to be made to a Family Practitioner Committee which has been adopted by two or more District Health Authorities under section 2 of the Health Services Act 1980.”

(4) In paragraph 7, after sub-paragraph (1), there shall be inserted the following sub-paragraph—

“(1A) Sub-paragraph (1) above applies in relation to the combined areas or the combined districts of two or more Area Health Authorities or District Health Authorities who have jointly established or adopted a Family Practitioner Committee as it applies in relation to the area or district of an Area or District Health Authority but with the substitution, for the reference to paragraph 6, of a reference to that paragraph as modified by paragraph 6A.”;

and, in sub-paragraph (2), after the words " paragraph 6 " there shall be inserted the words " or 6 and 6A, as the case may be ".

## SCHEDULE 2

Section 9.

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

#### *The Health Services Act 1976*

- 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 thereon to the Secretary of State ;

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*Status: This is the original version (as it was originally enacted).*

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- (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 ";
  - (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*

- 7 In section 109 of the Act of 1977, there shall be inserted at the end of paragraph (e) the word " and " and paragraph (g) and the word " and " immediately preceding that paragraph shall be omitted.
- 8 In section 110 of that Act, there shall be inserted at the end of paragraph (b) the word " or " and paragraph (d) and the word " or " immediately preceding that paragraph shall be omitted.
- 9 In section 119 of that Act—
- (a) in subsection (1) the words from " but paragraph (d)" onwards shall be omitted;
  - (b) in subsection (3) paragraph (a) and, in paragraph (b), the words "in relation to any other investigation" shall be omitted; and
  - (c) in subsection (4) paragraph (a) and, in paragraph (b), the word "other", in the first place where it occurs, shall be omitted.
- 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—
- (a) section 93(1)(c);
  - (b) in section 96(1)(d). the words " subject to subsection (2) ";
  - (c) section 96(2);
  - (d) in section 96(4), paragraph (a) and, in paragraph (b), the words from the beginning to " investigation " ;
  - (e) in section 96(5), the words from " (other than " to " Committee) ";



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- (f) in section 96(6) the words from " shall" to " and " and the words " other " and " said " ; and
  - (g) in section 108(1), the definitions of " Health Services Board " and " Scottish Committee ",
- shall be omitted.

### SCHEDULE 3

Section 15.

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF THE ACT OF 1976

- 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 ".

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) ".

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*Status: This is the original version (as it was originally enacted).*

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- (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 National Health Service Act 1977 or, for Scotland, the 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.”.

## SCHEDULE 4

Section 16.

### NURSING HOMES AND MENTAL NURSING HOMES, ETC.

#### PART I

#### ENGLAND AND WALES

##### *Preliminary*

- 1 In this Part of this Schedule references to sections are, where not further identified, references to sections of the Nursing Homes Act 1975.

##### *Meaning of "nursing home"*

- 2 (1) For section 1 (meaning of "nursing home") there shall be substituted the following section—

**“1 Meaning of nursing home.**

- (1) In this Act "nursing home" means, subject to subsection (2) 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 premises used, or intended to be used, for the reception of pregnant women, or of women immediately after childbirth (in this Act referred to as a "maternity home"); and

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- (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.
- (2) The definition in subsection (1) 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 instituted by special Act of Parliament or incorporated by Royal Charter ;
  - (b) any mental nursing home as defined in section 2 below;
  - (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 Offices, Shops and Railway Premises Act 1963 applies or at 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.”.
- (2) In section 20(1) (interpretation) in the definition of " maternity home" for the words " section 1(2)" there shall be substituted the words " section 1(1) " –

*Grounds for refusal of registration*

- 3 (1) Section 4 (refusal of registration) shall be renumbered as subsection (1) of that section ; and in that provision as so renumbered—
- (a) after paragraph (cc) there shall be inserted the following paragraph—
    - “(cd) 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 ;”;
    - and
  - (b) for paragraphs (d) and (e) there shall be substituted the following paragraphs—
    - “(d) that the home is not, or will not be, in the charge of a person who is either a registered medical practitioner or

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*Status: This is the original version (as it was originally enacted).*

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a qualified nurse or, in the case of a maternity home, a certified midwife ; or

(e) that the condition mentioned in subsection (3) below is not, or will not be, fulfilled in relation to the home.”.

(2) After that provision as so re-numbered there shall be inserted the following subsections—

“(2) In subsection (1) above ' qualified nurse ', in relation to a home, means a nurse possessing such qualifications as may be specified in a notice served by the Secretary of State on the person carrying on or proposing to carry on the home.

(3) The condition referred to in subsection (1) 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 Secretary of State 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.

(4) In preparing any notice under subsection (2) or (3) above, the Secretary of State shall have regard to the class and, in the case of a notice under subsection (3) above, the number of patients for whom nursing care is or is to be provided in the home.”.

(3) Where a person's registration in respect of a home is in force immediately before the coming into force of this paragraph, the Secretary of State shall not cancel the registration on any ground mentioned in paragraph (d) or (e) of subsection (1) of section 4 before the expiration of the period of three months beginning with the day on which the relevant notice is served by him under subsection (2) or (3) of that section.

(4) In section 20 (interpretation) subsection (2) and the definitions of " pupil midwife " and " qualified nurse " in subsection (1) shall be omitted.

(5) In Schedule 7 to the Nurses, Midwives and Health Visitors Act 1979 paragraphs 24 and 25 shall be omitted and for paragraph 23 there shall be substituted the following paragraph—

“23 In section 4(1)(d) and (3) of the Nursing Homes Act 1975 for ' certified' substitute ' registered '.”.

#### *Registration conditions*

4 (1) In subsection (1) of section 8 (additional registration conditions for mental nursing homes) immediately before the words " a mental nursing home " there shall be inserted the words " a nursing home or ".

(2) After subsection (2) of that section there shall be inserted the following subsection—

“(2A) The Secretary of State may make regulations as to the manner in which conditions imposed by or under subsection (1) or (2) above may be varied.”.

(3) Section 5(2) (which is superseded by sub-paragraph (1) above) shall be omitted.

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*Status: This is the original version (as it was originally enacted).*

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### *Regulations*

- 5 In section 19(3) (regulations) for the words from " under section 5 above " to " contrary intention appears " there shall be substituted the word " may ".

## **PART II**

### SCOTLAND

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

- 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.”;

- (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

(ii) that the condition mentioned in subsection (3B) below is not, or will not be, fulfilled in relation to the home”;

- (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

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*Status: This is the original version (as it was originally enacted).*

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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.”.

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 " Provided that" there shall be inserted the following words—
- “(a) where a person's registration in respect of a 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;

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*Status: This is the original version (as it was originally enacted).*

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- (b) with respect to entry into 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—
  - “(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 Mental Health (Scotland) Act 1960;

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- (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 Offices, Shops and Railway Premises Act 1963 applies or at 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.”.
- 15 In section 16(1) of the Mental Health (Scotland) Act 1960 (prerequisites of registration of private hospital) after paragraph (bb) there shall be inserted the following paragraph—
- “(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;”.
- 16 In Schedule 7 to the 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 ".

## 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

#### 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 ".



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*Status: This is the original version (as it was originally enacted).*

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*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) In sub-paragraph (1), under the heading "Glasses other than children's glasses", the sub-heading in the first column beginning "The lenses" shall be numbered "(i)" and the word "Frames" shall become a sub-heading numbered "(ii)" and in the definition of "children's glasses", for the words after "person", there shall be substituted the words "who, at the time of the testing of sight leading to the supply of the glasses or of the first such testing, was under 16 years of age or was under 19 years of age and receiving qualifying full-time education ; and ".
- (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) For sub-paragraph (5)(a), there shall be substituted—
- “(a) the person for whom the glasses are supplied was at the relevant time of the age of 10 years or more and either under 16 years of age or under 19 years of age and receiving qualifying full-time education ; and”.
- (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, ".

*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.”

## 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) In sub-paragraph (1), in the definition of " children's glasses ", for the words after " person " there shall be substituted the words " who, at the time of the testing of sight leading to the supply of the glasses or of the first such testing, was under 16 years of age or was under 19 years of age and receiving qualifying full-time education ; and ".
- (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) For sub-paragraph (5)(a), there shall be substituted—
- “(a) the person for whom the glasses are supplied was at the relevant time of the age of 10 years or more and either under 16 years of age or under 19 years of age and receiving qualifying full-time education ; and”.
- (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, ".

#### *Exemption 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."

## SCHEDULE 6

Section 25(3).

### OTHER MINOR AMENDMENTS

#### *The National Health Service (Scotland) Act 1978*

- 1 (1) In subsection (6) of section 7 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
  - (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 " ;

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- (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 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—
    - “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—

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- (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(6) 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 Nurses, 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) ".

SCHEDULE 7

Section 25(4).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
<a href="#">1938 c. 73.</a>	The Nursing Homes Registration (Scotland) Act 1938.	Section 5. In section 10, the definitions of " pupil midwife " and " qualified nurse ".
<a href="#">1967 c. 87.</a>	The Abortion Act 1967.	In section 6, the definition of " the National Health Service Acts ".
<a href="#">1971 c. 62.</a>	The Tribunals and Inquiries Act 1971.	In section 8(2) the words " 7A " and " 37A ". In Schedule 1, paragraphs 7A and 37A.

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Chapter	Short Title	Extent of Repeal
<a href="#">1972 c. 11.</a>	The Superannuation Act 1972.	In Schedule 1, the entry relating to the Health Services Board.
<a href="#">1973 c. 32.</a>	The National Health Service Reorganisation Act 1973.	In section 15(3), the words from " but nothing " to the end.
<a href="#">1975 c. 24.</a>	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.
<a href="#">1975 c. 37.</a>	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).
<a href="#">1976 c. 83.</a>	The Health Services Act 1976.	Section 1. Section 3. Section 6. 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.

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Chapter	Short Title	Extent of Repeal
<a href="#">1977 c. 49.</a>	The National Health Service Act 1977.	<p>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).</p> <p>In section 23(1), the paragraph beginning " In this section ".</p> <p>In section 30, the words " (except as mentioned in subsection (2) below)" and subsection (2).</p> <p>In section 41 the word " and " at the end of paragraph (a).</p> <p>Sections 59 and 60.</p> <p>Section 65(6).</p> <p>Section 66(3).</p> <p>Sections 67 to 71.</p> <p>Sections 73 to 76.</p> <p>In section 100(1), paragraph (a).</p> <p>In section 101, the words from " but this section " onwards.</p> <p>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 ".</p> <p>In section 109, paragraph (g) and the word "and" immediately preceding that paragraph.</p> <p>In section 110, paragraph (d) and the word " or"</p>

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Chapter	Short Title	Extent of Repeal
		<p>immediately preceding that paragraph.</p> <p>In section 119—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1) the words from " but paragraph (d)" onwards;</li> <li>(b) in subsection (3) paragraph (a) and, in paragraph (6), the words "in relation to any other investigation "; and</li> <li>(c) in subsection (4), paragraph (a) and, in paragraph (6), the word "other" in the first place where it occurs. . .</li> </ul> <p>In section 128(1) the definitions of "the Central Council", " Health Services Board " and " Welsh Committee ".</p> <p>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 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 ".</p> <p>In Schedule 12, in paragraph 3(4), the words from "if" to the end.</p> <p>In Schedule 15, paragraphs 11, 41 and 68 to 70.</p>



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Chapter	Short Title	Extent of Repeal
1978 c. 29.	The National Health Service (Scotland) Act 1978.	<p>Section 16(3).</p> <p>In section 20, the words " (except as mentioned in subsection (2)) " and subsection (2).</p> <p>In section 25(3), the words ", except in special circumstances, ".</p> <p>Sections 51 and 52.</p> <p>Section 57(6).</p> <p>Section 58(3).</p> <p>Sections 59 to 63.</p> <p>Sections 65 to 68.</p> <p>In section 85(6) the words from " but " to the end.</p> <p>Section 93(1)(c).</p> <p>In section 96—</p> <ul style="list-style-type: none"><li>(a) in subsection (1)(d) the words " subject to subsection (2) ";</li><li>(b) subsection (2);</li><li>(c) in subsection (4) paragraph (a) and, in paragraph (6), the words from the beginning to " investigation ";</li><li>(d) in subsection (5) the words from "(other than" to "Committee)";</li><li>and</li><li>(e) in subsection (6) the words from "shall" to "and" and the words " other" and " said ".</li></ul> <p>In section 105(7) the words from " under sections 2 " to " Schedule 5 ".</p> <p>In section 108(1) the definitions of "full-time education in a school", " Health Services Board" and " Scottish Committee ".</p> <p>In Schedule 1, in paragraph 5 the words " , subject to</p>

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Chapter	Short Title	Extent of Repeal
1979 c. 36.	The Nurses, Midwives and Health Visitors Act 1979.	<p>regulations," and paragraph 11(d) and the word " and " immediately preceding it.</p> <p>In Schedule 5, in paragraph 7 the words " , subject to regulations,".</p> <p>In Schedule 11, in paragraph 3(4), the words from " if " to the end.</p> <p>In Schedule 14, in paragraph 3 sub-paragraph (b) and in subparagraph (c) the words " or order " and " or that order. "</p> <p>In Schedule 16, paragraphs 25 and 43.</p> <p>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.</p>