



# Health and Social Security Act 1984

## 1984 CHAPTER 48

### PART I

#### HEALTH

##### *Optical appliances*

#### **1 Supply etc. of optical appliances.**

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

<sup>F2</sup>(3) .....

<sup>F2</sup>(4) .....

(5) The following provisions of section 26 of the <sup>M1</sup>National Health Service (Scotland) Act 1978 (arrangements for provision of general ophthalmic services) shall cease to have effect—

(a) subsection (1)(b); and

(b) in subsection (2)(c), the words “and the ophthalmic or dispensing optician who is to supply the appliances”.

<sup>F2</sup>(6) .....

(7) The amendments of the <sup>M2</sup>National Health Service (Scotland) Act 1978 contained in Part II of that Schedule shall have effect in consequence of subsection (5) above.

#### **Textual Amendments**

**F1** S. 1(1)(2) repealed (16.2.1990) by [Opticians Act 1989 \(c. 44\)](#), s. 37, [Sch. 2](#)

**F2** S. 1(3)(4)(6) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part I. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C1** The text of s. 1(3)–(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M1** 1978 c. 29.

**M2** 1978 c. 29.

**2–4** ..... **F3**

**Textual Amendments**

**F3** Ss. 2–4 repealed (16.2.1990) by *Opticians Act 1989* (c. 44), s. 37, **Sch. 2**

*National Health Service*

**5 Family Practitioner Committees.**

**F4**(1) .....

**F5**(2) .....

**F4**(3) .....

(4) Schedule 3 to this Act shall have effect.

**F4**(5) .....

**F4**(6) .....

(7) The Secretary of State may by order make such repeals in or other modifications of any enactment or instrument as appear to him to be necessary or expedient in consequence of subsection (1), (2) or (4) above.

(8) An order under subsection (5) or (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

**F4** S. 5(1)(3)(5)(6) repealed (1.4.1996) by *1995 c. 17*, s. 5(1)(2), **Sch. 3** (with *Sch. 2* paras. 6, 16)

**F5** S. 5(2) repealed (1.3.2007) by *National Health Service (Consequential Provisions) Act 2006* (c. 43), s. 8(2), **Sch. 4** (with *Sch. 2 Pt. 1*, *Sch. 3 Pt. 1*)

**Modifications etc. (not altering text)**

**C2** The text of ss. 5(1)–(4), 6, 7(1)–(3) 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

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part I. (See end of Document for details)*

## 6 Finance in National Health Service.

<sup>F6</sup>(1) .....

<sup>F7</sup>(2) .....

(3) The following subsection shall be inserted after subsection (1) of section 85 of the <sup>M3</sup>National Health Service (Scotland) Act 1978 (expenses)—

“(1A) The date on which an allotment under subsection (1) above (including an allotment increasing or reducing an allotment previously made) takes effect is the date on which the body receiving the allotment are notified of its amount by the Secretary of State.”.

(4) In subsection (11) of section 121 of the <sup>M4</sup>Mental Health Act 1983 (Mental Health Act Commission) for the words “sub-paragraphs (4) and (5) were omitted” there shall be substituted the words “ the reference to a member in sub-paragraph (4) included a reference to the chairman. ”.

### Textual Amendments

**F6** S. 6(1) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with **Sch. 2** paras. 6, 16)

**F7** S. 6(2) repealed (20.10.2003 for W., 1.12.2003 for E.) by **Health (Wales) Act 2003 (c. 4)**, s. 10(2), **Sch. 4**; S.I. 2003/2660, art. 2(1)(iii)(2); S.I. 2003/3064, art. 2(1)(iii)

### Modifications etc. (not altering text)

**C3** The text of ss. 5(1)–(4), 6, 7(1)–(3) 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

**M3** 1978 c. 29.

**M4** 1983 c. 20.

## 7 Professional remuneration in National Health Service.

(1) [<sup>F8</sup>The following shall be inserted after section 43 of the <sup>M5</sup>National Health Service Act 1977—

*“ Remuneration for services*

### Regulations as to remuneration.

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
- (2) Subject to sections 29(4) and 35(2) above, remuneration under the regulations may consist of payments by way of—
  - (a) salary;
  - (b) fees;
  - (c) allowances;

---

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part I. (See end of Document for details)*

---

- (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services, and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.
- (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words “section 10 of the National Health Service Act 1966 and section” shall be substituted for the words “sections 29(4) and” in subsection (2) above.”.]
- (2) The following shall be inserted after section 28 of the <sup>M6</sup>National Health Service (Scotland) Act 1978—

*“ Remuneration for services*

**28A Regulations as to remuneration.**

- (1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services under this Part of this Act.
- (2) Subject to sections 19(3) and 25(3), remuneration under the regulations may consist of payments by way of—
- (a) salary;
  - (b) fees;
  - (c) allowances;
  - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services, and the regulations may provide that the remuneration shall be determined from time to time by such authority as may be specified.
- (3) If section 10 of the National Health Service Act 1966 is brought into operation, upon the date of its commencement the words “section 10 of the National Health Service Act 1966 and section” shall be substituted for the words “sections 19(3) and” in subsection (2) above.”.
- (3) [<sup>F9</sup>The following section shall be added after each of the sections inserted by subsections (1) and (2) above, as section 43B of the <sup>M7</sup>National Health Service Act 1977 and section 28B of the <sup>M8</sup>National Health Service (Scotland) Act 1978—
- “ Remuneration—supplementary.**

- (1) The authority specified in regulations under the preceding section may be the Secretary of State or some other person or persons and is referred to in this section as a “determining authority”.
- (2) The power conferred by the preceding section includes power to make regulations providing for a determination in more than one stage and by more than one determining authority.
- (3) Regulations under the preceding section shall provide—
  - (a) that a determination may be made with respect either to any of the descriptions of services mentioned in subsection (1) of the preceding

---

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part I. (See end of Document for details)*

---

- section generally or to any category of services falling within such a description;
- (b) that, before making such a determination, the determining authority shall consult—
- (i) a prescribed body established to provide advice in connection with the matters to be determined; or
  - (ii) an organisation appearing to the Secretary of State to be representative of persons to whose remuneration the determination would relate.
- or both such a body and such an organisation.
- (4) Regulations under the preceding section may provide—
- (a) that a determination such as is mentioned in subsection (3) above shall have effect in relation to remuneration in respect of a period beginning on or after a date specified in the determination, which may be the date of the determination or an earlier or later date, but may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates; and
  - (b) that any such determination which does not specify such a date shall have effect in relation to remuneration in respect of a period beginning—
    - (i) if it is required to be published, on the date of publication;
    - (ii) if it is not so required, on the date on which it is made.
- (5) Regulations under the preceding section may provide—
- (a) for determinations of the remuneration of particular persons or descriptions of persons for particular items of service or in particular circumstances;
  - (b) that a determining authority shall have a discretion, when making a determination by virtue of this subsection,—
    - (i) as to the amount of remuneration to be paid; and
    - (ii) as to the persons to whom and conditions on which it is to be paid; and
  - (c) that a determination made by virtue of this subsection may be revised—
    - (i) to correct an error; or
    - (ii) where it appears to the determining authority that it was made in ignorance of or under a mistake as to a relevant fact.
- (6) Regulations under the preceding section may provide—
- (a) that determinations may be made by reference to any of the following—
    - (i) rates or conditions of remuneration of any persons or any descriptions of persons which are fixed or determined, or to be fixed or determined, otherwise than by way of a determination under the regulations;
    - (ii) scales, indices or other data of any description specified in the regulations; and
  - (b) that any determination which in accordance with regulations made by virtue of paragraph (a)(ii) above falls to be made by reference to a scale or an index or to any other data may be made not only by

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part 1. (See end of Document for details)*

reference to that index or scale or those data in the form current at the time of the determination but also by reference to the scale, index or data in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.

(7) Any determination under regulations under the previous section shall be made after taking into account all the matters which are considered to be relevant by the determining authority and, without prejudice to the generality of this subsection, such matters may include—

- (a) the amount or estimated amount of expenses (taking into account any discounts) incurred in the past or likely to be incurred in the future (whether or not by persons to whose remuneration the determination will relate) in connection with the provision of services of a kind to which the determination will relate;
- (b) the amount or estimated amount of any remuneration paid or likely to be paid to persons providing such services;
- (c) the amount or estimated amount of any other payments or repayments or other benefits received or likely to be received by any such persons;
- (d) the extent to which it is desirable to encourage the provision of particular descriptions of services either generally or in particular localities;
- (e) the desirability of promoting services which are—
  - (i) economic and efficient; and
  - (ii) of an appropriate standard.”.]

(4) Any determination in relation to remuneration in respect of services under [<sup>F10</sup>Part II of the <sup>M9</sup>National Health Service Act 1977 or] Part II of the <sup>M10</sup>National Health Service (Scotland) Act 1978 which was made—

- (a) before the passing of this Act; or
- (b) after it but at a time before the coming into force of a provision inserted by this section,

shall be deemed to be validly made if regulations authorising such a determination could have been made had that provision been in force at that time.

#### Textual Amendments

- F8** S. 7(1) repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)
- F9** S. 7(3) repealed in part (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)
- F10** Words in s. 7(4) repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [National Health Service \(Pre - consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)

#### Modifications etc. (not altering text)

- C4** The text of ss. 5(1)–(4), 6, 7(1)–(3) 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
- C5** S. 7(4) amended (E.W.) (*prosp.*) by [1999 c. 8, ss. 10\(3\), 67\(1\)](#)

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part I. (See end of Document for details)*

S. 7(4) amended (S.) (1.10.1999) by 1999 c. 8, s. 57(3); S.S.I. 1999/90, art. 2(a), **Sch. 1**

**Marginal Citations**

- M5** 1977 c. 49.
- M6** 1978 c. 29.
- M7** 1977 c. 49.
- M8** 1978 c. 29.
- M9** 1977 c. 49.
- M10** 1978 c. 29.

**8** ..... **F11**

**Textual Amendments**

- F11** S. 8 repealed by **Health and Medicines Act 1988** (c. 49), s. 25(2), **Sch. 3**

**9**     **Holidays for patients etc.**

<sup>F12</sup>(1) .....

(2) The following section shall be added after section 99 of the National Health Service (Scotland) Act 1978—

**“99A Holidays for patients etc.**

The Secretary of State’s functions may be performed outside Scotland, in so far as they relate—

- (a) to holidays for patients;
- (b) to the transfer of patients to or from England, Wales, Northern Ireland, the Isle of Man or the Channel Islands; or
- (c) to the return of patients who have received treatment in Scotland to countries or territories outside the British Islands.”

**Textual Amendments**

- F12** S. 9(1) repealed (1.3.2007) by **National Health Service (Consequential Provisions) Act 2006** (c. 43), s. 8(2), **Sch. 4** (with **Sch. 2 Pt. 1**, **Sch. 3 Pt. 1**)

**Modifications etc. (not altering text)**

- C6** The text of s. 9 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

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, Part I. (See end of Document for details)*

### *Treatment in European Economic Community*

## **10 Reimbursement of cost of medical and maternity treatment in member States of European Economic Community.**

- (1) The Secretary of State may pay to a competent institution in a member State the cost of treatment to which this section applies provided by that institution under the social security scheme of that State for a person who, at the relevant time—
- (a) was ordinarily resident in Great Britain; and
  - (b) was a national of a member State or a dependant of such a national.
- (2) The Secretary of State may only make a payment under this section of the cost of treatment—
- (a) which is given to a person during a temporary stay in a member State because his condition required immediate treatment;
  - (b) which—
    - (i) is given in continuance of treatment commenced in the United Kingdom; and
    - (ii) follows an agreement between the Secretary of State and the person treated that, on his subsequent return to, or transfer of residence to, the member State, his treatment for the same condition would be at the expense of the Secretary of State for a period agreed with the Secretary of State; or
  - (c) which is given following an agreement between the Secretary of State and the person treated that he should go to the member State to receive treatment to which this section applies appropriate to his condition.
- (3) This section applies—
- (a) to treatment for sickness or injury; and
  - (b) to treatment in connection with pregnancy or maternity,
- which is given to a person to whom the 1971 Community regulation did not apply at the relevant time.
- (4) In this section—
- “competent institution” has the meaning assigned to it by the 1971 Community regulation;
- “the 1971 Community regulation” means Council Regulation (EEC) No. 1408/71 as it has effect from time to time; and
- “the relevant time” means the time when treatment was given.

#### **Modifications etc. (not altering text)**

C7 S. 10: transfer of functions (W.) (1.7.1999) by S.I. 1999/672, arts. 1(2), 2, Sch. 1



**Status:**

Point in time view as at 01/03/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Security Act 1984, Part I.