

National health service : a bill (as amended by standing committee C and on report) to provide for the establishment of a comprehensive health service for England and Wales, and for purposes connected therewith / presented by Mr. Bevan.

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National Health Service Bill

[AS AMENDED BY STANDING COMMITTEE C AND ON REPORT.]

ARRANGEMENT OF CLAUSES.

PART I.

CENTRAL ADMINISTRATION.

Clause.

1. Duty of Minister.
2. Central Health Services Council and Standing Advisory Committees.

PART II.

HOSPITAL AND SPECIALIST SERVICES.

Provision of Services by Minister.

3. Provision of hospital and specialist services.
4. Accommodation available on part payment.
5. Accommodation for private patients.

Transfer of hospitals to the Minister.

6. Transfer of hospitals to the Minister.
7. Endowments of voluntary hospitals.
8. Exception for medical and dental schools.
9. Supplementary provisions relating to transfer of hospital property and liabilities.
10. Power to acquire hospital equipment.

Local administration of hospital and specialist services.

11. Regional Hospital Boards, Hospital Management Committees, and Boards of Governors of teaching hospitals
12. Functions of Boards and Management Committees.
13. Legal status of Boards and Management Committees.
14. Conditions of service and appointment of officers.
15. Medical schools in London.

Ancillary services provided by the Minister.

16. Research.
17. Bacteriological service.
18. Blood transfusion and other services.

PART III.

HEALTH SERVICES PROVIDED BY LOCAL HEALTH AUTHORITIES.

19. Local health authorities.
20. Proposals for provision of services by local health authority.
21. Health Centres.
22. Care of mothers and young children.
23. Midwifery.
24. Health visiting.
25. Home nursing.
26. Vaccination and immunisation.
27. Ambulance services.

[Bill 150]

A



Clause.

28. Prevention of illness, care and after-care.
29. Domestic help.
30. Appointed day for the purposes of Part III.

PART IV.

GENERAL MEDICAL AND DENTAL SERVICES, PHARMACEUTICAL SERVICES AND SUPPLEMENTARY OPHTHALMIC SERVICES.

Administration.

31. Executive Councils.
32. Local representative committees.

General Medical Services.

33. Arrangements for general medical services.
34. Distribution of medical practitioners providing services.
35. Prohibition of sale of medical practices.
36. Compensation for loss of right to sell a medical practice.
37. Practitioners dying or retiring before appointed day.

Pharmaceutical Services, General Dental Services and Supplementary Ophthalmic Services.

38. Arrangements for pharmaceutical services.
39. Persons authorised to provide pharmaceutical services.
40. Arrangements for general dental services.
41. Supplementary ophthalmic services.

Supplementary Provisions.

42. Disqualification of practitioners.
43. Powers of Minister where services are inadequate.
44. Recovery of charges in respect of certain appliances and dental treatment.
45. Exercise of choice of medical practitioner, etc., in certain cases.
46. Arrangements for use of health centres by practitioners.
47. Decision of disputes.
48. Provision of courses for medical and dental practitioners.

PART V.

SPECIAL PROVISIONS AS TO MENTAL HEALTH SERVICES.

49. Transfer to Minister of certain functions of Board of Control.
50. Repeals and amendments of the Lunacy and Mental Treatment Acts, and the Mental Deficiency Acts.
51. Proposals for carrying out of duties by local health authorities under Lunacy and Mental Treatment Acts and Mental Deficiency Acts.



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PART VI.

GENERAL.

Financial Provisions.

Clause.

- 52. Expenses and receipts of the Minister.
- 53. Grants to local health authorities.
- 54. Payments to Regional Hospital Boards, Boards of Governors, Executive Councils and other bodies.
- 55. Accounts of councils of county boroughs, Regional Hospital Boards, Boards of Governors and Executive Councils.
- 56. Accounts and investments of Hospital Endowments Fund.

Administrative provisions.

- 57. Default powers of Minister.
- 58. Acquisition of land.
- 59. Power of Regional Hospital Boards and Boards of Governors to accept gifts.
- 60. Power of trustees to make payments to Regional Hospital Boards and Boards of Governors.
- 61. Provision of special schools.
- 62. Use of premises and equipment of local health authority by other authorities.
- 63. Supply of goods by local health authorities.
- 64. Provision of residential accommodation for staff.
- 65. Qualifications, remuneration and conditions of service of officers.
- 66. Superannuation of officers.
- 67. Transfer and compensation of officers.
- 68. Consequential provisions on transfer of functions.
- 69. Inquiries.
- 70. Recovery of charges.
- 71. Protection of members and officers of certain bodies.
- 72. Exemptions from stamp duty on certain documents required for purposes of Act.
- 73. Miscellaneous administrative matters.
- 74. Regulations and orders.

Supplementary Provisions.

- 75. Consequential amendment and repeal of enactments.
- 76. Amendment and repeal of local Acts and charters.
- 77. Provision for winding up certain bodies.
- 78. Interpretation.
- 79. Short title and extent.

SCHEDULES :

First Schedule.—Central Council and Advisory Committees.

Second Schedule.—Acquisition of Hospital Property other than Land.

Third Schedule.—Regional Hospital Boards, Hospital Management Committees and Boards of Governors of Teaching Hospitals.

Fourth Schedule.—Provisions as to Local Health Authorities.

Fifth Schedule.—Executive Councils.

Sixth Schedule.—Medical Practices Committee.

Seventh Schedule.—Constitution of Tribunal.

Eighth Schedule.—Enactments relating to functions transferred from Board of Control to Minister.

Ninth Schedule.—Amendment and repeal of enactments relating to persons of unsound mind and mental defectives.

Part I.—Amendments.

Part II.—Repeals.

Tenth Schedule.—Consequential amendments and repeals.

Part I.—Amendments.

Part II.—Repeals.

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B I L L[AS AMENDED BY STANDING COMMITTEE C AND ON
REPORT]

TO

Provide for the establishment of a comprehensive health service for England and Wales, and for purposes connected therewith. A.D. 1946.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

PART I.**CENTRAL ADMINISTRATION.**

1.—(1) It shall be the duty of the Minister of Health (here- Duty of Minister.
after in this Act referred to as "the Minister") to promote the establishment in England and Wales of a comprehensive health service designed to secure improvement in the physical and mental health of the people of England and Wales and the prevention, diagnosis and treatment of illness, and for that purpose to provide or secure the effective provision of services in accordance with the following provisions of this Act.

(2) The services so provided shall be free of charge, except where any provision of this Act expressly provides for the making and recovery of charges.

2.—(1) There shall be constituted in accordance with the Central Health Services Council and Standing Advisory Committees.
First Schedule to this Act a council, to be called the Central Health Services Council and hereafter in this Act referred to as "the Central Council", and it shall be the duty of the Central Council to advise the Minister upon such general matters relating to the services provided under this Act, or any services provided by local health authorities in their capacity as such authorities, as the Council think

A.D. 1946.

PART I.
—cont.

fit and upon any questions referred to them by him relating to those services.

(2) The Minister may, after consultation with the Central Council, by order vary the constitution of that Council.

(3) The Minister may, after consultation with the Central Council, by order constitute standing advisory committees for the purpose of advising him and the Central Council on such of the services aforesaid as may be specified in the order, and any committee constituted under this subsection shall consist partly of members of the Central Council appointed by the Minister after consultation with that Council as being persons of experience in those services and partly of persons, whether members of the Central Council or not, appointed by the Minister after consultation with such representative organisations as the Minister may recognise for the purpose. 51

(4) It shall be the duty of a standing advisory committee constituted under this section to advise the Minister and the Central Council upon such matters relating to the services with which the committee are concerned as they think fit and upon any questions referred to them by the Minister or Central Council relating to those services, and, if the committee advise the Minister upon any matter, they shall inform the Central Council, who may express their views thereon to the Minister. 20

(5) The Central Council shall make an annual report to the Minister on their proceedings and on the proceedings of any standing advisory committee constituted under this section, and the Minister shall lay that report before Parliament with such comments (if any) as he thinks fit: 25

Provided that, if the Minister, after consultation with the Central Council, is satisfied that it would be contrary to the public interest to lay any such report, or a part of any such report, before Parliament, he may refrain from laying that report or part. 30

(6) The supplementary provisions contained in the First Schedule to this Act shall have effect in relation to the Central Council and any standing advisory committee constituted under this section. 35

PART II.

HOSPITAL AND SPECIALIST SERVICES.

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Provision of Services by Minister.

Provision of
hospital and
specialist
services.

3.—(1) As from the appointed day, it shall be the duty of the Minister to provide throughout England and Wales, to such extent as he considers necessary to meet all reasonable requirements, accommodation and services of the following descriptions, that is to say:— 45

(a) hospital accommodation;

A.D. 1946.

PART II.

—cont.

(b) medical, nursing and other services required at or for the purposes of hospitals;

5 (c) the services of specialists, whether at a hospital, a health centre provided under Part III of this Act or a clinic or, if necessary on medical grounds, at the home of the patient;

and any accommodation and services provided under this section are in this Act referred to as "hospital and specialist services".

10 (2) Regulations may provide for the making and recovery by the Minister of such charges as may be prescribed—

15 (a) in respect of the supply, as part of the hospital and specialist services, of any appliance which is, at the request of the person supplied, of a more expensive type than the prescribed type, or in respect of the replacement or repair of any such appliance; or

20 (b) in respect of the replacement or repair of any appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by lack of care on the part of the person supplied.

25 (3) Regulations may provide for the payment by the Minister, in such cases as may be prescribed, of travelling expenses (including the travelling expenses of a companion) incurred or to be incurred by persons for the purpose of availing themselves of hospital and specialist services.

30 4. Where there is provided in any hospital, as part of the hospital and specialist services, accommodation in single rooms or small wards, the Minister may make any such accommodation, which is not for the time being needed by any patient on medical grounds, available for patients who undertake, or in respect of whom an undertaking is given, to pay for the accommodation such charges, designed to cover part of the cost thereof, as may be prescribed, and the 35 Minister may recover those charges.

40 5.—(1) If the Minister, having regard to his duty to provide hospital and specialist services, is satisfied that it is reasonable so to do, he may set aside in any hospital providing such services special accommodation for patients who undertake, or in respect of whom an undertaking is given, to pay such charges as may be prescribed, being charges designed to cover the whole cost of the accommodation and services provided for the patient at the hospital, including an appropriate amount in respect of overhead expenses, and the Minister may recover 45 those charges:

Provided that nothing in this section shall prevent accommodation so set aside from being made available for any

A.D. 1946.

PART II.

—cont.

patient who urgently needs that accommodation on medical grounds and for whom suitable accommodation is not otherwise available.

(2) The Minister may allow any medical practitioner serving on the staff of a hospital providing hospital and specialist services to make arrangements for the treatment of his private patients either at that hospital or at any other such hospital, and may make available for that purpose the special accommodation aforesaid, and in that case the charges prescribed under the last foregoing subsection shall not include the cost of any services rendered by the medical practitioner, and regulations may prescribe the maximum charges to be made and recovered by any such medical practitioner in respect of the treatment of his private patients under this subsection.

Transfer of hospitals to the Minister.

Transfer of
hospitals to
the Minister

6.—(1) Subject to the provisions of this Act, there shall, on the appointed day, be transferred to and vest in the Minister by virtue of this Act all interests in or attaching to premises forming part of a voluntary hospital or used for the purposes of a voluntary hospital, and in equipment, furniture or other movable property used in or in connection with such premises, being interests held immediately before the appointed day by the governing body of the hospital or by trustees solely for the purposes of that hospital, and all rights and liabilities to which any such governing body or trustees were entitled or subject immediately before the appointed day, being rights and liabilities acquired or incurred solely for the purposes of managing any such premises or property as aforesaid or otherwise carrying on the business of the hospital or any part thereof, but not including any endowment within the meaning of the next following section or any rights or liabilities transferred under that section.

(2) Subject to the provisions of this Act, there shall also, on the appointed day, be transferred to and vest in the Minister by virtue of this Act all hospitals vested in a local authority immediately before the appointed day, and all property and liabilities held by a local authority, or to which a local authority were subject, immediately before the appointed day, being property and liabilities held or incurred solely for the purpose of providing hospital accommodation for persons in their area.

(3) If it appears to the Minister that, in the case of any hospital to which the foregoing provisions of this section apply, the transfer of the hospital or of the interests referred to in subsection (1) of this section will not be required for the purpose of providing hospital and specialist services, he may, at any time before the appointed day, serve a notice to that effect on the governing body of the hospital or, as the case may be, on the local authority in whom the hospital is vested,

and thereupon the foregoing provisions of this section shall cease to apply to that hospital:

A.D. 1946.

PART II.

—*cont.*

Provided that if the governing body or local authority, within such period (not being less than twenty-eight days 5 from the service of the notice) as may be specified in the notice, serve a notice on the Minister stating that they wish the hospital or interests to be transferred to the Minister, the foregoing provisions of this section shall apply to the hospital.

(4) All property transferred to the Minister under this 10 section shall vest in him free of any trust existing immediately before the appointed day, and the Minister may use any such property for the purpose of any of his functions under this Act, but shall so far as practicable secure that the objects for which any such property was used immediately 15 before the appointed day are not prejudiced by the provisions of this section.

(5) Regulations may provide—

(a) for the apportionment, as between the Minister and 20 the other persons concerned, of interests in premises used partly for the purposes of any hospital to which this section applies and partly for other purposes and, in the case of a leasehold interest, for the severance thereof, and for vesting in the Minister and the other persons concerned the appropriate interests, 25 and for the apportionment of rent payable in respect of any such severed lease;

(b) for the apportionment, as between the Minister and 30 the other persons concerned, of any other periodical sums payable in respect of any transferred property or liabilities;

(c) for the apportionment, as between the Minister and 35 the other persons concerned, of liabilities incurred partly for the purposes referred to in subsection (1) or subsection (2) of this section and partly for other purposes;

(d) for the transfer to and vesting in the Minister of inter- 40 ests held solely for the purposes of two or more voluntary hospitals to which this section applies in premises used for the purposes of those hospitals, and of property and liabilities which would, if the interests were held and the premises used solely for the purposes of one such hospital, be transferred to the Minister under subsection (1) of this section or appor- 45 tioned to him under the foregoing provisions of this subsection; and

(e) for the determination by arbitration, in default of agreement, of any question arising as to any of the matters aforesaid.

A.D. 1946.

PART II.
—cont.

(6) This section shall not apply to rights and liabilities arising under contracts for the rendering of personal services or to rights and liabilities arising under any enactment, scheme or contract providing for the payment of superannuation benefits, except superannuation benefits payable in respect of officers employed for the purposes of a voluntary hospital who have ceased to be so employed before the appointed day, but this subsection shall be without prejudice to the provisions of Part VI of this Act relating to the transfer and compensation of officers and the superannuation of officers.

Endowments
of voluntary
hospitals.

7.—(1) Where any voluntary hospital to which the last foregoing section applies is, before the appointed day, designated by the Minister under this Part of this Act as a teaching hospital or is one of a group of hospitals so designated, all endowments of the hospital held immediately before the appointed day shall on that day, by virtue of this Act, be transferred to and vest in the Board of Governors constituted under the following provisions of this Part of this Act for the teaching hospital.

(2) All such endowments shall vest in the Board free of any trust existing immediately before the appointed day and shall be held by the Board on trust for such purposes relating to hospital services or to the functions of the Board under this Part of this Act with respect to research as the Board think fit, and the Board may dispose of any property comprised in those endowments and hold the proceeds thereof on trust for any of the said purposes:

Provided that the Board shall, so far as practicable, secure that the objects of any such endowment are not prejudiced by the provisions of this section.

(3) Where any endowment which is to be vested in a Board of Governors under the foregoing provisions of this section is, immediately before the appointed day, subject to a charge in respect of a liability which would, but for this subsection, be transferred to the Minister under the last foregoing section, that liability shall, instead of being transferred to the Minister, be transferred to the Board on the appointed day.

(4) All endowments of a voluntary hospital to which the last foregoing section applies, other than a hospital to which the foregoing provisions of this section apply, being endowments held immediately before the appointed day, shall on that day be transferred to and vest in the Minister by virtue of this Act free of any trust existing immediately before that day; and the Minister shall establish a fund, to be called the Hospital Endowments Fund, to which he shall transfer all such endowments.

(5) Regulations shall provide—

5 (a) for the control and management of the Hospital Endowments Fund by the Minister and for conferring on him any powers required for that purpose, including powers to sell or otherwise dispose of any assets of the Fund and to carry the proceeds into the Fund;

10 (b) for enabling the Minister to apply, to such extent as may be prescribed, the assets of the Fund for discharging any liabilities transferred to him under the last foregoing section from the governing body of such a voluntary hospital as is mentioned in the last foregoing subsection or transferred to him under this section;

15 (c) subject to any provision for the discharge of such liabilities, for apportioning the capital value of the Fund among the several Regional Hospital Boards and Hospital Management Committees constituted under the following provisions of this Part of this Act, in such shares as may be determined by the Minister in the prescribed manner, and for distributing the income of the Fund to those Boards and Committees proportionately to those shares;

25 (d) for enabling the Minister, on the application of a Regional Hospital Board or Hospital Management Committee, to transfer to that Board or Committee for such purposes as may be approved by the Minister, any part of the capital assets of the Fund not exceeding in value the said share of that Board or
30 Committee, and for reducing that share accordingly.

(6) Subject to such general conditions as may be prescribed, any income received by a Regional Hospital Board or Hospital Management Committee under the last foregoing subsection may be used for such purposes relating to hospital services, or to the functions of the Board or Committee under this Part of this Act with respect to research, as the Board or Committee thinks fit.
35

(7) All rights and liabilities acquired or incurred, whether by the governing body or by trustees, solely for the purposes of managing any endowment of a voluntary hospital to which the last foregoing section of this Act applies, being rights or liabilities to which they were entitled or subject immediately before the appointed day, shall—
40

(a) if the hospital has before that day been designated as a teaching hospital or is one of a group of hospitals so designated, be transferred to and vest in the
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A.D. 1946.

PART II.

—cont.

A.D. 1946.

PART II.
—cont.

- Board of Governors of the teaching hospital on that day by virtue of this Act;
- (b) in any other case be transferred to and vest in the Minister on that day by virtue of this Act.
- (8) Regulations may provide— 5
- (a) for the apportionment of any property held by the governing body of a voluntary hospital to which this section applies partly for the purposes of that hospital and partly for other purposes, being property which would, if it were held solely for the purposes 10 of the hospital, constitute an endowment of that hospital, and for vesting the appropriate shares in the Minister or (in the case of a teaching hospital) the Board of Governors of that hospital and the other persons concerned; 15
- (b) in connection with any such apportionment, for the severance of leases and the apportionment of rent payable in respect thereof;
- (c) in lieu of such apportionment, for the disposal of any such property and for the apportionment of the 20 proceeds;
- (d) for the apportionment of any other periodical sums payable in respect of property transferred under this section;
- (e) for the transfer to the Hospital Endowments Fund of 25 any property or sums apportioned to the Minister under the regulations;
- (f) for the determination by arbitration, in default of agreement, of any question arising with respect to the matters aforesaid. 30
- (9) In this section the expression “endowment,” in relation to a voluntary hospital, means property held by the governing body of the hospital or by trustees solely for the purposes of that hospital, being property of the following descriptions— 35
- (a) interests in or attaching to land other than the premises referred to in subsection (1) or subsection (5) of the last foregoing section, and in equipment, furniture or other movable property used on or in connection with such land; 40
- (b) shares, stocks, bonds, debentures and other securities, and any other personal property held by way of an investment;
- (c) money, including any credit in a banking account;
- (d) rights under any bill of exchange, promissory 45 note or gratuitous covenant for the payment of money:

Provided that an equitable interest held for the purposes of a voluntary hospital in trust property in which there are other equitable interests shall not be deemed to be an endowment of that hospital.

A.D. 1946.

PART II.

—cont.

5 (10) Where the Minister is satisfied that any property transferred to him under subsection (2) of the last foregoing section, being property held for the purposes of a hospital vested in a local authority immediately before the appointed day, would, if the hospital had been a voluntary hospital
10 immediately before that day, have been an endowment of that hospital within the meaning of this section, he shall—

15 (a) if the hospital has been designated as a teaching hospital or is one of a group of hospitals so designated, transfer the property to the Board of Governors constituted under the following provisions of this Part of this Act for the teaching hospital;

(b) in any other case transfer the property to the Hospital Endowments Fund;

20 and the foregoing provisions of this section shall apply to the property in like manner as they apply to endowments of voluntary hospitals.

8.—(1) Where a medical or dental school is associated with any hospital to which section six of this Act applies, nothing in that section or the last foregoing section shall be taken as
25 affecting any property or liabilities held or incurred solely for the purposes of that school, and those purposes shall not be deemed to be purposes of the hospital.

Exception for
medical and
dental schools

30 (2) All property and liabilities held or incurred solely for the purposes of any such school, not being property already vested in the bodies hereafter in this section mentioned or liabilities to which those bodies are already subject, shall, on the appointed day, be transferred by virtue of this Act—

35 (a) in the case of a general medical school of the university of London or any school in the faculty of medicine of that university which is recognised for dentistry only, to the governing body of that school;

(b) in the case of the Welsh National School of Medicine, to the governing body of that school;

40 (c) in the case of a medical or dental school of a university other than the university of London or the university of Wales, to the governing body of the university of which the school is a part;

and shall vest in the said governing body by virtue of this Act.

A.D. 1946.

PART II.
—cont.

(3) If any institute for the post-graduate teaching of medicine or dentistry, being an institute associated with any hospital to which section six of this Act applies, is recognised by the Minister for the purposes of this section before the appointed day, subsection (1) of this section shall apply thereto in like manner as it applies to a medical or dental school so associated, and all property and liabilities held or incurred solely for the purposes of any such institute, not being property already vested in the governing body of the institute or liabilities to which that body is already subject, shall, on the appointed day, be transferred to and vest in the governing body of the institute by virtue of this Act.

Supplement-
ary provisions
relating to
transfer of
hospital
property and
liabilities.

9.—(1) For the purposes of the foregoing provisions of this Part of this Act relating to the transfer of property and liabilities, the expression “hospital” includes, in addition to the premises specified in the definition of the said expression contained in section seventy-eight of this Act, any clinic, dispensary or out-patient department not maintained in connection with such premises as aforesaid at which treatment by or under the direction of medical or dental practitioners is provided, not being—

- (a) a clinic or out-patient department maintained by a local education authority or maintained by any other local authority for the care of expectant and nursing mothers and young children; or
- (b) a clinic, out-patient department or dispensary where medical advice or treatment is ordinarily given by general medical practitioners and not by specialists;

and also includes any part of a workhouse within the meaning of the Poor Law Act, 1930, which would, if it were a separate institution, be a hospital as defined by the said section seventy-eight, but save as aforesaid does not include any premises forming part of or ancillary to any institution or undertaking of which the main purpose is not therapeutic.

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Geo. 5. c. 17.

(2) Where in connection with a voluntary hospital any premises are used for providing accommodation for paying patients and any profits thereby earned are made available for the benefit of the hospital, the premises shall be deemed for the purposes of this Part of this Act to form part of the hospital.

(3) Where—

- (a) any premises are intended to be used for the purposes of a hospital to which section six of this Act applies but have not been so used before the appointed day, and work has been done before that day for the purpose of adapting the premises for such use;

A.D. 1946.

PART II.
—cont.

- 5 (b) it is intended to construct on any land new buildings or works which will on completion be used for the purposes of such a hospital as aforesaid, and the work of constructing the buildings or works has commenced before the appointed day;
- (c) any premises used for the purposes of such a hospital as aforesaid have been destroyed and have not been restored before the appointed day; or
- 10 (d) any premises normally used for the purposes of such a hospital as aforesaid are, owing to damage or any other cause, not so used immediately before the appointed day;

any interests in those premises or in that land or, in the case of destroyed premises, the site thereof held immediately
15 before the appointed day by the governing body of the hospital or trustees or, as the case may be, the local authority in whom the hospital is vested, being interests held solely for the purposes of the hospital, shall be deemed for the purposes of this Part of this Act to be interests in premises
20 forming part of the hospital.

(4) Where any premises or land normally used for other purposes are or is temporarily used immediately before the appointed day by a local authority for the purposes of a hospital, the premises or land shall not be deemed for the
25 purposes of this Part of this Act to be a hospital or, as the case may be, to form part of a hospital.

(5) Any right under the War Damage Act, 1943, to receive
a payment in respect of war damage within the meaning of
that Act, held immediately before the appointed day
30 by the governing body of a voluntary hospital or by trustees solely for the purposes of such a hospital, and any such right other than a right to receive a payment of cost of works or a temporary works payment within the meaning of that Act, held immediately before the appointed day by a local
35 authority in whom a hospital is vested in respect of war damage to property which before the occurrence of the damage was held for the purposes of that hospital, shall be deemed for the purposes of this Part of this Act to be a right acquired solely for the purposes of carrying on the business
40 of the voluntary hospital or, as the case may be, a right held by the local authority solely for the purposes of the hospital vested in them:

Provided that, if the property to which the right relates was before the occurrence of the damage an endowment
45 (within the meaning of section seven of this Act) of a voluntary hospital, the right shall for the purposes of this Part of this Act be deemed to be such an endowment.

A.D. 1946.

PART II.
—cont.

(6) For the purposes of section fourteen of the War Damage Act, 1943 (which relates to the compulsory acquisition of partially damaged land) the transfer of any land under the foregoing provisions of this Part of this Act shall not be deemed to be the compulsory acquisition thereof.

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(7) Where any property was, at any time between the twenty-first day of March, nineteen hundred and forty-six, and the appointed day, held or used by such persons and for such purposes as would result, but for anything done after the said date, in the transfer of the property to the Minister or to the Board of Governors of a teaching hospital under the foregoing provisions of this Part of this Act, and that property ceases to be so held or used before the appointed day, it shall nevertheless be treated for the purposes of those provisions as if it had continued to be so held or used until the appointed day, unless it is proved by a person whose interest in that property would be transferred to the Minister or Board under those provisions, that the fact that it was not so held or used immediately before the appointed day was due to something done or occurring in the ordinary course of business, and was in no way connected with the said provisions.

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(8) Regulations may make such provision supplementary to or consequential on the foregoing provisions of this Part of this Act relating to the transfer of property and liabilities as appears to the Minister to be necessary or expedient, and in particular, but without prejudice to the generality of this subsection, regulations may provide—

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- (a) for the determination by arbitration, in default of agreement, of any question arising as to whether any property or liability will be or has been transferred under the said provisions or as to the person to whom it will be or has been transferred;
- (b) for the amendment of documents relating to any transferred property or liabilities to such extent as appears to the Minister to be necessary for the purposes of such transfer; and
- (c) for enabling pending proceedings relating to any transferred property or liabilities to be carried on.

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Power to
acquire
hospital
equipment.

10. Where, in the exercise of powers to purchase land conferred on him by Part VI of this Act, the Minister acquires any hospital (as defined by the last foregoing section), whether or not carried on for profit, he may also acquire, either by agreement or compulsorily in accordance with the provisions of the Second Schedule to this Act, any equipment, furniture or other movable property used in or in connection with the hospital premises, and the provisions of the said Schedule relating to compensation and certain other matters shall apply.

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Local administration of hospital and specialist services.

A.D. 1946.

PART II.
—cont.

11.—(1) The Minister shall by order constitute, in accordance with Part I of the Third Schedule to this Act, boards, to be called Regional Hospital Boards, for such areas as he
 5 may by order determine, for the purpose of exercising functions with respect to the administration of hospital and specialist services in those areas; and the Minister shall secure, so far as practicable, that each area is such that the provision of the said services in the area can conveniently be associated with a university having a school of medicine.

Regional
Hospital
Boards,
Hospital
Management
Committees,
and Boards of
Governors
of teaching
hospitals.

(2) The order or orders made under the foregoing subsection determining the areas from which the Regional Hospital Boards are to be constituted shall be separate from the order or orders constituting those Boards, and before making any
 15 order determining such an area, the Minister shall consult with such bodies and organisations as appear to him to be concerned.

(3) Every Regional Hospital Board shall, within such period as the Minister may by direction specify, submit to the
 20 Minister a scheme for the appointment by them of committees, to be called Hospital Management Committees, for the purpose of exercising functions with respect to the management and control of individual hospitals or groups of hospitals, other than teaching hospitals, providing hospital and specialist services in the area of the Board.

(4) The Minister may approve, with or without modifications, which may include additions or exceptions, any scheme submitted to him by a Regional Hospital Board under the last foregoing subsection, and it shall be the duty of the Board
 30 to give effect to the scheme as approved by the Minister.

(5) A Regional Hospital Board may at any time, and if directed by the Minister shall within such period as may be specified in the direction, submit a new scheme providing for the modification of the scheme in force under this section, and
 35 the last foregoing subsection shall apply to any such new scheme.

(6) A Hospital Management Committee shall be constituted in accordance with Part II of the Third Schedule to this Act.

(7) If a Regional Hospital Board fail to submit any scheme
 40 which they are required to submit within a period specified by direction of the Minister, the Minister may himself prepare a scheme and it shall have effect as if it had been submitted and approved under the foregoing provisions of this section.

A.D. 1946.

PART II.

—cont.

(8) The Minister may, after consultation with the university concerned, by order designate as a teaching hospital any hospital or group of hospitals which appears to him to provide for any university facilities for undergraduate or post-graduate clinical teaching, and the Minister shall, in the case of any hospital or group so designated, by order constitute, in accordance with Part III of the Third Schedule to this Act, a Board of Governors for the purpose of exercising functions with respect to the administration of that hospital or group; and any group of hospitals so designated shall, as from the appointed day or the date of the designation (whichever last occurs), be deemed for the purposes of this Act to be a single hospital.

(9) Where after the appointed day—

- (a) any of the areas for which Regional Hospital Boards are constituted are varied, whether or not such variation involves the constitution of a new Board or the termination of the functions of an existing Board;
- (b) a new scheme is made under subsection (4) of this section involving the appointment of a new Hospital Management Committee or the termination of the functions of an existing Committee or any variation in the grouping of hospitals managed by such Committees; or
- (c) a new teaching hospital is designated or the designation of a teaching hospital is revoked, or any hospital is included in or excluded from a group of hospitals so designated;

the Minister may by order make provision for any supplementary and incidental matters for which it appears to him to be necessary or expedient to provide, and in particular—

- (i) for the transfer and compensation of officers, and the transfer of property and liabilities;
- (ii) for making a new apportionment or an adjustment, in accordance with regulations made under subsection (5) of section seven of this Act, of the shares of Regional Hospital Boards and Hospital Management Committees in the capital value of the Hospital Endowments Fund; and
- (iii) in a case to which paragraph (c) of this subsection applies, for requiring capital assets to be transferred from the said Fund to the Board of Governors of a teaching hospital, or, as the case may be, from any such Board to the said Fund.

(10) The supplementary provisions contained in Part IV of the Third Schedule to this Act shall have effect in relation to the various bodies constituted under this section.

A.D. 1946.

PART II.

—cont.

12.—(1) Subject to the exercise of functions by Hospital Management Committees in accordance with the next following subsection, it shall be the duty of a Regional Hospital Board, subject to and in accordance with regulations and such directions as may be given by the Minister, generally to administer on behalf of the Minister the hospital and specialist services provided in their area, and in particular—

Functions of
Boards and
Management
Committees.

- (a) to appoint officers required to be employed at or for the purposes of any hospital providing such services, other than a teaching hospital;
- (b) to maintain any premises forming part of or used in connection with any such hospital;
- (c) to acquire on behalf of the Minister and to maintain equipment, furniture and other movable property required for the purposes of any such hospital.

(2) The Hospital Management Committee of any hospital or group of hospitals shall exercise on behalf of the Regional Hospital Board for the area in which the hospital or group is situated, in accordance with regulations and such directions as may be given by the Minister or the Regional Hospital Board, such of the functions of the Board relating to the control and management of that hospital or group of hospitals as may be prescribed.

(3) It shall be the duty of the Board of Governors of every teaching hospital, as from the appointed day, in accordance with regulations and such directions as may be given by the Minister, generally to manage and control the hospital on behalf of the Minister, and in particular—

- (a) to appoint officers required to be employed at or for the purposes of the hospital;
- (b) to maintain any premises forming part of or used in connection with the hospital;
- (c) to acquire on behalf of the Minister and to maintain equipment, furniture and other movable property required for the purposes of the hospital.

13.—(1) A Regional Hospital Board and the Board of Governors of a teaching hospital shall, notwithstanding that they are exercising functions on behalf of the Minister, be entitled to enforce any rights acquired, and shall be liable in respect of any liabilities incurred (including liabilities in tort), in the exercise of those functions, in all respects as if

Legal status of
Boards and
Management
Committees.

A.D. 1946.

PART II.
—cont.

the Board were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Board in their own name.

(2) All proceedings for the enforcement of rights acquired or liabilities incurred in the exercise of functions by a Hospital Management Committee on behalf of a Regional Hospital Board shall be brought by or against the said Board in their own name. 5

Conditions of
service and
appointment
of officers.

14.—(1) All officers employed for the purposes of any hospital providing hospital and specialist services, other than 10 a teaching hospital, shall be officers of the Regional Hospital Board for the area in which the hospital is situated, and all officers employed for the purposes of a teaching hospital shall be officers of the Board of Governors of that hospital, and the remuneration and conditions of service of all such 15 officers shall, subject to regulations, be determined by the Regional Hospital Board or the Board of Governors, as the case may be.

(2) Regulations may make provision with respect to the appointment of such classes of the medical or dental officers 20 employed on the staff of any such hospitals as aforesaid as may be specified in the regulations, and such regulations shall, without prejudice to the generality of the foregoing provision, provide—

(a) for the advertisement by the Regional Hospital Board 25 or Board of Governors, as the case may be, of any vacancy in any office to which the regulations apply;

(b) for the constitution by the Regional Hospital Board or Board of Governors, as the case may be, on the occasion of each such vacancy, of an advisory 30 appointments committee consisting—

(i) in the case of a hospital other than a teaching hospital, of persons nominated by the Regional Hospital Board and the Hospital Management Committee of the hospital affected, respectively; 35

(ii) in the case of a teaching hospital, of persons nominated by the Board of Governors and the university with which the hospital is associated, respectively;

(c) for the selection by the appointments committee from 40 the applicants of the persons considered by them to be suitable for the appointment, and for the making of the appointment, from the persons so selected, by the Regional Hospital Board or Board of Governors, as the case may be; 45

(d) for the payment by the Regional Hospital Board or Board of Governors, as the case may be, of the reasonable expenses of any appointments committee constituted as aforesaid.

A.D. 1946.

PART II.

—cont.

5 15.—(1) If any general medical school of the university of Medical
London or any school in the faculty of medicine of that uni- schools in
versity which is recognised for dentistry only is not incor- London.
porated at the passing of this Act, the governing body of the
school shall, within a period of six months from the passing
10 of this Act, prepare and submit to the governing body of the
said university a scheme, to take effect on the appointed day,
for constituting a new governing body of the school, which
shall be a body corporate with power to hold land without
15 licence in mortmain, and for conferring powers and imposing
duties on that body and otherwise for the future manage-
ment and control of the school; and any such scheme shall
make provision for including among the members of the new
governing body persons representing the university, the
teaching staff of the school, and the Board of Governors of
20 the *teaching hospital with which the school is associated,
respectively.

(2) A scheme prepared and submitted under the last fore-
going subsection shall not have effect unless it has been
approved by the governing body of the said university, and
25 the said governing body may either approve the scheme with-
out modifications or with such modifications as may be agreed
between them and the governing body of the school.

(3) Any such scheme may be amended by a new scheme
prepared by the governing body of any such school and sub-
30 mitted to and approved by the governing body of the uni-
versity of London.

(4) Any scheme prepared, submitted and approved under
this section shall have effect notwithstanding anything in any
Act of Parliament, charter, or other document affecting the
35 constitution of the school.

Ancillary services provided by the Minister.

16.—(1) Without prejudice to the general powers and duties Research.
conferred or imposed on the Minister under the Ministry of
Health Act, 1919, the Minister may conduct, or assist by 9 & 10 Geo. 5.
40 grants or otherwise any person to conduct, research into any c. 21.
matters relating to the causation, prevention, diagnosis or
treatment of illness or mental defectiveness.

(2) The Board of Governors of a teaching hospital and a
Regional Hospital Board and a Hospital Management Com-
45 mittee shall have power to conduct research into any of the
matters aforesaid.

A.D. 1946.

PART II.

—cont.

Bacteriological
service.

17. The Minister may provide a bacteriological service, which may include the provision of laboratories, for the control of the spread of infectious diseases, and the Minister may allow persons to make use of services provided at such laboratories on such terms, including terms as to the payment of charges, as the Minister thinks fit. 51

Blood trans-
fusion and
other services.

18. Where the Minister has, in providing hospital and specialist services, acquired supplies of human blood for the purpose of carrying out blood transfusion, or supplies of any other substances or preparations not readily obtainable in cases of emergency, he may make arrangements for making such supplies available, on such terms, including terms as to the payment of charges, as the Minister thinks fit, to local health authorities and medical practitioners who require them in cases of emergency. 15

PART III.

HEALTH SERVICES PROVIDED BY LOCAL HEALTH
AUTHORITIES.Local health
authorities.

19.—(1) Subject to the provisions of this section, the local authority for the purposes of this Part of this Act, who shall be called the "local health authority", shall for each county be the council of the county and for each county borough be the council of the county borough. 20

(2) Where it appears to the Minister to be expedient in the interests of the efficiency of any services provided by local health authorities, whether under this Part of this Act or under any other enactment conferring functions on any local health authority in their capacity as such an authority, that a joint board should be established for the areas of two or more local health authorities for the purpose of performing all or any of the functions of those authorities, the Minister may by order constitute a joint board consisting of members appointed by those authorities and provide for the exercise by the board, in lieu of the authorities, of such of the said functions as may be specified in the order: 35

Provided that the Minister shall not make such an order except after a local inquiry, unless all the authorities for the areas concerned have consented to the making of the order.

(3) The provisions of Part I of the Fourth Schedule to this Act shall have effect with respect to joint boards constituted under this section, and to orders constituting such joint boards and the provisions of Part II of the Fourth Schedule to this Act shall have effect with respect to health committees of local health authorities. 40

20.—(1) Every local health authority shall, within such period as the Minister may by direction specify, submit to the Minister proposals for carrying out their duties under the next following eight sections of this Act.

5 The Minister may specify different periods under this section for proposals relating to duties under different sections.

(2) Not later than the day on which the proposals are submitted to the Minister, the local health authority shall serve a copy thereof—

10 (a) on every voluntary organisation which to the knowledge of the local health authority provides in the area of the authority services of the kind dealt with in the proposals, and

15 (b) on the Executive Council (as constituted under Part IV of this Act), and the Regional Hospital Board for any area which consists of or comprises the area of the local health authority or any part thereof, and the Board of Governors of any teaching hospital situated in the area of the local health authority; and

20 (c) on every local authority for an area forming part of the area of the local health authority;

and any such voluntary organisation, Council, Board or authority, may within two months of the service on them of a copy of the proposals make recommendations to the Minister

25 for modifying the proposals.

(3) The Minister may approve the proposals with or without modifications (which may include additions or exceptions), and it shall be the duty of the local health authority to carry out their duties under the next following eight sections of this Act in accordance with the proposals submitted and approved for their area under this section, subject to any modifications made by subsequent proposals so submitted and approved.

35 (4) A local health authority may at any time, and if directed by the Minister shall within the period specified in the direction, submit new proposals providing for the modification of the existing proposals, and the last two foregoing subsections shall apply to any such new proposals.

40 (5) If any local health authority fail to submit any proposals which they are required to submit within a period specified by direction of the Minister, the Minister may himself make proposals, and they shall have effect as if they had been submitted and approved under the foregoing provisions of this section:

45 Provided that, before making any such proposals the Minister shall serve a copy of the draft proposals on every

A.D. 1946.

PART III

—cont

Proposals for provision of services by local health authority.

A.D. 1946.

PART III.

—cont.

voluntary organisation which to the knowledge of the Minister provides in the area of the local health authority services of the kind dealt with in the proposals and on the bodies mentioned in paragraph (b) or paragraph (c) of subsection (2) of this section, and give an opportunity to those organisations and bodies to make recommendations to him for modifying the proposals. 5

Health
Centres.

21.—(1) It shall be the duty of every local health authority to provide, equip, and maintain to the satisfaction of the Minister premises, which shall be called "health centres", at which facilities shall be available for all or any of the following purposes:— 10

- (a) for the provision of general medical services under Part IV of this Act by medical practitioners;
- (b) for the provision of general dental services under Part IV of this Act by dental practitioners; 15
- (c) for the provision of pharmaceutical services under Part IV of this Act by registered pharmacists;
- (d) for the provision or organisation of any of the services which the local health authority are required or empowered to provide; 20
- (e) for the provision of the services of specialists or other services provided for out-patients under Part II of this Act; or
- (f) for the exercise of the powers conferred on the local health authority by section one hundred and seventy-nine of the Public Health Act, 1936, or section two hundred and ninety-eight of the Public Health (London) Act, 1936, for the publication of information on questions relating to health or disease, and for the delivery of lectures and the display of pictures or cinematograph films in which such questions are dealt with. 25 30

26 Geo. 5. and
1 Edw. 8.

c. 49.

26 Geo. 5. and
1 Edw. 8.

c. 50.

(2) A local health authority shall to the satisfaction of the Minister provide staff for any health centre provided by them: 35

Provided that a local health authority shall not employ medical or dental practitioners at health centres for the purpose of providing general medical services or general dental services under Part IV of this Act.

Care of
mothers and
young
Children.

22.—(1) It shall be the duty of every local health authority to make arrangements for the care, including in particular dental care, of expectant and nursing mothers and of children who have not attained the age of five years and are not attending primary schools maintained by a local education authority. 40 45

(2) The local health authority may, with the approval of the Minister, make and recover from persons availing themselves of the services provided under this section such charges (if any) in respect of any articles provided as the authority consider reasonable, having regard to the means of those persons.

A.D. 1946.

PART III.
—cont.

(3) The local health authority shall be the welfare authority for the purposes of Part VII of the Public Health Act, 1936, and section two hundred and fifty-five of the Public Health (London) Act, 1936, and the local authority for the purposes of Part XIII of the Public Health (London) Act, 1936.

(4) Regulations may provide, in the case of areas where, under Part III of the First Schedule to the Education Act, 1944, schemes of divisional administration relating to the functions of local education authorities with respect to school health services are in force, for the making, variation and revocation of corresponding schemes of divisional administration relating to the functions of local health authorities under subsection (1) of this section with respect to the care of children who have not attained the age of five years and are not attending primary schools maintained by a local education authority, and the functions of such authorities under subsection (3) of this section.

7 & 8 Geo. 6.
c. 31.

(5) A local health authority may, with the approval of the Minister, contribute to any voluntary organisation formed for any of the purposes mentioned in subsection (1) of this section.

23.—(1) The local health authority shall be the local supervising authority for the purposes of the Midwives Acts, 1902 to 1936, and accordingly in section eight of the Midwives Act, 1902, for the words "council of a county or county borough" there shall be substituted the words "local health authority" and for the words "said county or county borough" there shall be substituted the words "said authority".

Midwifery.
2 Edw. 7.
c. 17.

(2) It shall be the duty of every local health authority to secure, whether by making arrangements with voluntary organisations for the employment by those organisations of certified midwives or by themselves employing such midwives, that the number of certified midwives so employed who are available in the authority's area for attendance on women in their homes as midwives, or as maternity nurses during childbirth and from time to time thereafter during a period not less than the lying-in period, is adequate for the needs of the area.

In this subsection the expression "lying-in period" means the period defined as the lying-in period by any rule for the time being in force under section three of the Midwives Act, 1902.

A.D. 1946.

PART III.

—cont.

26 Geo. 5 and

1 Edw. 8.

.40.

(3) Subsection (1) of section nine of the Midwives Act, 1936 (which enables the Minister to prescribe conditions subject to which fees are to be payable by the local health authority to medical practitioners called in by midwives) shall have effect as if at the end of the subsection there were added the words "including conditions as to the qualifications of such medical practitioners".

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Health
visiting.

24.—(1) It shall be the duty of every local health authority to make provision in their area for the visiting of persons in their homes by visitors, to be called "health visitors", for the purpose of giving advice as to the care of young children, persons suffering from illness and expectant or nursing mothers, and as to the measures necessary to prevent the spread of infection.

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(2) The duty of a local health authority under this section may be discharged by making arrangements with voluntary organisations for the employment by those organisations of health visitors or by themselves employing health visitors.

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Home nursing.

25. It shall be the duty of every local health authority to make provision in their area, whether by making arrangements with voluntary organisations for the employment by those organisations of nurses or by themselves employing nurses, for securing the attendance of nurses on persons who require nursing in their own homes.

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Vaccination
and immuni-
sation.

26.—(1) Every local health authority shall make arrangements with medical practitioners for the vaccination of persons in the area of the authority against smallpox, and the immunisation of such persons against diphtheria.

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(2) Any local health authority may, and if directed by the Minister shall, make similar arrangements for vaccination or immunisation against any other disease.

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(3) In making arrangements under this section a local health authority shall give every medical practitioner providing general medical services in their area under Part IV of this Act an opportunity to provide services under this section.

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(4) The Minister may, either directly or by entering into arrangements with such persons as he thinks fit, supply free of charge to local health authorities and medical practitioners providing services under this section, vaccines, sera or other preparations for vaccinating or immunising persons against any disease.

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(5) The Vaccination Acts, 1867 to 1907, shall cease to have effect.

Ambulance
services.

27.—(1) It shall be the duty of every local health authority to make provision for securing that ambulances and other means of transport are available, where necessary, for the

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conveyance of persons suffering from illness or mental defectiveness or expectant or nursing mothers from places in their area to places in or outside their area.

A.D. 1946.

PART III.

—cont.

(2) A local health authority may carry out their duty under this section either by themselves providing the necessary ambulances and other means of transport and the necessary staff therefor or by making arrangements with voluntary organisations or other persons for the provision by them of such ambulances, transport and staff.

10 28.—(1) A local health authority may, and to such extent as the Minister may direct shall, make arrangements for the purpose of the prevention of illness, the care of persons suffering from illness or mental defectiveness, or the after-care of such persons, but no such arrangements shall provide
15 for the payment of money to such persons, except in so far as they may provide for the remuneration of such persons engaged in suitable work in accordance with the arrangements.

Prevention of illness, care and after-care.

(2) A local health authority may, with the approval of the
20 Minister, recover from persons availing themselves of the services provided under this section such charges (if any) as the authority consider reasonable, having regard to the means of those persons.

(3) A local health authority may, with the approval of the
25 Minister, contribute to any voluntary organisation formed for any such purpose as aforesaid.

29.—(1) A local health authority may make such arrangements as the Minister may approve for providing domestic help for households where such help is required owing to
30 the presence of any person who is ill, lying-in, an expectant mother, mentally defective, aged, or a child not over compulsory school age within the meaning of the Education Act, 1944.

Domestic help.

(2) A local health authority may, with the approval of the
35 Minister, recover from persons availing themselves of the domestic help so provided such charges (if any) as the authority consider reasonable, having regard to the means of those persons.

30. This Part of this Act, except sections nineteen and
40 twenty, shall come into force on the appointed day.

Appointed day for the purposes of Part III.

PART IV.

GENERAL MEDICAL AND DENTAL SERVICES, PHARMACEUTICAL SERVICES AND SUPPLEMENTARY OPHTHALMIC SERVICES.

Administration.

45 31.—(1) There shall be constituted in accordance with the provisions of the Fifth Schedule to this Act for the area of
Executive Councils.

A.D. 1946.

PART IV.

—cont.

every local health authority, a council, to be called the Executive Council, for the purpose of exercising functions with respect to the provision of services under this Part of this Act, and the supplementary provisions contained in the said Schedule shall apply to every such Council.

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(2) Where it appears to the Minister, either before or after Executive Councils have been constituted under the last foregoing subsection, to be expedient in the interests of the efficiency of the services provided under this Part of this Act that a single Executive Council should be constituted for the area of two or more local health authorities, he may by order provide for the constitution of such a Council, and the Fifth Schedule to this Act shall apply to the constitution thereof subject to the modification that the members of the Council to be appointed by the local health authority shall be appointed by the several authorities concerned in such proportions as the order may provide.

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Where any such order is revoked by a subsequent order of the Minister, then, subject to any new order made under this subsection, separate Executive Councils shall be constituted under this section for the areas of the local health authorities concerned.

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(3) Where it appears to the Minister that owing to the special circumstances of the area for which an Executive Council has been or is to be constituted under this section it is desirable to vary the constitution of that Council, he may by order provide for such variation:

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Provided that before making any such order with respect to a Council already constituted, he shall consult with that Council, and in making any order under this subsection he shall have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between the members appointed by the several authorities and bodies mentioned in the Fifth Schedule to this Act.

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(4) Where it appears to the Minister to be expedient in the interests of the efficiency of the services provided under this Part of this Act that a joint committee should be established for the areas of two or more Executive Councils for the purpose of exercising some but not all of the functions of the Executive Council, the Minister may by order constitute such a joint committee and provide for the exercise by that committee of such of the said functions as may be specified in the order, and for the payment of the expenses of the committee by the constituent councils, and for the application, with such modifications as may be so specified, to that committee of any provisions of this Act relating to those functions, and

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for any of the matters for which, in relation to an Executive Council, regulations made under the Fifth Schedule to this Act may provide.

A.D. 1946.

PART IV.

—cont.

(5) Any order made under this section, and any order
5 revoking such an order, may contain such supplementary and incidental provisions as appear to the Minister to be necessary or expedient, including provision for the transfer of officers and their compensation by the Minister and the transfer of property and liabilities.

10 32.—(1) Where the Minister is satisfied that a local committee formed for the area of any Executive Council is representative—
Local representative committees,

(a) of the medical practitioners of that area, or

15 (b) of the persons providing pharmaceutical services in that area, or

(c) of the dental practitioners of that area,

the Minister may recognise that committee, and any committee so recognised shall be called the Local Medical Committee, the Local Pharmaceutical Committee or the Local Dental
20 Committee, as the case may be, for the area concerned.

(2) The Executive Council shall in exercising their functions under this Part of this Act consult with the said Committees on such occasions and to such extent as may be prescribed, and the said Committees shall exercise such other functions
25 as may be prescribed.

General Medical Services.

30 33.—(1) It shall be the duty of every Executive Council in accordance with regulations to make as respects their area arrangements with medical practitioners for the provision by them as from the appointed day, whether at a health centre or otherwise, of personal medical services for all persons in the area who wish to take advantage of the arrangements, and the services provided in accordance with the arrangements are in this Act referred to as "general medical
35 services."

(2) Regulations may make provision for defining the personal medical services to be provided and for securing that the arrangements will be such that all persons availing themselves of those services will receive adequate personal care
40 and attendance, and the regulations shall include provision—

(a) for the preparation and publication of lists of medical practitioners who undertake to provide general medical services;

A.D. 1946.

PART IV.

—cont.

- (b) for conferring a right on any person to choose, in accordance with the prescribed procedure, the medical practitioner by whom he is to be attended, subject to the consent of the practitioner so chosen and to any prescribed limit on the number of patients to be accepted by any practitioner; 5
- (c) for the distribution among medical practitioners whose names are on the lists of any persons who have indicated a wish to obtain general medical services but who have not made any choice of medical practitioner or have been refused by the practitioner chosen; 10
- (d) for the issue to patients or their personal representatives by medical practitioners providing such services as aforesaid of certificates reasonably required by them under or for the purposes of any enactment. 15

Distribution
of medical
practitioners
providing
services.

34.—(1) Subject to the provisions of this Part of this Act relating to the disqualification of practitioners, every medical practitioner engaged in medical practice (otherwise than as a paid assistant) who wishes to provide general medical services shall be entitled, on making an application at any time before the appointed day in the prescribed manner to the Executive Council for any area in which he is practising, to be included in the list of medical practitioners undertaking to provide general medical services for persons in that area. 20 25

(2) With a view to securing that the number of medical practitioners undertaking to provide general medical services in the areas of different Executive Councils or in different parts of those areas is adequate, the Minister shall constitute a committee, to be called the Medical Practices Committee, for the purpose of considering and determining applications— 30

- (a) made before the appointed day by a medical practitioner who is not entitled under the last foregoing subsection to be included in the list of an Executive Council, for inclusion in that list; and 35
- (b) made on or after the appointed day for inclusion in any such list kept by an Executive Council for any area;

and all such applications made in the prescribed manner to an Executive Council shall be referred by that Council to the said Committee, and any medical practitioner whose application is granted by the said Committee shall, subject to the provisions of this Part of this Act relating to the disqualification of practitioners, be entitled to be included in the list. 40

(3) The Medical Practices Committee may refuse any such application on the ground that the number of medical practi- 45

A.D. 1946.

PART IV.

—cont.

tioners undertaking to provide general medical services in the area or part of an area concerned is already adequate, and, if in the opinion of the Committee additional practitioners are required for any area or part but the number of
5 persons who have made applications exceeds the number required, the Committee shall select the persons whose applications are to be granted and shall refuse the other applications.

Before selecting any persons under this subsection the
10 Medical Practices Committee shall consult the Executive Council concerned, and that Council shall, if a Local Medical Committee has been formed for the area of the Council and recognised under the last but one foregoing section, consult that Committee before expressing their views on the persons
15 to be selected.

(4) Except as provided by the last foregoing subsection, the Medical Practices Committee shall not refuse any such application, but the Committee may grant an application subject to conditions excluding the provision of general medical
20 services by the applicant in such part or parts of the area of the Executive Council as the Committee may specify.

(5) The Medical Practices Committee shall be constituted in accordance with the Sixth Schedule to this Act and the provisions of that Schedule shall apply to that Committee.

25 (6) A medical practitioner who has made such an application as aforesaid which has been refused or has been granted subject to the said conditions, may appeal to the Minister, and the Minister may, on any such appeal, direct the said Committee to grant the application either unconditionally or
30 subject to such conditions as the Minister may specify.

(7) Where the Medical Practices Committee select persons from a number of applicants, the persons selected shall not, during the period for bringing an appeal to the Minister or pending the hearing of any such appeal, be included in the
35 list in question, and on any such appeal the Minister may, if he grants the appeal, direct either that the application shall be granted in addition to the applications already granted or that it shall be granted instead of such one of those applications as the Minister may specify:

40 Provided that in the latter case he shall make the other applicant a party to the appeal, and no further appeal shall be brought by that applicant in respect of the application in question.

(8) Regulations shall make provision—

45 (a) for requiring Executive Councils to make reports, at such times and in such manner as may be prescribed,

A.D. 1946.

PART IV.

—*cont.*

to the Medical Practices Committee as to the number of medical practitioners required to meet the reasonable needs of their area and the different parts thereof and as to the occurrence of any vacancies on the lists of medical practitioners kept by them under this Part of this Act and as to the need for filling such vacancies; 5

- (b) for prescribing the procedure for the determination of applications by the Medical Practices Committee and for the making and determination of appeals to the Minister under this section, and for requiring Executive Councils and applicants to be informed of the decisions of the Committee and the Minister; 10

Prohibition
of sale of
medical
practices.

35.—(1) Where the name of any medical practitioner is, on the appointed day or at any time thereafter, entered on any list of medical practitioners undertaking to provide general medical services, it shall be unlawful subsequently to sell the goodwill or any part of the goodwill of the medical practice of that medical practitioner: 15

Provided that, where a medical practitioner, whose name has ceased to be entered on any such list as aforesaid, practises in the area of an Executive Council in whose list his name has never been entered, this subsection shall not render unlawful the sale of the goodwill or any part of the goodwill of his practice in that area. 20 25

(2) Any person who sells or buys the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of the last foregoing subsection, shall be guilty of an offence and shall be liable on indictment to a fine not exceeding— 30

- (a) such amount as will in the opinion of the court secure that he derives no benefit from the offence; and

(b) the further amount of five hundred pounds; or to imprisonment for a term not exceeding three months, 35 or to both such fine and such imprisonment.

(3) Where any medical practitioner or the personal representative of any medical practitioner knowingly sells or lets premises previously used by that practitioner for the purposes of his practice to another medical practitioner, or in any other way disposes or procures the disposition of the premises, whether by a single transaction or a series of transactions, with a view to enabling another practitioner to use the premises for the purposes of his practice, and the consideration for the sale, letting or other disposition is substantially in excess of 40 45

the consideration which might reasonably have been expected if the premises had not previously been used for the purposes of a medical practice, the sale, letting or other disposition of the premises shall be deemed for the purposes of this section
5 to be a sale by the first medical practitioner or his personal representative of the goodwill or part of the goodwill of the practice of that practitioner to that other practitioner.

A.D. 1946.

PART IV.

—cont.

Where a medical practitioner or his personal representative sells, lets, or disposes or procures the disposition of,
10 any premises together with any other property, the court shall, for the purposes of this subsection, make such apportionment of the consideration as it thinks just.

(4) Where in pursuance of any partnership agreement between medical practitioners—

15 (a) any valuable consideration, other than the performance of services in the partnership business, is given by a partner or proposed partner as consideration for his being taken into partnership;

20 (b) any valuable consideration is given to a partner, on or in contemplation of his retirement or of his acceptance of a reduced share of the partnership profits, or to the personal representative of a partner on his death, not being consideration in respect of past services of that partner or of property of that partner which is transferred or made available to the
25 other partners or any of them for fair consideration; or

30 (c) services are performed by any partner for a consideration substantially less than those services might reasonably have been expected to be worth having regard to the circumstances at the time when the agreement was made;

there shall be deemed for the purposes of this section to have been a sale of the goodwill or part of the goodwill of the
35 practice of any partner to whom or to whose personal representative the consideration or any part thereof is given or, as the case may be, for whose benefit the services are performed, to the partner or each of the partners by or on whose behalf the consideration or any part thereof was given or,
40 as the case may be, the partner who performed the services, and the said sale shall be deemed for the purposes of this section to have been effected—

(i) in a case to which paragraph (a) or paragraph (b) applies, at the time when the consideration was given or, if the consideration was not all given at the same time, at the time when the first part thereof was
45 given; or

A.D. 1946.

PART IV.

—cont.

(ii) in a case to which paragraph (c) applies, at the time when the agreement was made.

(5) Where any medical practitioner performs services as an assistant to another medical practitioner for a remuneration substantially less than those services might reasonably have been expected to be worth having regard to the circumstances at the time when the remuneration was fixed, and subsequently succeeds, whether as the result of a partnership agreement or otherwise, to the practice or any part of the practice of the second practitioner, there shall be deemed for the purposes of this section to have been a sale of goodwill or part of the goodwill of the said practice by the second practitioner to the first practitioner, unless it is shown that the said remuneration of the first practitioner was not fixed in contemplation of his succeeding to the said practice or any part thereof, and the said sale shall be deemed for the purposes of this section to have been effected at the time when the remuneration was fixed.

(6) For the purposes of this section—

(a) if a medical practitioner or the personal representative of a medical practitioner agrees, for valuable consideration, to do or refrain from doing any act, or allow any act to be done, for the purpose of facilitating the succession of another medical practitioner to the practice or any part of the practice of the first practitioner, the transaction shall be deemed to be a sale of the goodwill or part of the goodwill of that practice by the first practitioner or his personal representative to the second practitioner;

(b) if any medical practitioner or any person acting on his behalf gives any valuable consideration to another medical practitioner or the personal representative of another medical practitioner, and the first medical practitioner succeeds or has succeeded, whether before or after the transaction aforesaid, to the practice or any part of the practice of the second practitioner, the transaction shall be deemed to be a sale of the goodwill or part of the goodwill of the practice of the second practitioner by him or by his personal representative to the first practitioner, unless it is shown that no part of the consideration was given in respect of the said goodwill or part thereof:

Provided that this subsection shall not apply to anything done in relation to the acquisition of premises for the purposes of a medical practice, or in pursuance of a partnership agreement, or to the performance of services as an assistant to a medical practitioner.

A.D. 1946.

PART IV.

—cont.

(7) In determining for the purposes of this section the consideration given in respect of any transaction, the court shall have regard to any other transaction appearing to the court to be associated with the first transaction, and shall
5 estimate the total consideration given in respect of both or all the transactions and shall apportion it between those transactions in such manner as it thinks just.

(8) Where any consideration is, with the knowledge and consent of a medical practitioner or his personal representative,
10 given to any other person, and it appears to the court that the medical practitioner or, if he has died, his estate or some person beneficially interested in his estate derives a substantial benefit from the giving of the consideration, the consideration shall be deemed for the purposes of this section
15 to have been given to the medical practitioner or his personal representative, as the case may be.

(9) Any medical practitioner or the personal representative of any medical practitioner may apply to the Medical Practices Committee for their opinion as to whether a proposed
20 transaction or series of transactions involves the sale of the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of this section, and the Committee shall consider any such application and, if they are satisfied that the transaction or series of transactions does
25 not involve the giving of valuable consideration in respect of the goodwill or any part of the goodwill of such a medical practice, they shall issue to the applicant a certificate to that effect, which shall be in the prescribed form and shall set out all material circumstances disclosed to the Committee.

(10) Where any person is charged with an offence under this section in respect of any transaction or series of transactions it shall be a defence to the charge to prove that the transaction or series of transactions was certified by the Medical Practices Committee under the last foregoing sub-
30 section, and any document purporting to be such a certificate shall be admissible in evidence and shall be deemed to be such a certificate unless the contrary is proved:

Provided that, if it appears to the court that the applicant for any such certificate failed to disclose to the Committee
40 all the material circumstances or made any misrepresentation with respect thereto, it may disregard the certificate and this subsection shall not apply thereto.

(11) A prosecution for an offence under this section shall only be instituted by or with the consent of the Director of
45 Public Prosecutions, and the Medical Practices Committee shall, at the request of the said Director, furnish him with a

A.D. 1946.

PART IV.

—*cont.*

copy of any certificate issued by them under subsection (10) of this section and with copies of any documents produced to them in connection with the application for that certificate.

(12) For the purposes of this and the next two following sections, references to the goodwill of a medical practice shall, in relation to a medical practitioner practising in partnership, be construed as referring to his share of the goodwill of the partnership practice. 51

Compensation
for loss of
right to sell
a medical
practice.

36.—(1) Every medical practitioner whose name is entered on the appointed day on any list of medical practitioners undertaking to provide general medical services shall be entitled to be paid out of moneys provided by Parliament compensation in accordance with this section in respect of any loss suffered by him by reason that he is or will be unable to sell the goodwill or any part of the goodwill of his practice by virtue of the last foregoing section. 100 155

(2) The aggregate amount of the compensation to be paid under this section shall be the appropriate proportion of sixty-six million pounds, exclusive of any sums paid by way of interest: 200

Provided that, if the aggregate number of medical practitioners included on the appointed day in lists of medical practitioners providing general medical services, or lists of medical practitioners providing services under any provisions in force in Scotland corresponding with the foregoing provisions of this Part of this Act, falls short of seventeen thousand seven hundred, the said sum of sixty-six million pounds shall be reduced by an amount calculated by multiplying the number by which the said aggregate number falls short as aforesaid by one seventeen thousand nine hundredth part of sixty-six million pounds. 255 300

(3) Regulations shall—

- (a) prescribe the manner in which and the time within which claims for compensation are to be made, and provide for determining whether any claimant has suffered loss by reason of the matters referred to in subsection (1) of this section and, if so, the extent of that loss; 355
- (b) provide for the distribution of the said aggregate amount among the persons who have suffered such loss as aforesaid, having regard to the extent of their respective losses; 400
- (c) prescribe the manner in which and the times at which the compensation is to be paid, and secure that, except in such circumstances as may be prescribed, it shall not be paid until the retirement or 455

death of the medical practitioner concerned, whichever first occurs; and

A.D. 1946.

PART IV.
—cont.

- 5 (d) provide for paying out of moneys provided by Parliament interest at two and three-quarter per cent. per annum on the amount of the compensation payable to any medical practitioner, in respect of the period from the appointed day until the time when the compensation is paid;

and before making any regulations under this subsection the
10 Minister shall consult such organisations as may be recognised by him as representing the medical profession.

(4) For the purpose of determining the appropriate proportion of the said sum of sixty-six million pounds—

- 15 (a) the aggregate amount of the losses in respect of which compensation will be payable under this section and under the corresponding provision for Scotland, respectively, shall be calculated in such manner as the Treasury may direct; and
- 20 (b) the said sum of sixty-six million pounds or, as the case may be, the said sum as reduced in pursuance of the proviso to subsection (2) of this section shall be apportioned as between England and Wales on the one hand and Scotland on the other, having regard to the said respective aggregate losses, and
- 25 the amount apportioned to England and Wales shall be the appropriate proportion of that sum for the purposes of this section.

30 37. Where the Medical Practices Committee are satisfied, on the application of a medical practitioner or his personal representative, that—

Practitioners
dying or
retiring before
appointed day.

- (a) the practitioner has retired from practice or died during the period between the passing of this Act and the appointed day; and
- 35 (b) the goodwill of his practice has not been sold in whole or in part before the appointed day;

the last two foregoing sections shall apply in relation to that medical practitioner and to his practice as if his name were entered on the appointed day on a list of medical practitioners undertaking to provide general medical services.

40 *Pharmaceutical Services, General Dental Services and Supplementary Ophthalmic Services.*

38.—(1) It shall be the duty of every Executive Council in accordance with regulations to make as respects their area

Arrangements
for pharma-
ceutical
services.

A.D. 1946.

PART IV.

—cont.

arrangements for the supply as from the appointed day, whether at a health centre or otherwise, of proper and sufficient drugs and medicines and prescribed appliances to all persons in the area who are receiving general medical services, and of prescribed drugs and medicines to all persons in the area who are receiving general dental services, and the services provided in accordance with the arrangements are in this Act referred to as "pharmaceutical services". 5

(2) Regulations may make provision for securing that arrangements made under this section will be such as to enable any person receiving general medical services to obtain proper and sufficient drugs and medicines and prescribed appliances, if ordered by the medical practitioner rendering those services, from any persons with whom arrangements have been made under this section, and to enable any person receiving general dental services to obtain prescribed drugs and medicines, if ordered by the dental practitioner rendering those services, from any persons with whom such arrangements have been made, and the regulations shall include provision— 10 15 20

- (a) for the preparation and publication of lists of persons who undertake to provide pharmaceutical services; and
- (b) for conferring a right, subject to the provisions of this Part of this Act relating to the disqualification of practitioners, on any person who wishes to be included in any such list to be so included for the purpose of supplying such drugs, medicines and appliances as that person is entitled by law to sell. 25 30

Persons
authorised to
provide
pharmaceutical
services.

39.—(1) Except as may be provided by regulations, no arrangement shall be made by the Executive Council with a medical practitioner or dental practitioner under which he is required or agrees to provide pharmaceutical services to any person to whom he is rendering general medical services or general dental services. 30 35

23 & 24 Geo. 5.
c. 25.

(2) Except as may be provided by regulations, no arrangements for the dispensing of medicines shall be made with persons other than persons who are registered pharmacists or are authorised sellers of poisons within the meaning of the Pharmacy and Poisons Act, 1933, and who undertake that all medicines supplied by them under the arrangements made under this Part of this Act shall be dispensed either by or under the direct supervision of a registered pharmacist or by a person who for three years immediately before the sixteenth day of December, nineteen hundred and eleven, acted as a dispenser to a medical practitioner or a public institution. 40 45

55 Geo. 3.
c. 194.

(3) Nothing in this Act shall interfere with the rights and privileges conferred by the Apothecaries Act, 1815, upon any

person qualified under that Act to act as an assistant to any apothecary in compounding and dispensing medicines.

A.D. 1946.

PART IV.

—cont.

40.—(1) It shall be the duty of every Executive Council in accordance with regulations to make as respects their area
5 arrangements with dental practitioners under which, as from the appointed day, any person in the area for whom a dental practitioner undertakes in accordance with the arrangements to provide dental treatment and appliances, whether at a
10 health centre or otherwise, shall receive such treatment and appliances, and the services provided in accordance with the arrangements are in this Act referred to as "general dental services".

Arrangements
for general
dental
services.

(2) Regulations may make provision as to the arrangements to be made under the last foregoing subsection, and
15 shall include provision—

- (a) for the preparation and publication of lists of dental practitioners who undertake to provide general dental services;
- 20 (b) for conferring a right, subject to the provisions of this Part of this Act relating to the disqualification of practitioners, on any dental practitioner, who wishes to be included in any such list, to be so included;
- 25 (c) for conferring a right on any person to choose in accordance with the prescribed procedure the dental practitioner from whom he is to receive general dental services, subject to the consent of the practitioner so chosen;
- 30 (d) for constituting a Board, to be called the Dental Estimates Board, of whom the chairman and a majority of the members shall be dental practitioners, for the purpose of carrying out such duties as may be prescribed with respect to the approval of estimates of dental treatment and appliances;
- 35 (e) for providing, in relation to the Dental Estimates Board, for any of the matters for which, in relation to an Executive Council, provision is or may be made by or under the supplementary provisions of the Fifth Schedule to this Act, and also for the
40 remuneration of members of the Board.

41.—(1) Without prejudice to the duty of the Minister under Part II of this Act to provide, as part of the hospital and specialist services, services in connection with the diagnosis and treatment of disease or defect of the eyes and the
45 supply of optical appliances, it shall be the duty of every Executive Council to make as respects their area, in

Supple-
mentary
ophthalmic
services.

A.D. 1946

PART IV.
—cont.

accordance with regulations, arrangements with medical practitioners and opticians having the prescribed qualifications for securing, as from the appointed day, the testing of sight by them and the supply by such opticians of optical appliances, and the services provided in accordance with the arrangements are in this Act referred to as "supplementary ophthalmic services."

(2) The functions of an Executive Council under this section shall, to such extent as may be prescribed, be exercised on behalf of the Council by a committee to be called the "Ophthalmic Services Committee" constituted for the area of the Council in accordance with regulations so as to include members appointed by the Executive Council and by medical practitioners and opticians providing supplementary ophthalmic services, and the regulations may make provision in relation to the Ophthalmic Services Committee, for any of the matters for which, in relation to an Executive Council, provision is or may be made by or under the supplementary provisions of the Fifth Schedule to this Act.

(3) Regulations may make provision as to the arrangements to be made under this section, and shall include provision—

- (a) for the preparation and publication of lists of medical practitioners and opticians who undertake to provide supplementary ophthalmic services;
- (b) for conferring a right, subject to the provisions of this Part of this Act relating to the disqualification of practitioners, on any medical practitioner or optician having the prescribed qualifications, who wishes to be included in the appropriate part of any such list, to be so included;
- (c) for conferring on any person a right to choose in accordance with the prescribed procedure the medical practitioner or optician by whom his sight is to be tested or from whom any prescription for the supply of optical appliances is to be obtained and the optician who is to supply the appliances.

(4) Where the Minister is satisfied that adequate ophthalmic services are available in the area of any Executive Council through the hospital and specialist services provided under Part II of this Act, he may by order direct that this section shall cease to apply to that area, and this section shall thereupon cease to apply as from a date specified in the order; and any such order may contain such consequential and incidental provisions as the Minister considers necessary or expedient.

Supplementary Provisions.

A.D. 1946.

PART IV.

—cont.

Disqualifica-
tion of
practitioners.

42.—(1) There shall be constituted in accordance with the provisions of the Seventh Schedule to this Act, a tribunal, in this section referred to as "the Tribunal", for the purpose of inquiring into cases where representations are made in the prescribed manner to the Tribunal by an Executive Council or any other person that the continued inclusion of any person in any list prepared under this Part of this Act—

- 10 (a) of medical practitioners undertaking to provide general medical services;
- (b) of persons undertaking to provide pharmaceutical services;
- (c) of dental practitioners undertaking to provide general dental services;
- 15 (d) of medical practitioners undertaking to provide supplementary ophthalmic services; or
- (e) of opticians undertaking to provide supplementary ophthalmic services;

would be prejudicial to the efficiency of the services in question.

(2) The supplementary provisions contained in the said Seventh Schedule shall apply in relation to the Tribunal.

(3) The Tribunal, on receiving representations from an Executive Council shall, and in any other case may, inquire into the case and, if they are of opinion that the continued inclusion of the said person in any list to which the representations relate would be prejudicial to the efficiency of the said services, shall direct that his name be removed from that list, and may also, if they think fit, direct that his name be removed from, or not be included in, any corresponding list kept by any other Executive Council under this Part of this Act.

(4) An appeal shall lie to the Minister from any direction of the Tribunal under the last foregoing subsection, and the Minister may confirm or revoke that direction.

(5) Where the Tribunal direct that the name of any person be removed from or not included in any list or lists, the Executive Council or Councils concerned shall—

- 40 (a) if no appeal is brought, at the end of the period for bringing an appeal; or
- (b) if an appeal is brought and the decision of the Tribunal is confirmed by the Minister, on receiving notice of the Minister's decision,

remove the name of the person concerned from the list or lists in question, and, until such time as the Tribunal or the Minister direct to the contrary, that person shall be disqualified for inclusion in any list to which the direction relates.

A.D. 1946.

PART IV.
—cont.

(6) If under any provisions in force in Scotland corresponding to the provisions of this Part of this Act a person is for the time being disqualified for inclusion in all lists prepared under those provisions of persons undertaking to provide services of one or more of the kinds specified in subsection (1) 5 of this section, that person shall, so long as that disqualification is in force, be disqualified for inclusion in any list prepared under this Part of this Act of persons undertaking to provide services of that kind or of those kinds, and the name of that person shall be removed from every such list in 10 which his name is included.

(7) Regulations shall make provision—

(a) for prescribing the procedure for the holding of inquiries by the Tribunal and for the making and determining of appeals to the Minister under this 15 section and, in particular, for securing that any person who is the subject of an inquiry by the Tribunal under this section shall have an opportunity of appearing before and being heard by the Tribunal and, in the case of an appeal, of appearing before 20 and being heard by a person appointed by the Minister;

(b) for conferring on the Tribunal and on any person so appointed by the Minister such powers as the Minister considers necessary, and for that purpose to apply, 25 with any necessary modifications, any of the provisions of section two hundred and ninety of the Local Government Act, 1933; and

(c) for the publication of the decisions of the Tribunal and the Minister under this section and of the imposi- 30 tion and removal of any disqualification imposed by virtue of the last foregoing subsection.

(8) Where, before the appointed day—

(a) the name of any person has after inquiry been removed from any list kept by an insurance com- 35 mittee under the National Health Insurance Act, 1936, or any enactment repealed by that Act, of medical practitioners;

(b) an application by any person for inclusion in a list of persons supplying drugs, medicines and appliances 40 under the National Health Insurance Act, 1936, or any enactment repealed by that Act, has after inquiry been refused, or the name of any person has after inquiry been removed from any such list;

23 & 24 Geo. 5.
c. 51.

26 Geo. 5. and
1 Edw. 8.
c. 32.

A.D. 1946.

PART IV.

—cont.

5 (c) any dental practitioner has been declared under regulations made under the National Health Insurance Act, 1936, or any enactment repealed by that Act, to be permanently unsuitable for service in connection with the provision of dental benefit within the meaning of those regulations;

10 (d) an application by any person for inclusion in a list of persons recognised for the purpose of the provision of optical appliances under the National Health Insurance (Additional Benefits) Regulations, 1930, has been rejected, or the name of any person has after inquiry been removed from any such list;

15 and the name of that person has not before the appointed day been included in or restored to the list or, in the case of a dental practitioner, the declaration of unsuitability has not before the appointed day been withdrawn, that person shall, until such time as the Tribunal or the Minister directs to the contrary, be disqualified for inclusion in the appropriate list of those referred to in subsection (1) of this section.

20 43. If the Minister is satisfied, after such inquiry as he may think fit, as respects any area or part of an area of an Executive Council that the persons included in any list prepared under this Part of this Act— Powers of Minister where services are inadequate.

25 (a) of medical practitioners undertaking to provide general medical services;

(b) of persons undertaking to provide pharmaceutical services; or

(c) of dental practitioners undertaking to provide general dental services,

30 are not such as to secure the adequate provision of the services in question in that area or part, or that for any other reason any considerable number of persons in any such area or part are not receiving satisfactory services under the arrangements in force under this Part of this Act, he may authorise the
35 Executive Council to make such other arrangements as he may approve, or may himself make other arrangements, and for the purpose of such other arrangements he may dispense with any of the requirements of regulations made under this Part of this Act.

40 44.—(1) Regulations may provide for the making and recovery by persons providing general dental services or supplementary ophthalmic services of such charges as may be prescribed— Recovery of charges in respect of certain appliances and dental treatment.

45 (a) in respect of the supply, as part of those services, of any dental or optical appliance which is, at the

A.D. 1946.

PART IV.

—cont.

request of the person supplied, of a more expensive type than the prescribed type or in respect of the replacement or repair of any such appliance; or

- (b) in respect of the replacement or repair of any dental or optical appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by lack of care on the part of the person supplied. 5 10

(2) Regulations may provide that, in the case of such special dental treatment as may be prescribed, being treatment provided as part of the general dental services, such charges as may be prescribed may be made and recovered by the person providing the services. 15

Exercise of choice of medical practitioner, etc., in certain cases.

45. Regulations may provide that, where a right to choose the person by whom services are to be provided under this Part of this Act is conferred by or under any provision of this Part of this Act, that right shall, in the case of such persons as may be specified in the regulations, be exercised on their behalf by other persons so specified. 20

Arrangements for use of health centres by practitioners.

46. Where a health centre provides facilities for general medical services, general dental services or pharmaceutical services, the centre shall, subject to regulations, be made available for those services on such terms as may be agreed between the Executive Council and the local health authority providing the centre or, in default of agreement between them, as may be determined by the Minister, and the Executive Council may make such charges for the use of the centre by medical practitioners or dental practitioners providing such services as aforesaid as the Council think sufficient for the purpose of defraying the payments made by them to the local health authority, and may recover those charges from the medical practitioners and dental practitioners using the centre. 25 30 35

Decision of disputes.

47. Any dispute arising under this Part of this Act or any regulation made thereunder between an Executive Council and a person receiving, or claiming that he is entitled to receive, any services under this Part of this Act, or between an Executive Council and a local health authority as to the conduct of a health centre, shall be referred to and decided by the Minister. 40

Provision of courses for medical and dental practitioners.

48. For the purpose of affording opportunities for practitioners providing any services under this part of this Act to keep themselves informed of the latest developments in pro- 45

fessional knowledge, the Minister may enter into arrangements with universities, medical schools and dental schools, and any other persons for the provision of courses which such practitioners may attend, and may, with the approval of the
 5 Treasury, make payments towards the cost of the provision of such courses and the expenses of practitioners attending such courses.

A.D. 1946.

PART IV
—cont.

PART V.

SPECIAL PROVISIONS AS TO MENTAL HEALTH SERVICES.

- 10 49.—(1) The functions of the Board of Control under the enactments specified in the Eighth Schedule to this Act, being administrative functions relating to—
- Transfer to
Minister of
certain func-
tions of Board
of Control.
- 15 (a) the licensing of houses, the registration of hospitals and the approval of nursing homes and other places for the reception of persons suffering from mental illness as private patients;
- (b) the certification of institutions and houses and the approval of homes for the reception of mental defectives;
- 20 (c) the superintendence of the administration by local health authorities of their powers and duties under the Mental Deficiency Acts, 1913 to 1938;
- (d) certain other administrative matters arising under the Lunacy and Mental Treatment Acts, 1890 to 1930,
 25 and the Mental Deficiency Acts, 1913 to 1938,
 shall be transferred to the Minister.
- (2) The officers of the Board of Control, other than the Commissioners, the secretary and inspectors, shall be transferred to the Ministry of Health, and sections twenty-three and
 30 twenty-four of the Mental Deficiency Act, 1913 (which provide for the appointment of officers by the Board and as to their disqualification) shall cease to apply to any officers other than the Commissioners, secretary and inspectors. 3 & 4 Geo. 5. c. 28.
- (3) The services of such officers, other than the Commissioners, secretary and inspectors, as the Board of Control
 35 may require for the purpose of the exercise of the functions not transferred to the Minister shall be provided by the Minister.
- (4) All property held by the Board of Control, the Minister
 40 of Works or the Prison Commissioners for the purposes of any institution for defectives of violent or dangerous propensities established by Board of Control under section thirty-five of the Mental Deficiency Act, 1913, shall be transferred to and vest in the Minister by virtue of this Act, but any
 45 institution designated by the Minister for such defectives shall

A.D. 1946. be under the management of the Board of Control and the provisions of this Act relating to Regional Hospital Boards and Hospital Management Committees shall not apply thereto.
 PART V.
 —cont.

20 & 21 Geo. 5. (5) An additional medical Commissioner may be appointed to the Board of Control, and accordingly section eleven of the Mental Treatment Act, 1930 (which provides that the Board of Control is to consist of a chairman and not more than four Commissioners of which two shall be medical Commissioners) shall have effect subject to the amendments specified in Part I of the Ninth Schedule to this Act. 55
 c. 23.

(6) Section twelve of the Mental Treatment Act, 1930 (which makes provision for the administrative business of the Board) shall cease to have effect.

(7) This section shall come into force on the appointed day. 100

Repeals and amendments of the Lunacy and Mental Treatment Acts, and the Mental Deficiency Acts.

50.—(1) As from the appointed day, the provisions of the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1938, and the other enactments specified in Part I of the Ninth Schedule to this Act shall be amended to the extent specified in that Part, and the provisions of the said Acts and the other enactments specified in Part II of that Schedule shall be repealed to the extent specified in the third column of that Part, such amendment and repeal being required— 15
 20

(a) in consequence of the provision by the Minister, instead of local authorities, of hospitals for mental patients and institutions for defectives; 25

(b) for making it unlawful to detain persons of unsound mind and mental defectives in workhouses; 30

(c) for the purpose of assimilating the procedure for securing the reception into and discharge from mental hospitals of private patients and other patients, respectively, and 35

(d) generally for bringing the provisions of the said Acts into conformity with the provisions of this Act. 40

(2) Nothing in the aforesaid repeals and amendments or in the provisions of this Act shall affect any order, certificate, licence, registration, approval, regulation or other thing, made, issued, granted or done under any provision of any enactment specified in the Ninth Schedule to this Act, if it was in force immediately before the appointed day and could have been made, issued, granted or done under that provision as amended by this Act or under any corresponding provision of this Act, and any such order, certificate, licence, registration, approval, regulation or other thing shall be deemed to 45

have been duly made, issued, granted or done under that provision as so amended or under that provision of this Act.

A.D. 1946.

PART V.

—cont.

(3) Where immediately before the appointed day any person is, by virtue of an order made under subsections (3) and (4) of section twenty-four of the Lunacy Act, 1890, or section 53 & 54 Vict. c. 5. nineteen of the Mental Treatment Act, 1930, detained in any workhouse or part of a workhouse within the meaning of the Lunacy Act, 1890, or any hospital or part of a hospital approved for the purposes of section nineteen of the Mental Treatment Act, 1930, which is transferred to the Minister by virtue of this Act and is or forms part of a hospital designated by him as a mental hospital, the said order shall have effect as if it were an order made on the appointed day under section sixteen of the Lunacy Act, 1890, for the detention of that person in that mental hospital.

(4) Where immediately before the appointed day any person is, by virtue of an order made under the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Mental Deficiency Acts, 1913 to 1938, detained in any workhouse or part of a workhouse within the meaning of the Lunacy Act, 1890, which is not transferred to the Minister by virtue of this Act, the order shall, for a period of six months, continue to be an authority for his detention therein, and, while he is so detained, the provisions of the Lunacy and Mental Treatment Acts, 1890 to 1930, or of the Mental Deficiency Acts, 1913 to 1938, as the case may be, shall continue to apply to him as if this Act had not passed, and the said order shall also be an authority for his transfer to and detention in any mental hospital or, as the case may be, institution for defectives, vested in the Minister, and shall have effect, in the case of detention in a mental hospital, as if it were an order made on the appointed day under section sixteen of the Lunacy Act, 1890.

51.—(1) Section twenty of this Act (which requires local health authorities to submit proposals to the Minister for carrying out of duties by local health authorities under Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1938.

(2) Where a local health authority makes arrangements with any voluntary organisation for the performance of any services in connection with the duties of the local health authority under the Mental Deficiency Acts, 1913 to 1938, the local health authority may, with the approval of the Minister, contribute to that voluntary organisation.

Proposals for carrying out of duties by local health authorities under Lunacy and Mental Treatment Acts, and Mental Deficiency Acts.

A.D. 1946

PART VI.
—cont.

PART VI.

GENERAL.

*Financial Provisions.*Expenses and
receipts of
the Minister.

52.—(1) Any expenses incurred by the Minister in the exercise of his functions under this Act, the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Mental Deficiency Acts, 1913 to 1938, shall be defrayed out of moneys provided by Parliament. 5

(2) All sums received by the Minister under this Act, except sums required to be transferred to the Hospital Endowments Fund, shall be paid into the Exchequer. 10

Grants to
local health
authorities.

53.—(1) In respect of the period beginning with the appointed day and ending with the thirty-first day of March next following and each subsequent period of twelve months, there shall be paid out of moneys provided by Parliament to every local health authority a grant in respect of the expenditure, estimated in the prescribed manner, incurred by the authority in carrying out their functions as a local health authority, whether under this Act or any other enactment, and the grant shall be payable in accordance with regulations made by the Minister with the approval of the Treasury: 15 20

Provided that the total amount of the grant payable to any local health authority in respect of any such period shall not exceed three-quarters of the total expenditure estimated as aforesaid of that authority, and shall not be less than three-eighths of that expenditure. 25

(2) Where any functions of two or more local health authorities are being exercised by a joint board, grants shall be paid to the said authorities under the last foregoing subsection in respect of their expenditure in defraying expenses of the board in exercising those functions, as if that expenditure were incurred by them in exercising functions as local health authorities. 30

19 & 20
Geo. 5. c. 17.

(3) For the purposes of section one hundred and four of the Local Government Act, 1929 (which authorises the reduction of grants payable under Part VI of that Act to a council which fails to achieve and maintain an efficient service) grants payable under this section shall be deemed to be payable under the said Part VI. 35

(4) The council of every county and county borough, the Common Council of the City of London and the council of every metropolitan borough shall pay to the Minister in respect of the period beginning with the appointed day and ending with the thirty-first day of March next following, and each subsequent period of twelve months during the third fixed grant period within the meaning of the Local Government 40 45

Act, 1929, a sum equal to the loss on account of the grants mentioned in paragraph 2 of the Second Schedule to the Local Government Act, 1929, discontinued by virtue of section eighty-five of that Act, as determined in accordance with Part 5 II of the Fourth Schedule to that Act, less such part of that loss as is attributable to grants for the welfare of the blind:

Provided that—

- (a) where the said loss on account of the said grants has, in the case of the council of any county or county borough, the Common Council of the City of London or the council of any metropolitan borough, been increased or reduced by an amount certified by the Minister under regulations made under paragraph (b) of subsection (1) of section one hundred and eight of the Local Government Act, 1929, the payment to be made by the council under this subsection shall be increased or reduced by such part of the amount so certified as is attributable to the said grants other than grants for the welfare of the blind;
- (b) in the case of a county or county borough or metropolitan borough constituted since the thirty-first day of March, nineteen hundred and twenty-nine, the amount to be paid by the council thereof under this section shall be the amount certified by the Minister under the said regulations as the loss of that county or county borough or metropolitan borough on account of the said grants, less such part of that amount as is attributable to grants for the welfare of the blind;
- (c) if the said third fixed grant period ends during the period beginning with the appointed day and ending with the thirty-first day of March next following or during any subsequent period of twelve months, the payments to be made by councils under this subsection in respect of that period shall bear the same proportion to the sums that would be payable in respect of a complete period of twelve months as that period bears to a complete period of twelve months.

54.—(1) There shall be paid out of moneys provided by Parliament to—

- (a) every Regional Hospital Board such sums as may be necessary to defray the expenditure of the Board (including expenditure incurred by a Hospital Management Committee in exercising functions on behalf of the Board), being expenditure approved by the Minister in the prescribed manner;

A.D. 1946.

PART VI.

—cont.

Payments
to Regional
Hospital
Boards,
Boards of
Governors,
Executive
Councils and
other bodies.

A.D. 1946.

PART VI.

—cont.

(b) every Board of Governors of a teaching hospital such sums as may be necessary to defray the expenditure of the Board being expenditure approved as aforesaid.

(2) All expenditure of a Hospital Management Committee approved as aforesaid shall be defrayed by the Regional Hospital Board for the area in which the hospital or group of hospitals in question is situated. 5

(3) There shall be paid out of moneys provided by Parliament to every Executive Council such sums as the Minister may with the approval of the Treasury determine to have been incurred by the Council, or by an Ophthalmic Services Committee on behalf of the Council, for the purpose of discharging their functions under this Act. 10

(4) There shall be paid out of moneys provided by Parliament such expenses incurred by the Central Council, any standing advisory committee constituted under section two of this Act, the Medical Practices Committee, the Tribunal constituted under section forty-two of this Act and the Dental Estimates Board as may be determined by the Minister with the approval of the Treasury. 15 20

(5) Any payments made under regulations in respect of any loss of remunerative time or any travelling or subsistence expenses to the members of any body constituted under this Act, and any remuneration so payable to members of the Medical Practices Committee, the Tribunal constituted under section forty-two of this Act or the Dental Estimates Board shall be defrayed out of moneys provided by Parliament. 25

(6) Payments made under this section shall be made in accordance with regulations made by the Minister and approved by the Treasury, and shall be made at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, or otherwise as the Minister may with the approval of the Treasury determine. 30 35

Accounts of
councils of
county
boroughs,
Regional
Hospital
Boards, Boards
of Governors
and Executive
Councils.

55.—(1) Every local health authority being the council of a county borough shall keep accounts of the sums received and expended by them in the exercise of their functions as such an authority, whether under this Act or under any other enactment, and those accounts shall be made up and audited in like manner as the accounts of a county council and shall be kept separately from their other accounts; and the enactments relating to the audit of accounts by a district auditor and to the matters incidental to such audit and consequential thereon shall have effect in relation to the accounts 40 45

which the council of a county borough are required to keep under this section as they have effect in relation to the accounts of a county council.

A.D. 1946.

PART VI.

—cont.

(2) Every Regional Hospital Board, Board of Governors of a teaching hospital, Hospital Management Committee and Executive Council shall keep accounts in such form as the Minister may with the approval of the Treasury prescribe, and those accounts shall be audited by auditors appointed by the Minister, and the Comptroller and Auditor General may examine all such accounts and any records relating thereto and any report of the auditor thereon.

(3) Every such Board, Committee and Council shall prepare and transmit to the Minister in respect of each financial year annual accounts in such form as the Minister may with the approval of the Treasury prescribe.

(4) The Minister shall prepare in respect of each financial year, in such form as the Treasury may direct, summarised accounts of such Boards, Committees and Councils, and shall transmit them on or before the thirtieth day of November in each year to the Comptroller and Auditor General who shall examine and certify them and lay copies of them together with his report thereon before both Houses of Parliament.

56.—(1) The Minister shall prepare in respect of each financial year, in such form as the Treasury may direct, accounts of all moneys received into or paid out of the Hospital Endowments Fund and of any other assets transferred into or out of that Fund, and the Comptroller and Auditor General shall examine and certify such accounts and lay copies of them together with his report thereon before both Houses of Parliament.

Accounts and investments of Hospital Endowments Fund.

(2) Any moneys forming part of the Hospital Endowments Fund may from time to time be paid over to the National Debt Commissioners, and by them invested in any securities which are for the time being authorised by Parliament as investments for savings banks funds.

Administrative provisions.

57.—(1) Where the Minister is of opinion, on complaint or otherwise, that any Regional Hospital Board, Board of Governors of a teaching hospital, Hospital Management Committee, Executive Council, Ophthalmic Services Committee or local health authority, or the Medical Practices Committee or the Dental Estimates Board have failed to carry out any functions conferred or imposed on them by or under this Act, or have in carrying out those functions failed to comply with

Default powers of Minister.

A.D. 1946.

PART VI.
—cont.

any regulations or directions relating thereto, he may after such inquiry as he may think fit make an order declaring them to be in default.

(2) Except where the body in default is a local health authority, the members of the body shall forthwith vacate their office and the order shall provide for the appointment, in accordance with the provisions of this Act, of new members of the body, and may contain such provisions as seem to the Minister expedient for authorising any person to act in the place of the body in question pending the appointment of the new members.

(3) If the body in default is a local health authority, the order shall direct them, for the purpose of remedying the default, to discharge such of their functions, in such manner and within such time or times, as may be specified in the order, and if the authority fail to comply with any direction given under this subsection, within the time limited for compliance therewith, the Minister, in lieu of enforcing the order by mandamus or otherwise, may make an order transferring to himself such of the functions of the authority as he thinks fit.

(4) Any expenses certified by the Minister to have been incurred by him in discharging functions transferred to him under this section from a local health authority shall on demand be paid to him by that authority and shall be recoverable by him from them as a debt due to the Crown, and the authority or (in the case of a joint board) any constituent local authority thereof shall have the like power of raising the money required as they have of raising money for paying expenses incurred directly by them, and the payment of any such expenses incurred by the Minister as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which the authority may borrow money in accordance with the statutory provisions relating to borrowing by that authority.

(5) An order made under this section may contain such supplementary and incidental provisions as appear to the Minister to be necessary or expedient, including provision for the transfer to the Minister of property and liabilities of the body in default, and where any such order is varied or revoked by a subsequent order, the revoking order or a subsequent order may make provision for the transfer to the body in default of any property or liabilities acquired or incurred by the Minister in discharging any of the functions transferred to him.

58.—(1) The Minister may acquire, either by agreement or compulsorily, any land required by him for the purposes of this Act, and, without prejudice to the generality of this subsection, land may be so acquired for the purpose of providing residential accommodation for persons employed at any hospital vested in the Minister.

A.D. 1946.

PART VI.

—cont.

Acquisition of land.

(2) A local health authority may be authorised to purchase land compulsorily for the purposes of this Act by means of an order made by the authority and confirmed by the Minister.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory purchase of land by the Minister or a local health authority under this section, and accordingly shall have effect—

9 & 10 Geo. 6

c. 49.

(a) as if subsection (1) of section one thereof (which refers to the compulsory purchase of land by local authorities under public general Acts in force immediately before the commencement of that Act and by the Minister of Transport under certain enactments) included a reference to any compulsory purchase of land by the Minister under this section; and

(b) as if this section had been in force immediately before the commencement of the said Act:

Provided that section two of the said Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this section.

(4) Section one hundred and seventy-six of the Local Government Act, 1933 (which applies the Land Clauses Acts to acquisition of land by agreement) shall apply to the acquisition of land by the Minister under this section in like manner as it applies to such acquisition by a local authority under Part VII of the said Act.

59.—(1) A Regional Hospital Board and the Board of Governors of any teaching hospital and a Hospital Management Committee shall have power to accept, hold and administer any property upon trust for purposes relating to hospital services or to the functions of the Board or Committee under Part II of this Act with respect to research.

Power of Regional Hospital Boards and Boards of Governors to accept gifts.

51 & 52

Vict. c. 42.

54 & 55 Vict.

c. 73.

(2) Part II of the Mortmain and Charitable Uses Act, 1888, and the Mortmain and Charitable Uses Act, 1891 (which impose restrictions upon assurances of land and personal estate to charitable uses) shall not have effect with respect to any

A.D. 1946.

PART VI
—cont.Power of
trustees to
make pay-
ments to
Regional
Hospital
Boards and
Boards of
Governors.

assurance (within the meaning of section ten of the said Act of 1888) to any such Board or Committee of land or of personal estate to be laid out in the purchase of land.

60.—(1) Where property, other than property transferred to the Minister or to the Board of Governors of a teaching hospital under section six or section seven of this Act, is held on trust immediately before the appointed day, and the terms of the trust instrument authorise or require the trustees, whether immediately or in the future, to apply any part of the capital or income of the trust property for the purposes of any hospital to which section six of this Act applies, the trust instrument shall be construed as authorising or, as the case may be, requiring the trustees to apply the trust property, to the like extent and at the like times, for the purpose of making payments, whether of capital or income—

- (a) in the case of a hospital designated as a teaching hospital or included in a group of hospitals so designated, to the Board of Governors of that teaching hospital;
- (b) in the case of any other hospital, to the Regional Hospital Board for the area in which the hospital is situated.

(2) Any sums paid as aforesaid to any such Board shall, so far as practicable, be applied by them for the purposes specified in the trust instrument.

Provision of
special schools.

61. A Regional Hospital Board or Board of Governors of a teaching hospital may, with the approval of the Minister, arrange with any local education authority or voluntary organisation for—

- (a) the use of any premises forming part of a hospital administered by the Regional Hospital Board or, as the case may be, forming part of the teaching hospital, as a special school; and
- (b) the maintenance by the Board, where necessary, of children (other than patients) attending the special school;

and the arrangements may include provision for the payment of charges by the local education authority or voluntary organisation, as the case may be, in respect of the use of such premises and the maintenance of such children.

Use of
premises and
equipment of
local health
authority by
other
authorities.

62. A local health authority who provide premises, furniture or equipment for any of the purposes of this Act may, on such terms (including terms with respect to the services of any staff employed by them) as may be agreed, permit the use thereof by any other local health authority or by

any of the bodies constituted under this Act or by any voluntary organisation providing services under Part III of this Act or any service connected with the duties of a local health authority under the Mental Deficiency Acts, 1913 to 1938, or by a local education authority.

A.D. 1946.

PART VI.
—cont.

63. A local health authority may purchase and store and supply to the following authorities, that is to say—

Supply of
goods by
local health
authorities.

(a) any other local health authority;

10 (b) any Regional Hospital Board or Board of Governors of a teaching hospital or Hospital Management Committee; or

(c) any Executive Council;

any goods or materials required for the discharge of the functions of the authority supplied, on such terms as may be
15 agreed between the two authorities.

64. A local health authority may provide, or may improve or furnish, residential accommodation for officers employed by them for the purposes of any of their functions as a local health authority, or for officers employed by a voluntary
20 organisation for the purposes of any services provided under Part III of this Act.

Provision of
residential
accommoda-
tion for staff.

65. Regulations may make provision with respect to the qualifications, remuneration, and conditions of service of any officers employed by any body constituted under this Act or
25 employed by a local health authority or by any such voluntary organisation as is referred to in the last but one foregoing section, and no officer to whom the regulations apply shall be employed otherwise than in accordance with the regulations.

Qualifications,
remuneration
and conditions
of service of
officers.

30 66.—(1) Regulations may provide—

Super-
annuation of
officers.

(a) for the granting out of moneys provided by Parliament of superannuation benefits to officers of such classes as may be prescribed, being officers of
35 Regional Hospital Boards, Boards of Governors of teaching hospitals, Executive Councils or other bodies constituted under this Act, or other officers engaged in health services, whether provided under this Act or otherwise but not provided by a local health authority or other local authority, and for the
40 recovery of contributions from such officers and, in such cases as may be prescribed, from their employers;

A.D. 1946.

PART VI.

—cont.

1 Edw. 8 and
1 Geo. 6, c. 68.

- (b) for extending, with such modifications as may be prescribed, the provisions of the Local Government Superannuation Act, 1937, or any local Act scheme within the meaning of that Act to such officers as may be prescribed, or for modifying the provisions of the said Act or of any such scheme in their application to such officers as may be prescribed, being in either case officers of local health authorities or other local authorities or officers of voluntary organisations engaged in the provision of services under Part III of this Act or under the Mental Deficiency Acts, 1913 to 1938; 55
- (c) for the granting out of moneys provided by Parliament of superannuation benefits to medical practitioners and dental practitioners providing general medical services or general dental services, and for the recovery of contributions from such practitioners and, in such cases as may be prescribed, from Executive Councils; 155
- (d) for dealing with cases where any person is engaged in employment which would bring him within all or any two of the foregoing paragraphs; 205
- (e) for the payment to the Minister by any local authority or other person of transfer value in respect of persons who become entitled to participate in superannuation benefits provided under the regulations out of moneys provided by Parliament, who were previously entitled to participate in superannuation benefits provided by that authority or person or to which that authority or person was liable to contribute, or for the transfer to the Minister, in lieu of such payment, of any fund or part of a fund or policy of insurance previously maintained for the purpose of providing superannuation benefits to persons who become entitled to participate in superannuation benefits provided under the regulations out of moneys provided by Parliament; 255
- (f) for the payment of transfer value by the Minister in respect of persons leaving employment entitling them to participate in superannuation benefits provided under the regulations out of moneys provided by Parliament and entering employment entitling them to participate in superannuation benefits otherwise provided; 305
- (g) for making special provision for special classes of persons; 355

A.D. 1946.

PART VI.

—cont.

- 5 (h) for granting to persons who, immediately before becoming entitled to participate in superannuation benefits provided under or by virtue of the regulations, were entitled to participate in other superannuation benefits, an option to retain rights corresponding with those previously enjoyed by them in lieu of the rights which they would otherwise enjoy under or by virtue of the regulations;
- 10 (i) for the determination of all questions arising under the regulations by the Minister;
- 15 (k) for such provisions supplementary to and consequential on the matters aforesaid as appear to the Minister to be necessary, including provisions for adapting, modifying or repealing any Acts of Parliament, whether public general, local or private, or any such local Act schemes as aforesaid so far as appears to the Minister to be necessary in consequence of the regulations.

(2) If the Minister and a Secretary of State are satisfied
 20 that any Act for the time being in force in Scotland or in Northern Ireland makes provision with respect to the superannuation of persons employed in health services in Scotland or Northern Ireland which is substantially similar to the provision made under this section, they may make
 25 regulations with respect to the rights and liabilities of any person so employed who leaves his employment and enters into employment in respect of which superannuation benefits are provided under regulations made under subsection (1) of this section or into the employment of a local health
 30 authority in respect of which superannuation benefits are provided under the Local Government Superannuation Act, 1937, as extended or modified by the regulations or under a local Act scheme as so extended or modified, and vice versa, and with respect to the rights and liabilities of the Minister,
 35 the Secretary of State and other authorities concerned.

67.—(1) Regulations shall provide—

Transfer and
 compensation
 of officers.

- 40 (a) for the transfer of officers employed immediately before the appointed day solely or mainly at or for the purposes of any hospital transferred to the Minister by virtue of this Act, to the Regional Hospital Board for the area in which the hospital is situated or, in the case of a teaching hospital, to the Board of Governors of that hospital, subject, in the case of honorary officers, to such exceptions and
 45 conditions as may be prescribed;
- (b) for the transfer of officers employed immediately before the appointed day solely or mainly at or for

A.D. 1946

PART VI
—cont.

the purposes of a medical or dental school for which a new governing body is constituted under Part II of this Act, to that governing body;

- (c) for the transfer of officers employed immediately before the appointed day by the Common Council of the City of London, the council of a metropolitan borough or the council of a county district solely or mainly for the purposes of functions transferred from that council to a local health authority, to that authority; 10
- (d) for the transfer of officers employed immediately before the appointed day by the insurance committee for any county or county borough to the Executive Council for the area comprising that county or county borough; 15
- (e) for the payment of compensation subject to any prescribed exceptions or conditions, by the Minister or such local health authority or other local authority as may be prescribed, to persons who immediately before the appointed day— 20
- (i) devoted the whole of their time to employment by the governing body of a voluntary hospital, a local authority, an insurance committee or any such other body as may be prescribed, or to any combination of such employments; and 25
- (ii) were employed for at least part of their time for the purposes of any hospital transferred to the Minister by virtue of this Act or for the purposes of functions which cease, or are transferred from the employing authority or body, in 30 consequence of this Act,
- and who suffer loss of employment or loss or diminution of emoluments which is attributable to the passing of this Act;
- (f) for the payment of compensation subject to any 35 prescribed exceptions or conditions by the Minister or the appropriate authority to officers who, having before the appointed day been employed in the employment mentioned in paragraph (e) hereof, would have been in that employment immediately 40 before that day but for any war service in which they have been engaged; and
- (g) for the determination of all questions arising under the regulations.

(2) This section shall—

A.D. 1946.

PART VI.

—cont.

5 (i) apply, in the case of an officer employed immediately before the appointed day solely or mainly for the purposes of two or more hospitals, not all of which will be administered by the same Regional Hospital Board or Board of Governors, with the modification that the Board to whom the officer is to be transferred shall be determined by the Minister;

10 (ii) apply in relation to a joint insurance committee constituted under section ninety-four of the National Health Insurance Act, 1936, as it applies to an insurance committee for a county or county borough, with the modification that the Executive Council to whom any officer is to be transferred shall be determined by the Minister,

and the expression "war service" in this section means service in any of His Majesty's forces and such other employment as may be prescribed.

20 68.—(1) Regulations may make such provision consequential on or supplementary to the transfer of any functions by virtue of this Act from the Common Council of the City of London, the council of a metropolitan borough or the council of a county district to a local health authority as appears to the Minister to be necessary or expedient, and in particular, but without prejudice to the generality of this subsection, regulations may provide—

Consequential provisions on transfer of functions.

30 (a) for the transfer to the local health authority of property and liabilities held or incurred for the purposes of the said functions;

35 (b) for the making of adjustments between the local health authority and the council from whom the functions were transferred in relation to the said property and liabilities, including the making of payments by the said authority or council;

(c) for the amendment of documents relating to the said property and liabilities to such extent as appears to the Minister to be necessary for the purposes of such transfer;

40 (d) for enabling any proceedings pending on the appointed day with respect to any such functions, property or liabilities to be carried on by or against the local health authority;

A.D. 1946:

PART VI.

—cont.

- (e) for continuing in force anything done by or in relation to the authority from whom any functions were so transferred; and
 - (f) for the determination of questions arising in relation to the matters aforesaid.
- (2) Regulations may also provide—
- (a) for the transfer of property and liabilities to an Executive Council from the insurance committee for any county or county borough comprised in the area of the Council, and for the amendment of any contracts or other documents relating thereto to such extent as appears to the Minister to be necessary for the purposes of such transfer;
 - (b) for the transfer of property and liabilities to the Minister from the Dental Benefit Council constituted under the National Health Insurance Act, 1936, and the Committee approved for the purpose of administering ophthalmic benefit under that Act, and for the amendment of contracts and other documents to such extent as appears to the Minister to be necessary for the purposes of such transfer;
 - (c) for enabling any proceedings pending with respect to any such property or liabilities to be carried on by or against the Executive Council or the Minister as the case may be; and
 - (d) for the determination of questions arising in relation to the matters aforesaid.

This subsection shall apply in relation to a joint insurance committee constituted under section ninety-four of the National Health Insurance Act, 1936, as it applies in relation to an insurance committee for a county or county borough, with the modification that the Executive Council to whom any property, right or liability is to be transferred, or by or against whom any proceedings are to be carried on, shall be determined by the Minister.

Inquiries.

69. The Minister may cause an inquiry to be held in any case where he deems it advisable to do so in connection with any matter arising under this Act, and subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry held under this Act:

Provided that no local authority shall be ordered to pay costs under subsection (4) of that section in the case of any inquiry unless it is a party thereto.

Recovery of charges.

70. All charges recoverable under this Act by the Minister, a local health authority or any body constituted under this Act, may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

71. Section two hundred and sixty-five of the Public Health Act, 1875 (which relates to the protection of members and officers of certain authorities) shall have effect as if there were included among the authorities therein referred to a Regional Hospital Board, the Board of Governors of a teaching hospital, a Hospital Management Committee, a local health authority and an Executive Council, and as if any reference in that section to the Public Health Act, 1875, included a reference to this Act.

Protection
of members
and officers
of certain
bodies.
38 & 39
Vict. c. 55.

- 10 72. Stamp duty shall not be chargeable on any draft, order or receipt given by or to an Executive Council in respect of money payable in pursuance of this Act, or on any agreement entered into by any person with an Executive Council for the provision of services under Part IV of this Act, or on any document required in connection with the transfer of property or liabilities from an insurance committee to an Executive Council.

Exemptions
from stamp
duty on certain
documents
required for
purposes of
Act.

73. Regulations may make provision for all or any of the following matters:

Miscellaneous
administrative
matters.

- 20 (a) for prescribing the forms of notices and other documents, and the manner of service of notices and other documents;
- (b) for prescribing the manner in which documents may be executed or proved;
- 25 (c) for prescribing the manner in which resolutions of local health authorities and any bodies constituted under this Act are to be proved;
- (d) for exempting judges and justices of the peace from disqualification by their liability to rates.

- 30 74.—(1) No regulations shall be made under section sixty-six or section sixty-seven of this Act unless a draft of the regulations has been laid before Parliament and has been approved by resolution of each House of Parliament.

Regulations
and orders.

- (2) All regulations made under this Act, except regulations made under section sixty-six or section sixty-seven and all orders made under subsection (2) of section two or section seventy-six of this Act and such of the orders made under subsection (1) of section eleven of this Act as determine the areas for which Regional Hospital Boards are to be constituted shall be laid before Parliament immediately after they are made, and if either House of Parliament, within the period of forty days beginning with the day on which any such regulations or order are or is laid before it, resolves that the regulations or order be annulled, the regulations or order shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of new regulations or a new order.

A.D. 1946.

PART VI.
—cont.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(3) Any power conferred on the Minister by this Act to make regulations shall, if the Treasury so direct, not be exercisable except in conjunction with the Treasury. 5

(4) Any order made by the Minister under this Act may be varied or revoked by a subsequent order of the Minister made in like manner and subject to the like conditions as the original order. 10

56 & 57 Vict.
c. 66.

(5) Section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make Statutory Rules) shall not apply to any such regulations or order as aforesaid. 15

Supplementary Provisions.

Consequential
amendment
and repeal of
enactments.

75. As from the appointed day, the enactments specified in Part I of the Tenth Schedule to this Act shall be amended to the extent therein specified, and the enactments specified in Part II of the said Schedule shall be repealed to the extent specified in the third column of that Part, such amendment and repeal being required in consequence of the passing of this Act or for the purpose of bringing the said enactments into conformity with the provisions of this Act. 20 25

Amendment
and repeal of
local Acts
and charters.

76.—(1) Where at the passing of this Act there is in force a local or private Act or charter containing provisions appearing to the Minister either to be inconsistent with any of the provisions of this Act, or to be redundant in consequence of the passing of this Act, the Minister may by order make such alterations, whether by amendment or by repeal, in the local or private Act or charter as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be. 30 35

(2) Any provision of a local or private Act or charter defining or restricting the objects of any hospital to which section six of this Act applies or the purposes for which any property transferred to the Minister or the Board of Governors of a teaching hospital by virtue of this Act may be used shall cease to have effect. 40

77.—(1) The following bodies, that is to say—

A.D. 1946.

PART VI.

—cont.

Provision for winding up certain bodies.

5 (a) visiting committees constituted under section seven of the Mental Treatment Act, 1930, joint visiting committees constituted under section two hundred and fifty-three of the Lunacy Act, 1890, joint mental hospital boards constituted under any local Act, committees constituted under section twenty-eight of the Mental Deficiency Act, 1913, for the care of the mentally defective and joint boards and joint committees constituted under section twenty-nine of that Act;

15 (b) joint boards constituted under the Public Health Act, 1936, or any enactment repealed by that Act, solely for the purpose of exercising functions which cease to be exercisable in consequence of this Act or are transferred to a local health authority or other person by this Act; and

20 (c) governing bodies of voluntary hospitals transferred to the Minister by virtue of this Act whose functions wholly cease in consequence of this Act;

shall as from the appointed day be dissolved, and regulations may make such provision, supplementary to the provisions of this Act, as may be necessary for the purpose of winding up the affairs of those bodies.

25 (2) Without prejudice to the provisions of the last foregoing subsection, regulations may provide that any rights or liabilities of any of the bodies referred to in paragraphs (a) and (b) of the last foregoing subsection under any enactment, scheme or contract providing for the payment of, or contribution towards, superannuation benefits in respect of officers employed by those bodies, being rights and liabilities arising in respect of officers who have ceased to be so employed before the appointed day, shall as from that day be transferred to the local authorities by whom the said bodies were
30 appointed or, in the case of joint committees or joint boards, be apportioned among the constituent authorities of those committees or boards.

78.—(1) In this Act, unless the context otherwise requires, Interpretation.
the following expressions have the meanings hereby assigned
40 to them—

“appointed day” means such day as His Majesty may by Order-in-Council appoint, and different days may be appointed for the purposes of different provisions of this Act and for the repeal or amendment of
45 different enactments by this Act;

A.D. 1946.

PART VI.

—cont.

“ certified midwife ” means a person certified under the Midwives Acts, 1902 to 1936;

“ dental practitioner ” means a person registered in the dentists register under the Dentists Acts, 1878 to 1923;

“ equipment ” includes any machinery, apparatus or appliance, whether fixed or not, and any vehicle;

“ the governing body ”, in relation to any voluntary hospital, includes any body, whether corporate or unincorporate, having the control and management of the hospital or any part thereof or otherwise carrying on the business of the hospital or any part thereof;

“ hospital ” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid, and “ hospital accommodation ” shall be construed accordingly;

“ illness ” includes mental illness and any injury or disability requiring medical or dental treatment or nursing;

“ insurance committee ” means an insurance committee constituted under the National Health Insurance Act, 1936;

“ local authority ” means the council of a county or county borough, the Common Council of the City of London, the council of a metropolitan borough and the council of a county district, and also includes—

(a) any joint board constituted under the Public Health Act, 1936, or under the Public Health (London) Act, 1936, or any enactment repealed by those Acts, or any port health authority constituted under those Acts or under any Act passed before those Acts;

(b) any visiting committee constituted under section seven of the Mental Treatment Act, 1930, any joint visiting committee constituted under section two hundred and fifty-three of the Lunacy Act, 1890, any joint mental hospital board constituted under any local Act, any committee

constituted under section twenty-eight of the Mental Deficiency Act, 1913, and any joint board or joint committee constituted under section twenty-nine of that Act;

A.D. 1946.

PART VI.

—cont.

5 (c) the King Edward VII Welsh National Memorial Association;

“ local education authority ” has the same meaning as in the Education Act, 1944;

“ medical ” includes surgical;

10 “ medical practitioner ” means a registered medical practitioner ;

“ medicine ” includes any prescribed chemical re-agent;

“ officer ” includes servant ;

15 “ patient ” includes an expectant or nursing mother and a lying-in woman ;

“ prescribed ” means prescribed by regulations made by the Minister under this Act;

“ property ” includes rights;

20 “ registered nurse ” means a nurse registered in the register of nurses established under the Nurses Registration Act, 1919; 9 & 10 Geo. 5. c. 94.

“ registered pharmacist ” means a pharmacist registered in the register of pharmaceutical chemists or the register of chemists and druggists;

25 “ regulations ” means regulations made by the Minister under this Act;

“ superannuation benefits ” means annual superannuation allowances, gratuities and periodical payments payable on retirement, death or incapacity, and similar benefits;

30 “ teaching hospital ” means a hospital or group of hospitals designated by the Minister as a teaching hospital by an order in force under Part II of this Act;

35 “ university ” includes a university college;

“ voluntary ” means not carried on for profit and not provided by a local or public authority.

(2) References in this Act to the purposes of a hospital shall be construed as referring both to the general purposes of the 40 hospital and to any specific purpose of the hospital.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this Act.

PART IV.

—cont.

Short title
and extent.

79.—(1) This Act may be cited as the National Health Service Act, 1946.

47 & 48 Vict.
c. 64.

(2) This Act, except subsection (2) of section sixty-six and the amendment made by the Ninth Schedule in subsection (3) of section eight of the Criminal Lunatics Act, 1884, shall not extend to Scotland or to Northern Ireland. 51

(3) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations and modifications, as may be specified in the order, extend to the Isles of Scilly, but except as so applied this Act shall not extend to 101 the said Isles.

The Minister may by any such order amend or repeal any provisions contained in the Isles of Scilly Orders, 1927 to 1943.

SCHEDULES.

A.D. 1946.

FIRST SCHEDULE.

Section 2.

CENTRAL COUNCIL AND ADVISORY COMMITTEES.

Constitution of Central Council.

- 5 1. The number of members of the Central Council shall be forty-one of whom six shall be the persons for the time being holding the offices of the President of the Royal College of Physicians of London, the President of the Royal College of Surgeons of England, the President of the Royal College of Obstetricians and Gynaecologists, the Chairman
10 of the Council of the British Medical Association, the President of the General Medical Council and the Chairman of the Council of the Society of Medical Officers of Health, respectively; and of the remaining thirty-five members, who shall be appointed by the Minister,—
- (a) fifteen shall be medical practitioners of whom two shall be
15 selected for their knowledge of mental illness and mental defectiveness;
- (b) five shall be persons, not being medical practitioners, with experience in hospital management;
- (c) five shall be persons, not being medical practitioners, with
20 experience in local government;
- (d) three shall be dental practitioners;
- (e) two shall be persons with experience in mental health services
- (f) two shall be registered nurses;
- (g) one shall be a certified midwife; and
- 25 (h) two shall be registered pharmacists;
- and before appointing any of the persons specified in sub-paragraphs (a) to (h), respectively, the Minister shall consult with such organisations as he may recognise as representative of those persons.

Supplementary Provisions.

- 30 2. Regulations may make provision with respect to the appointment, tenure of office and vacation of office of the members of the Central Council and of any standing advisory committee constituted under section two of this Act and for the making of such payments as may be prescribed to such members and to members of any committee or
35 sub-committee set up under paragraph 4 of this Schedule in respect of any loss of remunerative time or any travelling or subsistence expenses.
3. The Minister shall appoint a secretary to the Central Council and to each standing advisory committee, and the Central Council and any
40 standing advisory committee may also appoint a secretary to the Council or the committee, as the case may be, who shall act jointly with the secretary appointed by the Minister.

A.D. 1946.

1ST SCH.
—cont.

4. The Central Council may appoint such committees, and any standing advisory committee may appoint such sub-committees, as they think fit, to consider and report upon questions referred to them by the Central Council or standing advisory committee, as the case may be, and any such committee or sub-committee may include persons who are not members of the Central Council or standing advisory committee, as the case may be. 5

5. The Central Council and any standing advisory committee shall elect one of the members of the Council or committee, as the case may be, to be chairman of the Council or committee, and shall have power to regulate their own procedure. 10

6. The proceedings of the Central Council or of any standing advisory committee shall not be invalidated by any vacancy in the membership of the Council or committee or by any defect in the appointment or qualification of any member thereof. 15

Section 10.

SECOND SCHEDULE.

ACQUISITION OF HOSPITAL PROPERTY OTHER THAN LAND.

1. Where under section ten of this Act, in connection with the acquisition of any hospital, the Minister proposes to acquire any equipment, furniture or other movable property used in or in connection with the hospital premises, he may, at any time after the acquisition of the hospital (in the case of acquisition by agreement) or at any time after the service of the notice to treat (in the case of the compulsory acquisition of a hospital), serve a notice on the owner of the property specifying the property proposed to be acquired, and specifying the time within which and the manner in which any objection to such acquisition may be made. 20 25

2. If any objection is duly made, the Minister shall afford to the said owner an opportunity of appearing before and being heard by a person appointed by him for the purpose, and after considering any such objection and the report of the person so appointed by him, the Minister shall either withdraw the notice aforesaid or serve upon the owner a notice confirming that notice. 30

3. The property with respect to which a notice is served under paragraph 1 of this Schedule and is not withdrawn shall— 35

- (a) if no objection is duly made to the notice, vest in the Minister at the expiration of the time for making such an objection ;
- (b) if such an objection is duly made and the notice is confirmed by a notice served under the last foregoing paragraph, vest in the Minister on the service of the last mentioned notice ; 40

and shall in each case vest free of any mortgage, pledge, lien or similar obligation.

4. Where any property is acquired in accordance with this Schedule, there shall be paid by way of compensation to the owner of the property concerned a sum equal to the price which he might reasonably have 45

been expected to have obtained upon a sale of the property effected by him immediately before the acquisition of the property by the Minister, and any dispute as to the amount of such compensation shall be determined by arbitration, and the compensation shall accrue
5 due at the time when the property vested in the Minister.

A.D. 1946.

2ND SCH

—cont.

5. Where property in respect of which compensation is payable as aforesaid was, immediately before the acquisition thereof by the Minister, in the possession of some person by virtue of a hire purchase agreement, that person may, by a notice served on the Minister, make
10 a claim to have apportioned to him such part of the compensation as may be specified in his claim; and in default of agreement between the parties the claim shall be determined by arbitration and the arbitrator may apportion the compensation between the owner and the other person in such manner as appears to him to be just.

15 6. Any such compensation shall carry interest, as from the time when it accrues due until payment, at such rate as the Treasury may from time to time by order prescribe.

20 7. Where any sum by way of compensation is paid in accordance with this Schedule in respect of any property and, at the time when the compensation accrues due, the property is subject to any mortgage, pledge, lien or similar obligation, the sum so paid shall be deemed to be comprised in that mortgage, pledge, lien or other obligation.

THIRD SCHEDULE.

Section 11.

25 REGIONAL HOSPITAL BOARDS, HOSPITAL MANAGEMENT COMMITTEES AND BOARDS OF GOVERNORS OF TEACHING HOSPITALS.

PART I.

Constitution of Regional Hospital Boards.

A Regional Hospital Board shall consist of a chairman appointed by the Minister and such other members so appointed as the
30 Minister thinks fit, and the members shall include—

- (a) persons appointed after consultation with the university with which the provision of hospital and specialist services in the area of the Board is to be associated;
- 35 (b) persons appointed after consultation with such organisations as the Minister may recognise as representative of the medical profession in the said area or the medical profession generally;
- (c) persons appointed after consultation with the local health authorities in the said area; and
- 40 (d) persons appointed after consultation with such other organisations as appear to the Minister to be concerned;

and the original members of the Board shall also include persons appointed after consultation with such organisations as the Minister may recognise as representative of voluntary hospitals in the said area.

45 At least two of the members of the Board shall be persons with experience in mental health services.

A.D. 1946.

3RD SCH.
—cont.

PART II.

Constitution of Hospital Management Committees.

A Hospital Management Committee shall consist of a chairman appointed by the Regional Hospital Board for the area in which the hospital or group of hospitals is situated and such other members so 5 appointed as the Board thinks fit, and the members shall include—

- (a) persons appointed after consultation with any local health authority whose area comprises the area or any part of the area served by the hospital or group ;
- (b) persons appointed after consultation with any Executive 10 Council (constituted under Part IV of this Act) whose area comprises the area or any part of the area served by the hospital or group ;
- (c) persons appointed after consultation with the senior medical and dental staff employed at the hospital or the hospitals of 15 the group, as the case may be ; and
- (d) persons appointed after consultation with such other organisations as appear to the Board to be concerned ;

and, in the case of a Committee appointed before the appointed day for a voluntary hospital or for a group comprising any voluntary 20 hospital, the original members of the Committee shall also include persons appointed after consultation with the governing body of any voluntary hospital concerned.

PART III.

Constitution of Boards of Governors of teaching hospitals. 25

The Board of Governors of a teaching hospital shall consist of a chairman appointed by the Minister and such number of other members so appointed as the Minister thinks fit, and of those members—

- (a) not more than one-fifth shall be nominated by the university with which the hospital is associated ; 30
- (b) not more than one-fifth shall be nominated by the Regional Hospital Board for the area in which the hospital is situated ;
- (c) not more than one-fifth shall be nominated by the medical and dental teaching staff of the hospital ; and
- (d) other persons shall be appointed after consultation with such 35 local health authorities and other organisations as appear to the Minister to be concerned, including, in the case of the original members of the Board of Governors of a teaching hospital designated before the appointed day, the governing body of any voluntary hospital comprised or to be comprised 40 in the teaching hospital.

PART IV.

Supplementary provisions.

1. Regional Hospital Boards and Boards of Governors of teaching hospitals and Hospital Management Committees shall be bodies cor- 45 porate with perpetual succession and a common seal and power to hold land without licence in mortmain.

2. Regulations may make provision—

A.D. 1946.

(a) with respect to the appointment, tenure of office and vacation of office of the members of the bodies constituted under the foregoing provisions of this Schedule ;

3RD SCH.
—cont.

5 (b) with respect to the appointment of committees consisting wholly or partly of members of those bodies and the delegation of functions to such committees ;

10 (c) for the making of such payments as may be prescribed to members of those bodies or committees in respect of any loss of remunerative time or, if the special circumstances of the body or committee concerned appear to the Minister to justify it, in respect of any travelling or subsistence expenses ;

(d) with respect to the procedure of those bodies or committees.

15 3. The proceedings of any body or committee constituted under the foregoing provisions of this Schedule shall not be invalidated by any vacancy in the membership of the body or committee or by any defect in the appointment or qualification of any member thereof.

20 4. It is hereby declared, for the avoidance of doubt, that a member or officer of any such body or committee is not, by reason of his membership or office, rendered incapable of being elected, or of sitting and voting, as a Member of the House of Commons.

FOURTH SCHEDULE.

Section 19.

PROVISIONS AS TO LOCAL HEALTH AUTHORITIES.

25 PART I.

Joint Boards.

1. A joint board constituted under section nineteen of this Act shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

30 2. An order constituting such a joint board—

35 (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 2 & 3 Geo. 6. 1933, and section one hundred and ninety-six of the London Government Act, 1939, (which authorise the application of the provisions of those Acts to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent local health authorities ;

A.D. 1946.

4TH SCH.

—cont.

- (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and the apportionment of liabilities ;
- (c) may confer on the board the like powers for the compulsory purchase of land as are exercisable by local health authorities ; 5
- (d) may provide for the application, with such adaptations as may be specified, of any enactments relating to functions transferred to the board ;
- (e) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their 10 functions ;
- (f) may apply to the board, with any necessary modifications and adaptations, any of the provisions of Part II of this Schedule.

PART II

15

Health Committees.

1. Every local health authority shall establish a health committee, and, subject to the next following paragraph, all matters relating to the discharge of the functions of a local health authority shall stand referred to the health committee, and the authority, before exercising 20 any such functions, shall consider a report of the health committee with respect hereto :

Provided that an authority may dispense with such a report if, in their opinion, the matter is urgent or has been sufficiently considered and reported upon by a divisional executive established under section 25 twenty-two of this Act.

2. The last foregoing paragraph shall not prevent the council of a county or county borough from referring to any committee appointed by them any matter arising out of, and incidental to, their functions as local health authority which, by reason that it relates also to a 30 general service of the council, ought, in the opinion of the council, to be so referred, and the last foregoing paragraph shall not apply to any matter which is so referred :

Provided that, before deciding on a proposal for a reference under this paragraph, the council shall receive and consider a report of the 35 health committee on the proposal.

3. A local health authority may authorise the health committee to exercise on their behalf any of their functions as a local health authority, except the power to borrow money or to levy or issue a precept for a rate. 40

4. At least a majority of the health committee of a local health authority shall be members of the authority.

5. The minutes of proceedings of the health committee shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding one shilling and any such local 45 government elector may make a copy thereof or extract therefrom.

6. The health committee of a local health authority may, subject to any restrictions imposed by the local health authority, establish such sub-committees as the health committee may determine, and

any sub-committee established under this paragraph shall be constituted in such manner as may, subject to any restrictions imposed by the local health authority, be determined by the health committee, and at least a majority of every sub-committee shall be members of
 5 the local health authority or of a local authority for any area forming part of the area of the local health authority.

7. The health committee of a local health authority may, subject to any restrictions imposed by the local health authority, authorise any sub-committee to exercise on their behalf any functions of the
 10 health committee.

A.D. 1946.

4TH SCH.
—cont.

FIFTH SCHEDULE.

Sections 31,
40, 41.

EXECUTIVE COUNCILS.

Constitution of Executive Councils.

1. An Executive Council shall consist of a chairman appointed by
 15 the Minister and twenty-four other members of whom—

- (a) eight members shall be appointed by the local health authority for the area of the Executive Council ;
- (b) four members shall be appointed by the Minister ;
- 20 (c) seven members shall be appointed by the Local Medical Committee ;
- (d) three members shall be appointed by the Local Dental Committee ;
- (e) two members shall be appointed by the Local Pharmaceutical Committee.

Supplementary Provisions.

25 2. Every Executive Council shall be a body corporate with perpetual succession and a common seal and with power to hold land without licence in mortmain :

Provided that an Executive Council shall not acquire land except
 30 with the consent of the Minister.

3. The Minister may make regulations—

- (a) with respect to the appointment, tenure of office and vacation of office of the members of an Executive Council ;
- 35 (b) with respect to the appointment of committees consisting wholly or partly of members of the Council and the delegation of functions to such committees ;
- (c) for the making of such payments as may be prescribed to members of the Council or any such committee in respect of any loss of remunerative time or, if the special circumstances of the area of the Council appear to the Minister to justify it, in respect of any travelling or subsistence
 40 expenses ;
- (d) with respect to the appointment of officers of the Council ;
- (e) for payment by an Executive Council of sums, not exceeding
 45 such sums as may be prescribed, as subscriptions to the

A.D. 1946.

5TH SCH.

—cont.

funds of any association of Executive Councils whose objects are approved by the Minister, and for the payment at the prescribed rates of any expenses reasonably incurred by representatives in attending meetings of any such association ;

(f) with respect to the procedure of the Council or any such committee. 5

4. If the Local Medical Committee, the Local Dental Committee or the Local Pharmaceutical Committee fail within such period as the Minister may determine to appoint any member of the Executive Council whom they are required to appoint, the appointment shall be made by the Minister. 10

5. The proceedings of an Executive Council or any such committee shall not be invalidated by any vacancy in the membership of the Council or committee or by any defect in the appointment or qualification of any member thereof. 15

6. It is hereby declared, for the avoidance of doubt, that a member or officer of any such Council or committee is not, by reason of his membership or office, rendered incapable of being elected, or of sitting and voting, as a Member of the House of Commons.

Section 34.

SIXTH SCHEDULE.

20

MEDICAL PRACTICES COMMITTEE.

1. The Medical Practices Committee shall consist of a chairman, who shall be a medical practitioner, and eight other members of whom six shall be medical practitioners. Of the said six medical practitioners at least five shall be persons actively engaged in medical practice. 25

2. The chairman and members shall be appointed by the Minister after consultation with such organizations as the Minister may recognise as representative of the medical profession.

3. The Minister may make regulations—

(a) with respect to the appointment, tenure of office and vacation of office of the members of the Committee ; 30

(b) for the payment to members of the Committee of remuneration or travelling and subsistence allowances at the prescribed rates.

4. The Minister may provide the services of such officers as the Committee may require. 35

5. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment or qualification of any member thereof.

Section 42.

SEVENTH SCHEDULE.

40

CONSTITUTION OF TRIBUNAL.

1. The Tribunal shall consist of a chairman and two other members.

2. The chairman shall be a practising barrister or solicitor appointed by the Lord Chancellor.

3. One of the other members shall be a person appointed by the Minister after consultation with such associations of Executive Councils as the Minister may recognise as representative of Executive Councils.

A.D. 1946.

7TH SCH.

—cont.

4. The other member (hereinafter referred to as the "practitioner member") shall be one of a panel of six persons who shall be appointed by the Minister, after consultation with such organisations as the Minister may recognise as representative of the several professions concerned, and shall consist of a medical practitioner, a dental practitioner, a registered pharmacist, a medical practitioner practising as an oculist, an optician engaged in sight-testing and an optician engaged in dispensing, and the practitioner member shall, for the purpose of the investigation of the case of any person, be such one of the six persons aforesaid as belongs to the same profession as the person whose case is being investigated.

5. If any of the members of the Tribunal is unable to act in any case, a deputy may be appointed in like manner and after the like consultations as in the case of the appointment of the member in question and, if the member was required to possess professional qualifications, the deputy shall possess the like qualifications.

Supplementary provisions.

6. Regulations may make provision—

(a) with respect to the appointment, tenure of office and vacation of office of members of the Tribunal;

(b) for the payment to members of the Tribunal of remuneration or subsistence allowances and travelling allowances at the prescribed rates;

(c) with respect to the appointment of officers of the Tribunal.

EIGHTH SCHEDULE.

Section 49.

ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED FROM BOARD OF CONTROL TO MINISTER.

The Lunacy Act, 1890.

Subsection (6) of section thirty-nine.

Subsection (4) of section fifty-one.

Subsection (3) of section two hundred and four.

The whole of Part VIII of the Lunacy Act, 1890, except section two hundred and twenty-one, so far as it relates to the power of the Board of Control to recommend the revocation or non-renewal of a licence, and sections two hundred and twenty-three and two hundred and twenty-eight.

Subsection (4) of section three hundred and thirty-two.

The Lunacy Act, 1891.

Section twelve.

The Mental Deficiency Act, 1913.

Subsection (1) of section three.

Subsection (2) of section five.

54 & 55 Vict.
c. 65.

A.D. 1946.	Subsection (3) of section sixteen.	
—	Section twenty-one.	
8TH SCH.	Paragraphs (b), (c), so far as it relates to certification and approval,	
—cont.	and (f) of subsection (1) of section twenty-five.	
	Paragraph (h) of section thirty.	5
	Section thirty-six.	
	Subsection (1) of section forty-nine.	
	Subsection (1) of section fifty.	
	Section fifty-eight.	

The Mental Treatment Act, 1930.

10

Subsection (1) and paragraph (a) of subsection (3) of section one.
Paragraph (iii) of subsection (1) and subsections (3), (9) and (17) of section five.

Sections 49, 50.

NINTH SCHEDULE

AMENDMENT AND REPEAL OF ENACTMENTS RELATING TO PERSONS OF UN SOUND MIND AND MENTAL DEFECTIVES.

PART I.

AMENDMENTS.

General Amendments.

In all enactments relating to persons of unsound mind and mental defectives and in any documents issued thereunder references to a mental hospital shall be construed as references to a hospital vested in the Minister and designated by him as a mental hospital.

The Criminal Lunatics Act, 1884.

47 & 48 Vict. c. 64.

25

In subsection (2) of section seven for the words " asylum or place of confinement for persons of unsound mind " there shall be substituted the words " mental hospital "; for the words " and he shall be deemed to be a rate-aided person of unsound mind " there shall be substituted the words " and shall be deemed, for the purposes of the Lunacy and Mental Treatments Acts, 1890 to 1930, as amended by the National Health Service Act, 1946, to be a summary reception order made under section sixteen of the Lunacy Act, 1890, as so amended."

In section eight, for subsection (2) there shall be substituted the following subsection:—

" (2) If it is certified by a legally qualified medical practitioner that a criminal lunatic, who is about to be absolutely discharged or whose term of penal servitude or imprisonment is about to determine, is of unsound mind and unfit for removal to a mental hospital, an order made by a justice under this Act may provide for his detention in any asylum or place in which a criminal lunatic may be detained, and he shall be deemed to have been sent to that asylum or place in pursuance of a summary reception

- 5 order made under section sixteen of the Lunacy Act, 1890, as amended by the National Health Service Act, 1946, and the Lunacy and Mental Treatment Acts, 1890 to 1930, as amended by the National Health Service Act, 1946, shall apply as if the asylum or place were a mental hospital, and the council of supervision or other person having control thereof were a Hospital Management Committee."

A.D. 1946.

9TH SCH.

—cont.

For subsection (3) of the said section there shall be substituted the following subsection—

- 10 " (3) In any case where a person for whose detention an order has been made under the last foregoing section is ordinarily resident in Scotland or Northern Ireland, the justice making the order shall report the case to a Secretary of State, and there-
15 upon a Secretary of State may, by warrant, direct the removal of such person to Scotland or Northern Ireland, as the case may be."

- In section nine, in paragraphs (1) and (3) for the words " committee of visitors " there shall be substituted the words " Hospital Management Committee ", and the words in paragraph (3) from
20 " and the costs " to the end of the paragraph shall be omitted.

In section ten, in subsection (1), the words from " and the costs of maintenance " to the end of the subsection shall be omitted; and in subsection (3), the words from the beginning of the subsection to " is detained " shall be omitted.

- 25 *The Lunacy Act, 1890.*

53 & 54 Vict. c. 5.

- Throughout the Act, subject to any specific amendment made by a subsequent provision of this Schedule, for references to the visitors of a mental hospital and the visiting committee of a mental hospital
30 there shall be substituted respectively references to members of the Hospital Management Committee of a mental hospital and to such a Committee.

- Throughout the Act, subject to any specific amendment made by a subsequent provision of this Schedule, the word " rate-aided "
35 shall be omitted.

In section four the words " a rate-aided person or " shall be omitted.

In section eight, in subsection (1), the words " as a private patient " shall be omitted.

- 40 For sections fourteen and fifteen, there shall be substituted the following sections:—

" 14.—(1) If a duly authorised officer of the local health authority—

- 45 (a) has reasonable ground for believing that a person in the area of the authority is a person of unsound mind and a proper person to be sent to a mental hospital; and
(b) is satisfied that he is not under proper care and control, or that there are no relatives or friends who intend and are able to take proceedings by petition for a reception
50 order under the foregoing provisions of this Act;

A.D. 1946.

9TH SCH.
—cont.

he shall, within three days, give notice thereof to a justice having jurisdiction in the place where the said person is.

(2) A justice, upon receiving such a notice, shall by order require the officer giving the notice to bring the said person before him or some other justice having such jurisdiction as aforesaid, at such time within three days of the receipt of the notice and at such place as may be specified in the order.

15.—(1) A duly authorised officer of the local health authority or any constable who has reasonable ground for believing that any person wandering at large in the area of the authority is a person of unsound mind, shall immediately apprehend and take the said person, or cause him to be apprehended and be taken, before a justice.

(2) Any justice, upon the information upon oath of any person that a person wandering at large within the limits of his jurisdiction is of unsound mind, may by order require any constable or duly authorised officer of the local health authority for the area where the said person is, to apprehend him and bring him before the justice making the order, or any justice having jurisdiction where the said person is."

In section sixteen for the words "relieving officer, overseer" there shall be substituted the word "officer".

In section seventeen the words "whether a rate-aided person or not" shall be omitted.

For section twenty there shall be substituted the following section:—

"20. If a duly authorised officer of the local health authority or any constable is satisfied that it is necessary for the public safety or the welfare of a person alleged to be of unsound mind with regard to whom it is his duty to take any proceedings under this Act, that the said person should, before any such proceedings are taken, be placed under care and control, the officer or constable may remove the said person to any hospital or part of a hospital vested in the Minister (whether a mental hospital or not) which is designated by the Minister for the purposes of this section, and the person in charge of the said hospital or part shall receive and detain the said person therein, but no person shall be detained under this section for more than three days."

In section twenty-one, in subsection (1), for the words "the workhouse of the union in which the person of unsound mind is" there shall be substituted the words "any hospital or part of a hospital designated for the purposes of the last foregoing section" and for the words "in that workhouse" there shall be substituted the word "therein"; and in subsection (3) the words "in a workhouse" and the words from "fourteen days" to the end of the subsection shall be omitted.

After section twenty-one the following section shall be inserted:—

"21A. Where any person is detained, whether under section twenty of this Act or under the last foregoing section, in any hospital designated for the purposes of the said section twenty,

and while he is so detained the medical officer of the hospital certifies that he is of unsound mind and that it is expedient for his welfare that he should be detained at the hospital for a further period, he may be so detained for a period not exceeding fourteen days from the date of the certificate."

5

In section thirty-four, in subsection (1) for the words "a private patient" there shall be substituted the words "an order made on petition."

10 In section thirty-six, for the word "workhouse" there shall be substituted the words "hospital or part of a hospital designated for the purposes of section twenty of this Act".

In section thirty-nine, in subsection (1) for the words "reception of a private patient" there shall be substituted the words "reception of a patient under a reception order made on petition"; in subsection 15 (3) for the words "their immediate jurisdiction" there shall be substituted the words "the immediate jurisdiction of the Minister"; in subsection (6) for the words "Board of Control" where they first occur, there shall be substituted the word "Minister", and for the words from "they think fit" to the end of the subsection there shall 20 be substituted the words "the Minister thinks fit"; and in subsections (7) and (8) the word "private" shall be omitted.

In section forty, in subsection (3), for the word "workhouse" there shall be substituted the words "hospital or part of a hospital designated for the purposes of section twenty of this Act".

25 In section forty-one, in subsection (1), the words "if written by a private patient" shall be omitted.

In section forty-two, in subsection (1) the words "unless there is no private patient therein", and the word "private", in the second and third places where it occurs in subsection (1) and where it occurs 30 in subsection (2) shall be omitted.

In section fifty-one, in subsection (4) for the words "Board of Control or visitors fix" there shall be substituted the words "Minister may fix".

In section fifty-five, in subsection (2) for the word "charge" 35 there shall be substituted the words "expense of his maintenance".

In section fifty-seven, in subsection (1) the words from "the application has been approved" to "and that" shall be omitted; and in subsection (2) for the words "the authority liable for the maintenance of the person of unsound mind" there shall be substituted 40 the words "the Hospital Management Committee", after the word "shall" there shall be inserted the words "if the Committee considers it reasonable so to do", and for the words from "such authority" to "delivered over" there shall be substituted the words "the Committee".

45 For section sixty-four there shall be substituted the following section:—

50 "64. Any two members of the Hospital Management Committee of a mental hospital may by order authorise the removal of a person of unsound mind to that hospital from any other mental hospital".

A.D. 1946.

9TH SCH.

—cont.

A.D. 1946.

9TH SCH.
—cont.

In section sixty-six for the words from " any relieving officer " to " chargeable " there shall be substituted the words " the local health authority for the area where the mental hospital is situated ".

For section seventy-two, the following section shall be substituted:—

" 72.—(1) A patient detained in any institution for persons of unsound mind, or under care as a single patient, shall, if he is detained under a reception order made on petition, be discharged on a direction in writing given under his hand—

(a) by the person on whose petition the order was made; or 10

(b) if that person is dead or incapable by reason of insanity, absence from England and Wales or otherwise of signing an order for discharge, by the person who made the last payment on account of the patient, or by the appropriate relative. 15

(2) A private patient detained as aforesaid, other than a person to whom the last foregoing subsection applies, shall be discharged on a direction in writing given under his hand by the person who made the last payment on account of the patient or by the appropriate relative. 20

(3) In any other case a patient detained as aforesaid shall be discharged on a direction in writing given under his hand by the appropriate relative.

(4) If there is no person qualified to direct the discharge of a patient under this section, or no person able or willing to act, the Board of Control may order his discharge. 25

(5) In this section the expression " appropriate relative " means the husband or wife, or if there is no husband or wife, or the husband or wife is incapable by reason of insanity, absence from England and Wales, or otherwise of signing an order for discharge, the father, or if there is no father, or if he is incapable as aforesaid, the mother, or if there is no mother, or she is incapable as aforesaid, then any one of the next of kin." 30

In section seventy-four for the words " two preceding sections " there shall be substituted the words " section seventy-two of this Act." 35

In section seventy-eight, in subsection (4), the words " in the case of a private patient," and " and in the case of a rate-aided person to the authority liable for his maintenance " shall be omitted.

In section seventy-nine the words " shall be no longer chargeable to any union, county or borough, and " shall be omitted. 40

In section eighty, in subsection (1) for the words from " a relieving officer " to the end of the subsection there shall be substituted the words " the local health authority ".

In section eighty-three, in subsection (1) the words " in the case of a patient not a rate-aided person " and the words from " and in the case of " to the end of the subsection shall be omitted. 45

In section eighty-five for the words " master of the workhouse," there shall be substituted the words " person in charge of the hospital

or part of the hospital designated for the purposes of section twenty of this Act " and the word " master," in the second place where it occurs, shall be omitted.

A.D. 1946.

9TH SCH.

—cont.

5 In section one hundred and seventy-seven, in subsection (1), for the words " Board of Control " there shall be substituted the word " Minister ".

10 In section one hundred and ninety-one, in subsections (2) and (3), for the words " the immediate jurisdiction of the Board of Control " there shall be substituted the words " the immediate jurisdiction of the Minister "; and in paragraph (b) of subsection (7) for the words " Board of Control " there shall be substituted the word " Minister ", and the words " and not receiving rate-aided patients " shall be omitted.

15 In section one hundred and ninety-six, in subsection (1) the words " rate-aided patients from other patients, and " shall be omitted.

In section two hundred and three for the word " workhouses " there shall be substituted the words " hospitals or parts of hospitals designated for the purposes of section twenty of this Act."

20 In section two hundred and four, in subsection (1) the words " or workhouse " shall be omitted; and in subsection (3) for the words " Board of Control " there shall be substituted the word " Minister."

In section two hundred and six, in subsection (3) the words from " and the expenses " to the end of the subsection shall be omitted.

25 Throughout Part VIII, except in sections two hundred and twenty-one, two hundred and twenty-three and two hundred and twenty-eight, for references to the Board of Control there shall be substituted references to the Minister.

30 In section two hundred and seventeen, in subsection (1) the words " the secretary of " and the words from " not being a rate-aided person " to the end of the subsection shall be omitted; and in subsection (2) the words " and two shillings and sixpence " shall be omitted.

35 In section two hundred and nineteen, the word " private," and the words " and to the authority liable for the maintenance of each rate-aided patient " shall be omitted.

40 In section two hundred and twenty-one, in subsection (1) the words " either by them or " and the words " if granted by any justices " shall be omitted, and after the word " renewed " there shall be inserted the words " or recommend to the Minister that any licence granted by him be revoked or be not renewed " and after the words " Lord Chancellor ", where they last occur, there shall be inserted the words " or Minister "; and in subsection (4) after the words " Lord Chancellor " in both places where they occur there shall be inserted the words " or Minister ".

45 In section two hundred and twenty-six, the words " by their secretary " shall be omitted.

A.D. 1946.

9TH SCH.

—cont.

In section two hundred and thirty-one, in subsection (1), the words " may depute any one or more members of their body, or " shall be omitted.

In section two hundred and thirty-seven, in subsection (3) the words " with the consent in writing of the Minister of Health " and in subsection (5) the words from " and such statement " to the end of the subsection shall be omitted. 5

In section two hundred and fifty-eight, in subsection (1), for the words " visiting committee of a mental hospital " there shall be substituted the word " Minister " and the words " with the consent of the local authority by whom they are appointed and of the Minister of Health " shall be omitted; in subsection (2) for the word " committee " there shall be substituted the word " Minister "; and in subsection (3) for the words " a visiting committee " and " the committee " there shall be substituted the words " the Minister ". 10 15

In section two hundred and fifty-nine, for the words " a visiting committee " and " the visiting committee " there shall be substituted the words " the Regional Hospital Board ".

In section two hundred and seventy-five, for subsection (5) there shall be substituted the following subsection:— 20

" (5) Any patient in a mental hospital may be absent by permission of the manager for a period not exceeding four days."

In section two hundred and eighty-five, in subsection (1), the words " whether a rate-aided person or not " shall be omitted, for the words " guardians of the union " there shall be substituted the words " local health authority ", for the word " workhouse " there shall be substituted the words " hospital or part of a hospital designated for the purposes of section twenty of this Act ", and the words from " and also " to " effect " shall be omitted. 25

In section three hundred and fifteen, in subsection (2) for the word " workhouse " there shall be substituted the words " hospital or part of a hospital designated for the purposes of section twenty of this Act." 30

In section three hundred and twenty, after the words " sending to " there shall be inserted the words " the Minister ". 35

In section three hundred and twenty-four, for the word " workhouse " there shall be substituted the words " hospital or part of a hospital designated for the purposes of section twenty of this Act ".

In section three hundred and twenty-five, in subsection (1), for paragraph (c) there shall be substituted the following paragraph:— 40

" (c) by the secretary of a Regional Hospital Board for an offence by any person employed by the Board ".

In section three hundred and twenty-six, for paragraph (c) there shall be substituted the following paragraph:—

" (c) When recovered by the secretary of a Regional Hospital Board, to the treasurer of the Board " 45

In section three hundred and twenty-seven, the words " other than orders adjudicating as to the settlement of a rate-aided person of unsound mind and providing for his maintenance," shall be omitted.

A.D. 1946.

9TH SCH.

—cont.

In section three hundred and twenty-nine, after the words " Board of Control ", in both places where they occur, there shall be inserted the words " or the Minister " and for the word " guardians ", in both places where they occur, there shall be substituted the words " a local health authority ".

In section three hundred and thirty-two, for subsection (4) the following subsection shall be substituted:—

" (4) Where any Commissioners or visitors summon a person to appear and give evidence, all reasonable expenses of his appearance and attendance shall be paid by the Minister."

In section three hundred and thirty-eight, in subsection (1) for the words " with the approval of the Lord Chancellor " there shall be substituted the words " with the approval of the Minister and the concurrence of the Lord Chancellor ".

In section three hundred and forty-one for the definition of " mental hospital " there shall be substituted the following definition:—

" ' mental hospital ' means a hospital vested in the Minister and designated by him as a mental hospital ";

and after the said definition there shall be inserted the following definition:—

" ' the Minister ' means the Minister of Health ";

in the definition of " clerk " for the words " local authority," wherever they occur, there shall be substituted the words " local health authority," the definitions of " district mental hospital," " rate-aided person," " visiting committee " and " workhouse " shall be omitted, for the definition of " private patient " there shall be substituted the following definition:—

" ' private patient ' means a patient maintained wholly or partly at the expense of some person other than the Minister; "

and in the definition of " reception order," the words " whether a rate-aided person or not," shall be omitted.

The Lunacy Act, 1891.

54 & 55 Vict. c. 65.

In section two, in subsection (1), for the words " relieving officer, or overseer " there shall be substituted the words " or officer of a local health authority ".

In section twelve for the reference to the Board of Control there shall be substituted a reference to the Minister.

For section nineteen, the following section shall be substituted:—

" 19.—(1) Where a person of unsound mind can no longer be maintained in a registered hospital or licensed house, the manager of the hospital or house may after giving notice to the local health authority apply to a justice having jurisdiction in the place where the hospital or house is situated for an order for the removal of the said person and the justice may order him to be removed to a mental hospital named in the order and

A.D. 1946

9TH SCH.

—cont.

the manager of the hospital or house shall cause him to be removed thereto. In the case of such removal the original reception order shall remain in force.

(2) The costs of obtaining an order under this section and of the removal of the person to whom it relates shall be paid to the said manager by the local health authority and the amount of those costs shall, in default of agreement, be determined by a justice having jurisdiction to make the order".

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The Mental Deficiency Act, 1913.

3 & 4 Geo. 5. c. 28.

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Throughout the Act for references to the local authority or a local authority there shall be substituted references to the local health authority and a local health authority, respectively, and references to the managers of an institution shall, in relation to an institution vested in the Minister, be construed as references to the hospital management committee of the institution.

15

In section three, in subsection (1) for the word "Board" there shall be substituted the words "Minister of Health".

In section five, in subsection (2) for the word "Board" there shall be substituted the words "Minister of Health".

20

In section six, in subsection (3) the words "the managers of which are willing to receive him" shall be omitted.

In section seven, in subsection (2A) after the word "Board" there shall be inserted the words "or the Regional Hospital Board in whose area the institution is situated".

25

In section nine the words "the managers of which are willing to receive him" shall be omitted.

In section sixteen, at the end of subsection (2) there shall be added the words "The reference in this subsection to the managers of the institution for persons of unsound mind shall be construed, in the case of a mental hospital, as a reference to the Hospital Management Committee of that hospital"; and in subsection (3), for the words from the beginning of the subsection to "Minister of Health" there shall be substituted the words "The Minister of Health may".

30

In section twenty-one for the words "Board of Control hereinafter constituted" there shall be substituted the words "Minister of Health."

35

In section twenty-three, in subsection (1) the words "and other officers and servants", in both places where they occur, shall be omitted; in subsection (2) after the word "secretary" there shall be inserted the word "and", and the words "and other officers and servants" shall be omitted; and in subsection (3) after the word "secretary" there shall be inserted the word "and" and the words "officers and servants of the Board" shall be omitted.

40

In section twenty-four, for the words "secretary, officer or servant" there shall be substituted the words "or secretary", and for the words "secretary or officer" there shall be substituted the words "or secretary".

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A.D. 1946.

9TH SCH.
—cont.

The functions of the Board of Control under paragraph (b), paragraph (c), so far as it relates to certification and approval, and paragraph (f) of subsection (1) of section twenty-five shall be exercised by the Minister, and in paragraph (g) for the words "Secretary of State" there shall be substituted the words "Minister of Health", and in subsection (2) the word "certified" wherever it qualifies the word "institution" shall be omitted.

In section twenty-six, after the word "Commissioners" there shall be inserted the words "the secretary and the inspectors", the words "and the officers" shall be omitted and the reference to the Minister of Health (included by the Ministry of Health (Lunacy and Mental Deficiency) Transfer of Powers Order, 1920) shall be omitted.

In section thirty, in paragraph (cc) the words "or have been sent to certified institutions" shall be omitted, in paragraph (e) the words "maintain in an institution or approved home or" and the words "the expenses of maintenance in an institution or approved home or" shall be omitted, in paragraph (f) the words "dying in an institution or" shall be omitted, and in paragraph (h) for the word "Board" in both places where it occurs there shall be substituted the words "Minister of Health".

In section thirty-six, for the word "Board" there shall be substituted the words "Minister of Health".

In section forty-one, in subsection (1), for paragraph (f) there shall be substituted the following paragraph:—

"(f) the transfer of patients from one institution to another".

For subsection (1) of section forty-three there shall be substituted the following subsection:—

"(1) where a person is ordered to be sent to an institution or to be placed under guardianship, the local health authority for the area in which he resided (to be specified in the order) shall provide for his conveyance to the institution or, as the case may be, shall make provision for his guardianship".

In subsections (2) and (3) for the word "council," wherever it occurs there shall be substituted the words "local health authority"; subsection (2) shall only apply to orders placing a person under guardianship; and in subsection (3) the words from the beginning to the words "other and," the word "certified" and the words "and his reception and maintenance in" shall be omitted.

In section forty-four, in subsection (2A) the word "certified" shall be omitted; and in subsection (3) for the word "council" wherever it occurs, there shall be substituted the words "local health authority".

In section forty-six, in subsection (1) the words "not provided by a local authority," shall be omitted.

In sections forty-nine and fifty, for references to the Board of Control there shall be substituted references to the Minister of Health.

In section fifty-four, in subsection (1) after the word "authority" there shall be inserted the words "or a Regional Hospital Board".

In section fifty-eight, for the word "Board" there shall be substituted the words "Minister of Health".

A.D. 1946

9TH SCH.

—cont.

In section seventy-one, in subsection (1) for the definitions of "institution" and "institution for defectives" there shall be substituted the following definitions:—

"The expressions 'institution' and 'institution for defectives' mean an institution for defectives vested in the Minister of Health and a certified institution";

the definitions of "State institution" and "board of guardians of a poor law union" shall be omitted; in the definition of "certified institution" the words from "and includes" to the end of the definition shall be omitted; in the definition of "approved home" for the word "Board" there shall be substituted the words "Minister of Health"; and in the definition of "place of safety" the words "workhouse or" shall be omitted; and in subsection (3) for the words "a county" there shall be substituted the words "the area of a local health authority", and for the words "the council of a county" there shall be substituted the words "a local health authority".

The Mental Deficiency Act, 1927.

17 & 18 Geo. 5. c. 33.

In section six, in subsection (1) for the words "local authority" there shall be substituted the words "Hospital Management Committee".

The Mental Treatment Act, 1930.

20 & 21 Geo. 5. c. 23.

Throughout the Act for references to the local authority or a local authority there shall be substituted references to the local health authority or a local health authority;

In section one for the references to the Board of Control there shall be substituted references to the Minister of Health;

In section two, in subsections (1) and (2) for the words "visiting committee" there shall be substituted the words "Hospital Management Committee";

In section five, in subsection (1) for the words "maintained by a local authority" there shall be substituted the words "vested in the Minister of Health" and for the first reference to the Board of Control there shall be substituted a reference to the Minister of Health; in subsection (3) for the reference to the Board of Control there shall be substituted a reference to the Minister of Health; and in subsections (6), (7) and (9) for the words "visiting committee" wherever they occur, there shall be substituted the words "Hospital Management Committee"; in subsection (9) for the words "Board of Control", in the first place where they occur, there shall be substituted the words "Minister of Health"; and in subsection (17) for the words "Board of Control" there shall be substituted the words "Minister of Health" and for the words "Board think" there shall be substituted the words "Minister thinks".

In section eleven, in subsection (1) for the word "four" there shall be substituted the word "five"; and in subsection (3) after the word "two" there shall be inserted the words "or, if there are five senior commissioners other than the chairman, three";

In section seventeen, in proviso (i), for the words "rate-aided person" there shall be substituted the words "patient other than a private patient".

A.D. 1946.

9TH SCH.

—cont.

In section twenty-one, in subsection (1) for the words "maintained by a local authority" there shall be substituted the words "vested in the Minister of Health and designated by him".

In the Third Schedule, in paragraph 2 the words "subsection (3) of section twenty-seven of the principal Act (which prescribes the mental hospitals into which rate-aided patients may be received)" shall be omitted; the words "sixty-one" and "sixty-nine" shall be omitted and for the words from "Part X" to the word "maintenance" there shall be substituted the words "section two hundred and eighty-five of that Act (which relates to the payment of medical fees and other expenses)", and in paragraph 5 for the words "maintained by local authorities not being mental hospitals" there shall be substituted the words "vested in the Minister of Health and designated by him for the purposes of this Act," and for the words "from section two hundred and seventy-five" to the end of the paragraph there shall be substituted the words "subsection (5) of section two hundred and seventy-five (which relates to temporary absence) and section two hundred and seventy-seven (which relates to the duties of the chaplain)."

PART II.

REPEALS OF ENACTMENTS RELATING TO PERSONS OF UNSOUND MIND
AND MENTAL DEFECTIVES.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 14	The Criminal Lunatics Act, 1838.	The whole Act.
30 30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	Section 23.
47 & 48 Vict. c. 64.	The Criminal Lunatics Act, 1884.	Subsection (1) of section 8, and paragraphs (2), (4) and (5) of section 9.
35 53 & 54 Vict. c. 5.	The Lunacy Act, 1890.	Sections 13, 18, 23 to 27, subsection (1) of section 37, subsection (5) of section 40, sections 52 and 54, subsection (6) of section 55, sections 60, 61, 65, 69, 73, paragraph (b) of subsection (1) of section 76, subsection (2) of section 80, sections 81, 132, 169 to 176, 189, 190, 201, 202, subsection (4) of section 206, sections 238 to 257, 260 to 274, subsections (1) to (4) and (6) of section 275, sections 276, 278, 283, 284, subsection (2) of section 285 and sections 286 to 314.

A.D. 1946.

9TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 65.	The Lunacy Act, 1891.	Subsection (2) of section 2, sections 3 to 6, 11, 13 to 18 and 22. 55
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	Sections 13, 14, subsection (3) of section 15, paragraph (c) of section 20, paragraph (e) of subsection (1) of section 25, sections 27, 28 and 29, paragraph (c) of section 30, sections 33 to 35, 37 to 39, subsection (4) of section 44, proviso (c) to subsection (2) of section 49, sections 66, 70 and subsection (2) of section 71. 105
17 & 18 Geo. 5. c. 33.	The Mental Deficiency Act, 1927.	Subsection (2) of section 6, and sections 8 and 10.
20 & 21 Geo. 5. c. 23.	The Mental Treatment Act, 1930.	Sections 6 to 10, 12, subsection (1) of section 14, proviso (ii) to section 17, sections 18, 19, subsections (1) and (2) of section 20, subsection (2) of section 21 and the Second 25 Schedule.

Section 73.

TENTH SCHEDULE.

CONSEQUENTIAL AMENDMENTS AND REPEALS.

PART I.

AMENDMENTS.

The Poor Law Act, 1930.

20 & 21 Geo. 5. c. 17.

In section one hundred and three, in subsection (4), after the word "situate," there shall be inserted the words "or in a hospital vested in the Minister."

The Road Traffic Acts, 1930 and 1934.

20 & 21 Geo. 5.
c. 43.
24 & 25 Geo. 5.
c. 50.

Subsection (2) of section thirty-six of the Road Traffic Act, 1930, and section sixteen of the Road Traffic Act, 1934, shall have effect as if any requirement therein for the payment of money to a hospital were construed, in the case of a hospital vested in the Minister, as requiring the payment to be made to the Regional Hospital Board for the area where the hospital is situated or, in the case of a teaching hospital, to the Board of Governors of the hospital; and section seventeen of the last-mentioned Act shall have effect accordingly. 40

The Yarmouth Naval Hospital Act, 1931.

21 & 22 Geo. 5. c. 15.

In section six for the words from the beginning to "that pay or pension" there shall be substituted the words "The pay or pension payable to any person detained in Yarmouth Hospital in pursuance of the provisions of section one of this Act".

A.D. 1946.

10TH SCH.

—cont.

The Pharmacy and Poisons Act, 1933.

23 & 24 Geo. 5. c. 25.

In section nineteen, in proviso (a) to subsection (3), for the words "Acts relating to national health insurance" there shall be substituted the words "National Health Service Act, 1946".

The Voluntary Hospitals (Paying Patients) Act, 1936.

26 Geo. 5. & 1 Edw. 8. c. 17.

In section one, in the definition of "voluntary hospital" after the word "rates" there shall be inserted the words "or which is vested in the Minister of Health".

The Public Health Act, 1936.

26 Geo. 5 & 1 Edw. 8. c. 49.

The following provisions, that is to say, sections one hundred and sixty-nine, one hundred and seventy, two hundred and forty-four, two hundred and fifty-four and three hundred and five shall have effect as if local health authorities were among the authorities specified therein; sections one hundred and forty-three, one hundred and seventy-two, one hundred and seventy-nine and one hundred and ninety-six shall, in their application to any council which is a local health authority, be construed as applying to that council in their capacity of local health authority; and section two hundred and sixty-seven and any provision in Part XII shall, in its application to any such council, be construed as applying to that council in their capacity of local health authority as well as in other capacities.

Where the local authority for the purposes of the Public Health Act, 1936, is not the local health authority, it shall be the duty of the medical officer of health of the said local authority for any part of the area of the local health authority who receives a certificate or notice under section one hundred and forty-four, section one hundred and forty-six, or section two hundred and forty-two of the said Act to send a copy thereof within twelve hours after its receipt to the local health authority; and where a copy of any such certificate has been sent to the local health authority under this paragraph, and any fee has been paid for that certificate by the local authority, the fee shall be repaid to the authority by the local health authority.

In section one hundred and sixty-nine for the words "or institution" in the first place where they occur there shall be substituted the words "vested in the Minister", for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors", the words "or institution" in the

A.D. 1946.

10TH SCH.

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second and third places where they occur and the words "and maintained therein at the cost of the authority" shall be omitted.

In section one hundred and seventy in subsection (1) the words from "at the cost" to the end of the subsection shall be omitted.

In section one hundred and seventy-two in subsection (1) for the words "or institution" in the first place where they occur there shall be substituted the words "vested in the Minister", for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors", and the words "or institution" in the second place where they occur shall be omitted; in subsection (5) sub-paragraph (i) and the words "pay the whole or such part, if any, as they think fit of the said cost and" shall be omitted and in subsection (7) the words "or institution" shall be omitted.

In section one hundred and ninety-nine for the words "Board of Control" there shall be substituted the word "Minister".

In section two hundred and three, in subsection (1) the words "the council who are" shall be omitted.

In section two hundred and eighteen, after the words "place of safety" there shall be inserted the words "other than a hospital vested in the Minister".

In subsection (1) of section two hundred and nineteen in paragraph (c) thereof for the words "Board of Control" there shall be substituted the word "Minister".

In section two hundred and forty-four for the words "or institution" in the first place where they occur there shall be substituted the words "vested in the Minister", for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors" and the words "or institution" in the second and third places where they occur and the words "and maintained therein at their cost" shall be omitted.

In section three hundred and seven the words "hospital accommodation" shall be omitted.

The Public Health (London) Act, 1936.

26 Geo. 5. and 1 Edw. 8. c. 50.

35

The following provisions, that is to say, subsection (8) of section one hundred and ninety-two, subsection (2) of section two hundred and two, section two hundred and twenty-four (except so far as it relates to the exercise of powers under the Poor Law Act, 1930) and section two hundred and ninety-eight shall, in their application to the London County Council, be construed as applying to that council in their capacity of local health authority; and section two hundred and ninety-nine shall, in its application to the London County Council, be construed as applying to that council in their capacity of local health authority as well as in other capacities.

45

In section one hundred and ninety-two the proviso to subsection (1) shall be omitted.

A.D. 1946.

10TH SCH.

—cont.

5 In section two hundred and one in subsection (1) for the words "superintending body" there shall be substituted the words "Hospital Management Committee or Board of Governors", the words "at the expense of the sanitary authority for the district in which the said person is found" shall be omitted and at the end of the subsection there shall be inserted the words "which is vested in the Minister," in subsection (2) after the words "sanitary authority," there shall
10 be inserted the words "or the local health authority" and in subsection (3) for the words "to which the authority are entitled to remove patients" there shall be substituted the words "vested in the Minister, with the consent of the Hospital Management Committee or Board of Governors thereof".

15 In subsection (1) of section two hundred and two after the word "hospital" in the first place where it occurs there shall be inserted the words "vested in the Minister" and the words "at the expense of the county council" shall be omitted.

In subsection (2) of section two hundred and twenty-four after
20 the word "place" there shall be inserted the words "other than a hospital vested in the Minister" and after the words "order was made" there shall be inserted the words "and the expenses incurred in the removal of any person as aforesaid to a hospital vested in the Minister shall be borne by the local health authority;" and in sub-
25 section (4) after the words "sanitary authority" there shall be inserted the words "or the local health authority."

In section two hundred and fifty-five for references to a welfare authority or every welfare authority there shall be substituted references to the local health authority, and for references to the
30 district of a welfare authority and to the medical officer of health for such a district there shall be substituted references to the area of the local health authority and the medical officer of that authority, respectively.

Throughout Part XIII for references to the local authority or a local
35 authority or every local authority there shall be substituted references to the local health authority and for references to the district of a local authority there shall be substituted references to the area of the local health authority.

In subsection (3) of section two hundred and fifty-seven, paragraph
40 (a) shall be omitted.

In section two hundred and sixty-eight, in subsection (1) the words from "and, for the purpose of enforcing the provisions of this Part of this Act," to the end of the subsection, and in subsection (2) the words "or the county council," shall be omitted.

45 In section two hundred and seventy-one for the words "Board of Control" there shall be substituted the word "Minister".

In section three hundred and four, in the definition of "nursing home" for the words "Board of Control" there shall be substituted the word "Minister".

A.D. 1946.

10TH SCH.
—cont.*The Shops (Sunday Trading Restriction) Act, 1936.*

26 Geo. 5 and 1 Edw. 8. c. 53.

In proviso (v) to subsection (1) of section eleven and in paragraph 1 of the First Schedule, for the words "insurance committee within the meaning of the National Health Insurance Act, 1936," and the words "insurance committee under the National Health Insurance Act, 1936," respectively, there shall be substituted the words "Executive Council".

5

The Food and Drugs Act, 1938.

1 & 2 Geo. 6. c. 56.

10

In section seventeen in subsection (1), at the end of the subsection there shall be inserted the words "and, where the local authority is not the local health authority, the district medical officer of health shall send a copy of the certificate within twelve hours after its receipt to the local health authority" and at the end of the subsection (4) there shall be added the following subsection:—

15

"(5) Where a copy of a certificate has been sent to the local health authority under this section, and any fee has been paid for that certificate by the local authority, the fee shall be repaid to the local authority by the local health authority".

20

The Adoption of Children (Regulation) Act, 1939.

2 & 3 Geo. 6. c. 27.

In section seven, in paragraph (c) of subsection (8) for the words "Board of Control" there shall be substituted the words "Minister of Health" and in section sixteen, in subsection (3), for the words "London County Council" there shall be substituted the words "local health authority" and for the words "that Council" there shall be substituted the words "that authority."

25

The Local Government Staffs (War Service) Act, 1939.

2 & 3 Geo. 6. c. 94.

30

The Schedule shall have effect as if in the first column thereof there were included a reference to an officer of an Executive Council, and as if the appropriate authority specified in that behalf in the second column of that Schedule were the Executive Council.

The Education Act, 1944.

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7 & 8 Geo. 6. c. 31.

In section fifty-seven, for references to the local authority for the purposes of the Mental Deficiency Act, 1913, there shall be substituted references to the local health authority.

PART II.

REPEALS.

A.D. 1946.

10TH SCH.

—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
5 12 & 13 Vict. c. 103.	The Poor Law Amendment Act, 1849.	In section 3, the words "or under the statutes for the removal of rate-aided persons of unsound mind to mental hospitals".
10 23 & 24 Vict. c. 75.	The Criminal Lunatic Asylums Act, 1860.	In sections 2 and 3 the word "county" wherever it occurs.
30 & 31 Vict. c. 84.	The Vaccination Act, 1867.	The whole Act.
34 & 35 Vict. c. 70.	The Local Government Board Act, 1871.	So much of Part II of the Schedule as relates to the Vaccination Act, 1867.
34 & 35 Vict. c. 98.	The Vaccination Act, 1871.	The whole Act.
37 & 38 Vict. c. 75.	The Vaccination Act, 1874.	The whole Act.
20 61 & 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act.
7 Edw. 7. c. 31	The Vaccination Act, 1907.	The whole Act.
25 5 & 6 Geo. 5 c. 64.	The Notification of Births (Extension) Act, 1915.	The whole Act.
8 & 9 Geo. 5. c. 43.	The Midwives Act, 1918.	Subsection (4) of section 14.
30 11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	The whole Act.
16 & 17 Geo. 5. c. 32.	The Midwives Act, 1926.	Subsection (3) of section 2.
35 19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section 2; paragraphs (d) and (f) of subsection (1) and subsection (3) of section 5; subsection (5) of section 14; sections 62, 93 and 101; subsections (2) and (3) of section 102; subsection (2) of section 128; paragraph 4 of the Third Schedule, paragraph 11, sub-paragraphs (a) and (b) of paragraph 12, sub-paragraphs (a) and (b) of paragraph 13, sub-paragraph (b) of paragraph 24 and paragraph 25 of the Tenth Schedule.
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A.D. 1946.
10TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5. c. 17.	The Poor Law Act, 1930.	Section 8; in subsection (1) of section 19, the words "or, being a person of 5 unsound mind, is removed to any institution for persons of unsound mind"; in subsection (1) of section 22 the words "surgical or medi- 10 cal appliances"; in section 40 the words from "whether maintained" to the end of the section; in subsection (3) of section 52 the words from 15 "separate infirmary" to "disease" and the words "or idiots"; paragraph (a) of section 58; in paragraph (a) of section 67 the words 20 "sick or"; in section 80 the words "medical or otherwise"; in subsection (1) of section 123 the words "sick, insane or" and sec- 25 tions 126 to 131.
21 & 22 Geo. 5. c. 15.	The Yarmouth Naval Hospital Act, 1931.	In paragraph (ii) of subsection (5) of section 2, the words "or the master of the work- 30 house" and in section 7 the words "by deductions of pay or pensions or".
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act, 1933.	In subsection (2) of section 1 the words "under sections 35 three hundred and one to three hundred and thirteen of the Lunacy Act, 1890 or" and in subsection (2) of section 9 the words "under sections 40 three hundred and one to three hundred and thirteen of the Lunacy Act, 1890, and"
24 & 25 Geo. 5. c. 29.	The Unemployment Assistance Act, 1934.	In subsection (2) of section 53 the words "to medical needs 45 or" and "to mental or bodily health or"; in subsection (1) of section 54 and definitions of "Medical needs" and "Medical or surgical" and 50 in Part I of the Eighth Schedule, in proviso (ii) to paragraph 1 the words "apply to the granting of relief in respect of the medical needs 55 of any person or," and in paragraph 3 the words "not being relief in respect of medical needs," in both places where they occur. 60

A.D. 1946.

10TH SCH.

—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
26 Geo. 5. and 1 Edw. 8. c. 5 40.	The Midwives Act, 1936.	Section 1, subsections (1) and (2) of section 2, sections 3 and 4, and the First Schedule.
26 Geo. 5. and 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Sections 171, 173 to 178, 180 to 186, 197, 200, 201 and 202; subsection (4) of section 203 and section 204.
10 26 Geo. 5. and 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Sections 13, 219 to 223, 225 to 233, and 250 to 254; subsection (5) of section 255, and section 256.
26 Geo. 5. and 1 Edw. 8. c. 15 51.	The Housing Act, 1936.	In section 97, the words "or mental hospitals board" and "or board;" subsection (2) of section 120; in subsection (2) of section 123 the words "or a mental hospital board" and in section 188 the definition of "Mental hospitals board".
20		
1 & 2 Geo. 6. c. 11.	The Blind Persons Act, 1938.	In subsection (2) of section 2 the word "either," in the second place when it occurs, and the words "or medical assistance."
25		
2 & 3 Geo. 6. c. 13.	The Cancer Act, 1939.	Sections 1, 2 and 6 and subsections (2) and (3) of section 8.
30		
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	Sections 62 and 193 and paragraph (e) of subsection (2) of section 195.
3 & 4 Geo. 6. c. 13.	The Old Age and Widows' Pensions Act, 1940.	In Part II of the Eighth Schedule to the Unemployment Assistance Act, 1934, as applied with modifications by the Second Schedule to the Old Age and Widows' Pensions Act, 1940, in paragraph 1 the words "apply to the granting of relief in respect of the medical needs of any person or," and in paragraph 2 the words "not being relief in respect of medical needs," in both places where they occur.
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7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	In section 116 the words "in pursuance of section twenty-five of the Lunacy Act, 1890, or".
50		



National Health Service.

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B I L L

(AS AMENDED BY STANDING COMMITTEE C
AND ON REPORT)

To provide for the establishment of a
comprehensive health service for
England and Wales, and for purposes
connected therewith.

Presented by Mr. Bevan

supported by

*Mr. Chancellor of the Exchequer,
Mr. Greenwood, Mr. Attorney General
and Mr. Key.*

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