STATUTORY INSTRUMENTS

# 1968 No. 1387 (C.16) (S.139)

## NATIONAL HEALTH SERVICE, SCOTLAND

## PUBLIC HEALTH, SCOTLAND

## The Health Services and Public Health Act 1968 (Commencement No. 1) (Scotland) Order 1968

*Made* - - - - *22nd August* 1968

In exercise of the powers conferred on me by section 79(2) of the Health Services and Public Health Act 1968(a) I hereby make the following Order:—

**1.** This Order which shall extend to Scotland only, may be cited as the Health Services and Public Health Act 1968 (Commencement No. 1) (Scotland) Order 1968.

**2.** The following provisions of the Health Services and Public Health Act 1968 shall come into force on 9th September 1968:—

(1) Section 8 (Amendment of section 11 of the National Health Service (Scotland) Act 1947(b) (hereinafter referred to in this Order as the "1947 Act") as to association with universities of provision of hospital and specialist services).

(2) Section 10 (Midwifery services).

(3) Section 11 (Health visiting and district nursing).

(4) In Section 19 (General ophthalmic services) subsections (1) (7) and (8).

(5) Section 20 (Redefinition of "dispensing optician" and "ophthalmic optician").

(6) Section 21 (Amendment of section 15(6) of the 1947 Act as to facilities available at health centres).

(7) Section 24 (Power of Executive Councils to supply goods and materials to persons providing certain services).

(8) Section 25 (Amendment of section 43(6) of the 1947 Act as to the disqualification of practitioners and others already disqualified in Northern Ireland).

(9) Section 30 (Certificates for exemption from prescription charges).

(10) Section 31 (Power of the Secretary of State to make services available and, in certain circumstances, to provide them otherwise than for purposes of hospital and specialist services).

(a) 1968 c. 46. (b) 1947 c. 27.

(11) Section 32 (Power of the Secretary of State to dispose of goods and, in certain circumstances, to produce or manufacture them otherwise than for purposes of hospital and specialist services).

(12) Section 33 (Provision of vehicles for persons suffering from physical defect or disability).

(13) Section 35 (Compensation for loss of employment, etc. attributable to re-organisation of provision of hospital services etc.).

(14) Section 37 (Payment of allowances and remuneration to members of certain bodies established by or under the 1947 Act and members of certain other bodies).

(15) Section 39 (Amendment of sections 3 and 45 of the 1947 Act as to power to recover cost of replacing appliances where the replacement is necessitated by lack of care).

(16) Section 40 (Accommodation for persons displaced in course of development for purposes of the Acts relating to the national health service or to mental health).

(17) Section 41 (Provision of practice accommodation).

(18) Section 42 (Orders and regulations).

(19) Section 43 and Schedule 2 (Interpretation of Part I and application of provisions of the 1947 Act).

(20) Section 44 (Extension of power under the National Assistance Act 1948(a) of local authority to provide accommodation elsewhere than in premises managed by them or another such authority).

(21) Section 59 (Extension of power of user by Crown of patented invention to user for certain health services).

(22) Section 61 (Welfare foods).

(23) Section 62 (Hover vehicles brought within scope of Acts relating to public health and food and drugs).

(24) Section 63 (Provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare).

(25) Section 64 (Financial assistance by the Secretary of State to certain voluntary organisations).

(26) Section 65 (Financial and other assistance by local authorities to certain voluntary organisations).

(27) Section 66 (Payments in respect of travelling expenses of visitors to patients in State hospitals).

(28) Section 67 (Power of the Secretary of State to purchase goods for supply to local authorities and Executive Councils).

(29) Section 71 (Compensation for stopping employment to prevent spread of disease).

(30) Section 72 (Powers of sheriff, justice of the peace or magistrate to order a medical examination).

(a) 1948 c. 29.

(31) Section 73 (Power of medical officers of health to enter premises).

(32) Section 74 (Fees for certain certificates no longer payable under section 4 of the Infectious Disease (Notification) Act 1889(a).

(33) Section 75 (Correspondence of patients in State hospitals).

(34) Section 76 (Grants to certain authorities in respect of functions relating to imported food).

(35) Section 77 (Expenses and receipts).

(36) Section 78(1) and Schedule 3 (Consequential amendments) but except in so far as amendments to enactments refer specifically to sections 13 and 45 of the Health Services and Public Health Act, 1968.

(37) Section 78(2) and Schedule 4 (Repeals so far as consequential upon the coming into force of the foregoing sections and which are set out in the Schedule hereto).

(38) Section 79 (Short title, citation, commencement, and extent).

*William Ross (sgd.)*
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
22nd August 1968.

SCHEDULE

| *Chapter* | *Short Title* | *Extent of Repeal* |
|---|---|---|
| 52 & 53 Vict. c. 72 | The Infectious Disease (Notification) Act 1889 | In section 4(2) the words "and shall pay" onwards. |
| 60 & 61 Vict. c.38 | The Public Health (Scotland) Act 1897 | Section 45. |
| 10 & 11 Geo. 6 c.27 | The National Health Service (Scotland) Act 1947 | In section 11, in subsection (10), in paragraph (i), the words "and compensation", except in relation to an order made in consequence of the occurrence, before the coming into operation of section section 35 of this Act, of any of the events mentioned in paragraphs (*a*) and (*b*) of that subsection. |
| | | In section 22, subsection (3). |
| | | Section 23. |
| | | In section 27, subsection (3). |
| | | In section 32, in subsection (5) the words "and their compensation by the Secretary of State" except |

(a) 1889 c. 72.

| *Chapter* | *Short Title* | *Extent of Repeal* |
|---|---|---|
| 10 & 11 Geo. 6 c.27 | The National Health Service (Scotland) Act 1947 —cont. | in relation to an order made under subsection (2), (3) or (4) of that section before the coming into operation of section 35 of this Act or an order made before the coming into operation of that section revoking an order made under any of those subsections. |
| | | In section 39, in subsection (2)(*e*) the words "and also for the remuneration of members of the Board". |
| | | Section 48. |
| | | In section 54, subsection (3). |
| | | In Schedule 1 in paragraph 2 the words from "and for the making of such payments" onwards. |
| | | In Schedule 4 Part IV paragraphs 2(*c*) and 5. |
| | | In Schedule 6, paragraph 4(*c*), the proviso to paragraph 4, and paragraph 8. |
| | | In Schedule 7 paragraph 3(*b*). |
| | | In Schedule 8 paragraph 6(*b*). |
| 11 & 12 Geo. 6 c.29 | The National Assistance Act 1948 | Section 26(6). |
| | | Section 30(2). |
| | | Section 31(3). |
| | | In section 33, in the proviso, the words from "and in subsection (3) of the said section thirty-one" to the end of the proviso. |
| 12, 13 & 14 Geo. 6 c.93 | The National Health Service (Amendment) Act 1949 | In section 21, the words "or ophthalmic or dispensing optician", and the words "or optician". |
| | | Section 22. |
| | | In the Schedule, in Part II the words from "In subsection (3) of section 54" to "(including travelling and subsistence expenses)", the words from "in paragraph 2 of the First Schedule" to "set up as aforesaid", the words from "For sub-paragraph (*c*) of paragraph 2" to "usual place of residence", the words from "at the end of the said Part IV" to "such bodies", the words from "For sub-paragraph (*c*) of paragraph 4" to "any approved duty" and the words from "At the end of the said paragraph 4" onwards. |
| 8 & 9 Eliz. 2 c.61 | The Mental Health (Scotland) Act 1960 | In Schedule 4, the amendment of section 63 of the National Health Service (Scotland) Act 1947. |

| *Chapter* | *Short Title* | *Extent of Repeal* |
|---|---|---|
| 9 & 10 Eliz. 2 c. 43 | The Public Authorities (Allowances) Act 1961 | Sections 4, 5 and 6. |
| 10 & 11 Eliz. 2 c.24 | The National Assistance Act 1948 (Amendment) Act 1962 | In section 1(1) the substituted subsection (3) of section 31 of the National Assistance Act 1948; and section 1(2). |

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Section 79 of the Health Services and Public Health Act 1968 provides that its provisions shall come into force on such date as the Secretary of State may by Order appoint. This Order brings into force on 9th September 1968 those provisions of the Act which are set out in the Order. The Order extends only to Scotland.