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CHAPTER 81.

An Act to provide for the establishment of a comprehensive health service for England and Wales, and for purposes connected therewith. [6th November 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:—

PART I.

CENTRAL ADMINISTRATION.

1.—(1) It shall be the duty of the Minister of Health (hereafter 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 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 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 sub-section 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.

(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.

(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:

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.

(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.
PART II.

HOSPITAL AND SPECIALIST SERVICES

Provision of Services by Minister.

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:

(a) hospital accommodation;

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

(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".

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

(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

(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.

(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.

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 determined in the prescribed manner, and the Minister may recover those charges.
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 determined in the prescribed manner, 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 those charges:

Provided that nothing in this section shall prevent accommodation so set aside from being made available for any 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, whether in an honorary or paid capacity, 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.

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 purposes of those hospitals or any of them or for the purpose of securing accommodation for persons in the area at any hospital not vested in the authority.

(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:

Provided that if the governing body or local authority, within such period (not being less than twenty-eight days 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 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 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 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, and for the apportionment of rent payable in respect of any such severed lease;
(b) for the apportionment, as between the Minister and 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 the other persons concerned, of liabilities incurred partly for the purposes referred to in subsection (a) or subsection (2) of this section and partly for other purposes;

(d) for the transfer to and vesting in the Minister of interests 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 (2) of this section or apportioned 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.

(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.

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.

(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:

Provided that, where an endowment is given after the passing of this Act and before the appointed day, whether to the governing body of the hospital or to trustees, upon trusts which provide either—

(a) for the administration of the property as a capital fund separate from the general funds of the hospital; or

(b) for the application of the property for some specific object distinct from the general purposes of the hospital and involving expenditure of a capital nature;

the endowment, instead of being transferred to the Minister and the Hospital Endowments Fund as aforesaid, shall on the appointed day, by virtue of this Act, be transferred to and vest in the Hospital Management Committee constituted under the following provisions of this Part of this Act for the hospital or for the group of hospitals in which it is comprised, and shall vest in that Committee free of any trust existing immediately before the appointed day, and shall be held by the Committee on trust for such purposes relating to hospital services or to the functions of the Committee under this Part of this Act with respect to research as the Committee think fit, and the Committee may dispose of any property comprised in any such endowment and hold the proceeds thereof on trust for any of the said purposes.
(5) Regulations shall provide—

(a) for the control and management of the Hospital Endowments Fund by the Minister or any person authorised to act on his behalf, and for defraying out of the Fund such expenses incurred for the purpose of the control and management of the Fund as may be prescribed, and for conferring on the Minister or any such person any powers required for that purpose, including powers to sell or otherwise dispose of any assets of the Fund, and for carrying the proceeds into the Fund;

(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 in connection with the transfer of such a voluntary hospital as is mentioned in the last foregoing subsection, or transferred to him under this section;

(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;

(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 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.

(7) Every Board of Governors and Hospital Management Committee shall, in the case of any endowment transferred to them under this section, and the Minister shall, in the case of any endowment transferred to him and the Hospital Endowments Fund under this section, secure, so far as is reasonably
practicable, that the objects of the endowment and the observance of any conditions attaching thereto, including in particular conditions intended to preserve the memory of any person or class of persons, are not prejudiced by the provisions of this section.

(8) 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—

(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 Board of Governors of the teaching hospital on that day by virtue of this Act;

(b) if the endowment is transferred to and vested in a Hospital Management Committee by virtue of this Act, be transferred to and vest in that Committee on that day by virtue of this Act;

(c) in any other case be transferred to and vest in the Minister on that day by virtue of this Act.

(9) Regulations may provide—

(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 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, or (in the case of an endowment which would be transferred to a Hospital Management Committee) that Committee, and the other persons concerned;

(b) in connection with any such apportionment, for the severance of leases and the apportionment of rent payable in respect thereof and for the apportionment of any rights and liabilities acquired or incurred for the purposes of managing the property and of any liabilities charged thereon;

(c) in lieu of such apportionment, for the disposal of any such property and for the apportionment of the 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 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.

(ii) 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—

(a) interests in or attaching to land other than the premises referred to in subsection (i) or subsection (5) of the last foregoing section, and in equipment, furniture or other movable property used on or in connection with such land;

(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 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.

(iii) 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 immediately before that day, have been an endowment of that hospital within the meaning of this section, he shall—

(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) if the endowment would have been transferred to the Hospital Management Committee, transfer the property to that Committee;

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

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 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.

(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—

(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;

(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.

(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.

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-nine 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-nine, 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.

(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;

(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

(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 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 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 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 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 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 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 (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.

(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.

(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.

(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—

(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.

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 moveable 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.

Local administration of hospital and specialist services.

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 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.

(2) The order or orders made under the foregoing subsection determining the areas for which the Regional Hospital Boards are to be constituted shall be separate from the order or orders constituting those Boards, and before making any 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 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 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 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 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.

(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 postgraduate 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 (5) 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.

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—

(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) It shall be the duty of the Hospital Management Committee of any hospital or group of hospitals, subject to and in accordance with regulations and such directions as may be given by the Minister or the Regional Hospital Board, to control and manage that hospital or group of hospitals on behalf of the Board, and for that purpose to exercise on behalf of the Board such of the functions of the Board relating to 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 provide for the university with which the hospital is associated such facilities as appear to the Minister to be required for clinical teaching and research;
(b) to appoint officers required to be employed at or for the purposes of the hospital;
(c) to maintain any premises forming part of or used in connection with the hospital;
(d) 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, and a Hospital Management Committee shall, notwithstanding that they may be exercising functions on behalf of the Regional Hospital Board, 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 the Board or Committee were acting as a principal, and all proceedings for the enforcement of such rights or liabilities, shall be brought by or against the Board or Committee in their own name.

(2) A Regional Hospital Board, Board of Governors or Hospital Management Committee shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the discovery or production of documents, but this subsection shall be without prejudice to any right of the Crown to withhold or procure the withholding from production of any document on the ground that its disclosure would be contrary to the public interest.

14.—(1) All officers employed for the purposes of any hospital providing hospital and specialist services, other than 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 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 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 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 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;

(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 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;

(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.

15.—(1) If any 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 is not incorporated at the passing of this Act, the governing body of the school shall, within a period of six months from the passing 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 licence in mortmain, and for conferring powers and imposing duties on that body and otherwise for the future management 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 the teaching hospital with which the school is associated, respectively.
(2) A scheme prepared and submitted under the last foregoing subsection shall not have effect unless it has been approved by the governing body of the said university, and the said governing body may either approve the scheme without 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 submitted to and approved by the governing body of the university 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 constitution of the school.

Ancillary services provided by the Minister.

16.—(1) Without prejudice to the general powers and duties conferred or imposed on the Minister under the Ministry of Health Act, 1919, and the duties imposed on the Committee of the Privy Council for Medical Research under the said Act, the Minister may conduct, or assist by grants or otherwise any person to conduct, research into any 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 Committee shall have power to conduct research into any of the matters aforesaid.

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.

18. Where the Minister has, in providing hospital and blood 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.
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.

(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:

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.

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.

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—

(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
(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

(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 for modifying the proposals and shall, not later than the day on which such recommendations are made, serve a copy thereof on the local health authority.

(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.

(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.

(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:

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

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

(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;

(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;

(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.

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

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.

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.

(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.

(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.

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(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.

(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 Acts, 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".

(2) It shall be the duty of every local health authority to secure, whether by making arrangements with Boards of Governors of teaching hospitals, Hospital Management Committees or voluntary organisations for the employment by those Boards, Committees or 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 Acts, 1902.

(3) Subsection (1) of section nine of the Midwives Acts, 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".
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.

(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.

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.

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.

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

(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.

(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.

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

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 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.
(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.

28.—(1) A local health authority may with the approval of the Minister, 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 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.

(2) A local health authority may, with the approval of the 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 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 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.

(2) A local health authority may, with the approval of the 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 twenty, shall come into force on the appointed day.

PART IV.

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

Administration

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

(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.

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.

(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:

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.

(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 for any of the matters for which, in relation to an Executive Council, regulations made under the Fifth Schedule to this Act may provide.
(5) Any order made under this section, and any order 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.

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

(a) of the medical practitioners of that area, or
(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 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 as may be prescribed.

General Medical Services.

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 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 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;

(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;
(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;

(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.

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.

(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—

(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

(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.

(3) The Medical Practices Committee may refuse any such application on the ground that the number of medical practitioners 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 persons who have made applications exceeds the number