STATUTORY INSTRUMENTS

1977 No. 643

HEALTH SERVICES

The Health Services Board (Hospital Premises) Regulations 1977

Made - - - -	31*st March* 1977
Laid before Parliament	5*th April* 1977
Coming into Operation	6*th April* 1977

The Secretary of State for Social Services, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of powers conferred on them by section 14(7) of the Health Services Act 1976**(a)**, and of all other powers enabling them in that behalf, and after consultation with the Health Services Board, bodies representative of medical and dental practitioners and other bodies representative of interests likely to be substantially affected by these regulations in accordance with section 22(2) of the Act hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Health Services Board (Hospital Premises) Regulations 1977 and shall come into operation on 6th April 1977.

Interpretation

2.—(1) In these regulations the following expressions have the respective meanings hereby assigned to them:—

"dental practitioner" means a person registered in the dentists register under the Dentists Act 1957**(b)**;

"hospital" has, in relation to England and Wales, the meaning assigned to it by section 79(1) of the National Health Service Act 1946**(c)** and, in relation to Scotland, the meaning assigned to it by section 80(1) of the National Health Service (Scotland) Act 1947**(d)**;

"illness" includes mental disorder within the meaning of section 4(1) of the Mental Health Act 1959**(e)** or section 6 of the Mental Health (Scotland) Act 1960**(f)** and any injury or disability requiring medical or dental treatment or nursing;

(a) 1976 c. 83.
(b) 1957 c. 28.
(c) 1946 c. 81.
(d) 1947 c. 27.
(e) 1959 c. 72.
(f) 1960 c. 61.

"local authority" has, in relation to England and Wales, the meaning assigned to it by section 9(7) of the National Health Service Reorganisation Act 1973**(a)** and, in relation to Scotland, the meaning assigned to it by section 235(1) of the Local Government (Scotland) Act 1973**(b)**;

"medical" includes surgical;

"medical practitioner" means a fully registered person within the meaning of section 54(1) of the Medical Act 1956**(c)**;

"the National Health Service Acts" means, in relation to England and Wales, the National Health Service Acts 1946 to 1976 and, in relation to Scotland, the National Health Service (Scotland) Acts 1947 to 1976.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(d)** shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Definition of Hospital Premises

3. For the purposes of the definition of "hospital premises" in section 14(7) of the Health Services Act 1976 the prescribed classes of premises shall be premises used, or to be used, for the prevention, diagnosis or treatment of illness or for the reception of patients in which there are, or are to be, facilities for the provision of all or any of the following services, namely—

(*a*) the carrying out of surgical procedures other than dental surgery and orthodontics carried out at premises referred to in sub-paragraph (vii) below;

(*b*) post-operative care required as a result of surgical procedures falling within paragraph (*a*) above;

(*c*) obstetrics;

(*d*) radiotherapy;

(*e*) any other services for the diagnosis or treatment of illness;

Except that they do not include—

(i) any hospital provided, or to be provided, by the Secretary of State under the National Health Service Acts;

(ii) any accommodation provided, or to be provided, by a local authority and used or to be used as a hospital by or on behalf of the Secretary of State under the National Health Service Acts;

(iii) any premises managed or to be managed by a Government department or provided by a local authority;

(iv) any sanatorium provided, or to be provided, by a school or other educational establishment and used or to be used solely for the purpose of persons attending such school or establishment;

(a) 1973 c. 32.
(b) 1973 c. 65.
(c) 1956 c. 76.
(d) 1889 c. 63.

(v) any first-aid room maintained or intended to be maintained at, or in conjunction with, a factory within the meaning of section 175 of the Factories Act 1961**(a)** or at, or in conjunction with, premises to which the Offices, Shops, and Railway Premises Act 1963**(b)** applies;

(vi) any first-aid or treatment room maintained or intended to be maintained at a sports club, showground or place of public entertainment;

(vii) any premises used, or intended to be used, by a medical or dental practitioner wholly or mainly for the purpose of consultation;

(viii) any disabled persons' or old persons' home registered or intended to be registered under section 37 of the National Assistance Act 1948**(c)**;

(ix) any residential home for mentally disordered patients registered or intended to be registered by virtue of section 19 of the Mental Health Act 1959**(d)**;

(x) any residential establishment registered or intended to be registered under Part IV of the Social Work (Scotland) Act 1968**(e)**;

(xi) any premises used or intended to be used wholly or mainly for the terminal or long-term care of the elderly; or

(xii) any controlled premises within the meaning of section 12(2) of the Health Services Act 1976.

David Ennals,
Secretary of State for Social Services.

24th March 1977.

John Morris,
Secretary of State for Wales.

28th March 1977.

Bruce Millan,
Secretary of State for Scotland.

31st March 1977.

(a) 1961 c. 34.
(b) 1963 c. 41.
(c) 1948 c. 29.
(d) 1959 c. 72.
(e) 1968 c. 49.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the classes of premises which are to be "hospital premises" for the purpose of section 14 of the Health Services Act 1976, which requires notice to be given to the Health Services Board of an application to apply for planning permission for works affecting such premises.

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