26. ISLES OF SCILLY

The Isles of Scilly (National Health Service) Order, 1948

1948 No. 167

Made - - - - 30th January, 1948

107370.

Whereas by subsection (3) of section 80 of the National Health Service Act, 1946(a), it is enacted that the Minister of Health may by order direct that the 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 the Act shall not extend to the said Isles, and it is further provided that the Minister may by any such order amend or repeal any provisions contained in the Isles of Scilly Orders, 1927 to 1943;

And Whereas by the Isles of Scilly (National Health Service) Order, 1946(b), the provisions of Parts I and II and the first three schedules of the Act were extended to the Isles;

And Whereas it is expedient that the said order of 1946 should be revoked and that the Act as a whole should be extended to the Isles subject to the exceptions, adaptations and modifications herein provided:

Now, therefore, the Minister of Health, in exercise of the powers conferred on him by subsection (3) of section 80 of the National Health Service Act, 1946, hereby orders as follows:—

1. This order may be cited as the Isles of Scilly (National Health Service) Order, 1948, and shall come into operation on the date hereof.

2.—(1) In this order "the Act" means the National Health Service Act, 1946, and "the Isles" means the Isles of Scilly.

(2) The Interpretation Act, 1889(c), applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. The Isles of Scilly (National Health Service) Order, 1946(b), is hereby revoked.

4. The Act shall extend to the Isles subject to the following exceptions, adaptations and modifications:—

(i) The Council of the Isles as constituted under the Isles of Scilly Order, 1943(d), shall be the local health authority for the Isles and shall be deemed to be a local authority for the purposes of the Act;

(ii) In subsection (1) of section 21 of the Act for the words "It shall be the duty of every local health authority to" there shall be substituted the words "The local health authority for the Isles of Scilly may with the approval of the Minister and to such extent as the Minister may direct shall";

(iii) For subsection (3) of section 22 of the Act there shall be substituted the following provision:—

"(3) The Council of the Isles of Scilly shall be the welfare authority for the purposes of section 203 of the Public Health Act, 1936."(e)

(iv) The Executive Council for the Isles shall be constituted in accordance with the provisions contained in the schedule to this order and subsection (1) of section 31 of the Act shall have effect accordingly;

(a) 9 & 10 Geo. 6. c. 81. (b) S.R. & O. 1946 (No. 2240) I, p. 1061.
(c) 52 & 53 Vict. c. 63. (d) S.R. & O. 1943 (No. 107) I, p. 602.
(e) 26 Geo. 5. & 1 Edw. 8. c. 49.

(v) In the proviso to subsection (3) of section 31 of the Act the words from " and in making " to the end of the proviso shall be omitted;

(vi) Subsection (2) of section 41 (which provides for the constitution of Ophthalmic Services Committees to exercise functions of Executive Councils) of the Act shall not apply to the Isles;

(vii) In subsection (1) (*d*) of section 68 of the Act for references to a county or county borough there shall be substituted references to the Isles of Scilly;

(viii) In subsection (2) (*a*) of section 69 of the Act for the words " to an Executive Council from the insurance committee for any county or county borough comprised in the area of the Council " there shall be substituted the words " to the Executive Council from the Insurance Committee of the Isles ";

(ix) In paragraph 2 of Part II of the Fourth Schedule to the Act the words " the Council of the Isles of Scilly " shall be substituted for the words " the council of a county or county borough ".

5. As from the date on which section 3 of the Act comes into operation the Isles of Scilly Order, 1943, shall be amended by the deletion therefrom of article 9 (2) (*e*) (which provides that the expenses in relation to the examination conveyance and maintenance of rate-aided persons of unsound mind shall be general expenses) and article 22 (which empowers the Council of the Isles to contract for the reception of rate-aided persons of unsound mind of the Isles into any mental hospital).

SCHEDULE.

Constitution of Executive Council.

The Executive Council for the Isles of Scilly shall consist of a Chairman appointed by the Minister of Health and the following further members:—

(*a*) Such members of the Council of the Isles as shall from time to time have notified the Chairman in writing of their desire to serve as members of the Executive Council;

(*b*) Such medical practitioners dental practitioners and registered pharmacists as in the opinion of the Council of the Isles of Scilly are either permanently resident or are practising in the said Isles and have notified the Chairman in writing of their desire to serve as members of the Executive Council; and

(*c*) Two members appointed by the Minister.

Given under the official seal of the Minister of Health this thirtieth day of January, nineteen hundred and forty-eight.

(L.S.)

Wm. S. Douglas,
Secretary,
Ministry of Health.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Order extends to the Isles of Scilly the provisions of the National Health Service Act, 1946, subject to certain modifications, the chief of which are that the Council of the Isles is to be the local health authority for the purposes of the Act and that the Executive Council for the Isles is to be constituted in accordance with the provisions of the Schedule to the Order.

The Isles of Scilly (National Health Service) Order, 1946, which applied part only of the Act to the Isles, is revoked.

The Order revokes certain provisions of the Isles of Scilly Order, 1943, which are inconsistent with the provisions of the Act.