

**Changes to legislation:** National Health Service and Community Care Act 1990, Part II is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 8

#### PROVISIONS ARISING OUT OF REMOVAL OF CROWN IMMUNITIES FROM HEALTH SERVICE BODIES

##### Commencement Information

**II** Sch. 8 wholly in force at 1.4.1991 see s. 67(2) and S.I. 1990/1329, art. 2(8), Sch. 3.

#### PART II

##### CONSEQUENTIAL AMENDMENTS

###### *The Acquisition of Land (Authorisation Procedure)(Scotland) Act 1947*

5 In the First Schedule to the <sup>M1</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (procedure for authorising compulsory purchases), after paragraph 10 there shall be inserted the following paragraph—

- “10A In paragraphs 9 and 10 of this Schedule “statutory undertakers” include—
- (a) a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990; and
  - (b) a National Health Service trust established under Part I of that Act or the National Health Service (Scotland) Act 1978;

but in relation to a health service body, as so defined, any reference in those paragraphs to land acquired or available for acquisition by the statutory undertakers shall be construed as a reference to land acquired or available for use by the Secretary of State for use or occupation by that body.”

##### Marginal Citations

**M1** 1947 c. 42.

###### *The Town and Country Planning Act 1971*

6 In section 128 of the <sup>M2</sup>Town and Country Planning Act 1971 (use and development of consecrated land and burial grounds) after subsection (4) there shall be inserted the following subsection—

- “(4A) In the case of land—
- (a) which has been acquired by the Secretary of State under subsection (1) of section 87 of the National Health Service Act 1977

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or to which, by virtue of subsection (6) of that section, this section applies as if it had been so acquired, and

- (b) which is held, used or occupied by a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990,

subsection (1) or, as the case may be, subsection (4) above shall apply with the omission of paragraph (a) and, in paragraph (b), of the words “in any other case”.

**Marginal Citations**

M2 1971 c. 78.

*The Town and Country Planning (Scotland) Act 1972*

F17 .....

**Textual Amendments**

F1 Sch. 8 para. 7 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

*The Acquisition of Land Act 1981*

- 8 (1) At the end of section 16 of the <sup>M3</sup>Acquisition of Land Act 1981 (statutory undertakers’ land excluded from compulsory purchase) there shall be added the following subsection—

“(3) In the preceding provisions of this section “statutory undertakers” include—

- (a) a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990; and
- (b) a National Health Service trust established under Part I of that Act or the National Health Service (Scotland) Act 1978;

but in relation to a health service body, as so defined, any reference in those provisions to land acquired or available for acquisition by the statutory undertakers shall be construed as a reference to land acquired or available for acquisition by the Secretary of State for use or occupation by that body”.

- (2) In section 17 of that Act (local authority and statutory undertakers’ land) at the end of subsection (2) there shall be inserted the following subsection—

“(2A) Subsection (3) of section 16 above applies in relation to subsections (1) and (2) above as it applies in relation to the preceding provisions of that section.”

**Marginal Citations**

M3 1981 c. 67.

*The Value Added Tax Act 1983*

F29 .....

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#### Textual Amendments

**F2** [Sch. 8 para. 9](#) repealed (1.9.1994) by [1994 c. 23](#), ss. 100(2), 101(1), [Sch. 15](#)

#### *The Housing Act 1988*

- 10 In Schedule 2 to the <sup>M4</sup>Housing Act 1988 (grounds for possession of dwelling-houses let on assured tenancies), at the end of Ground 16 (dwelling-house let in consequence of employment by the landlord) there shall be added the following paragraph—

“For the purposes of this ground, at a time when the landlord is or was the Secretary of State, employment by a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, shall be regarded as employment by the Secretary of State.”

#### Marginal Citations

**M4** [1988 c. 50](#).

#### *The Housing (Scotland) Act 1988*

- 11 In Schedule 5 to the <sup>M5</sup>Housing (Scotland) Act 1988 (grounds for possession of houses let on assured tenancies) at the end of Ground 17 (house let in consequence of employment by the landlord) there shall be added the following paragraph—

“For the purposes of this ground, at a time when the landlord is or was the Secretary of State, employment by a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, shall be regarded as employment by the Secretary of State.”

#### Marginal Citations

**M5** [1988 c. 43](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))