



National Health Service Act 1977

1977 CHAPTER 49

PART II

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

General dental services

35 Arrangements for general dental services.

[^{F1}(1) It is the duty [^{F2}of every Primary Care Trust and] of every [^{F3}Health Authority], in accordance with regulations, to make as respects their [^{F4}area] arrangements with dental practitioners [^{F5}or dental corporations] under which any person in the [^{F4}area] for whom a dental practitioner [^{F5}or dental corporation] undertakes in accordance with the arrangements to provide dental treatment and appliances shall receive such treatment and appliances.

(1A) The services so provided are referred to in this Act as general dental services.]

(2) The remuneration to be paid under such arrangements to a dental practitioner who [^{F6}, or dental corporation which,] provides general dental services elsewhere than at a health centre shall not consist wholly or mainly of a fixed salary [^{F7}(or, in the case of a dental corporation, a fixed rate of remuneration)] unless either—

- (a) the remuneration is paid in pursuance of arrangements made under section 56 below, or
- (b) the services are provided in prescribed circumstances and the practitioner [^{F8}or corporation] consents,

and it shall be the Secretary of State's duty, before he prescribes any circumstances for the purposes of paragraph (b), to consult such organisations as appear to him to be representative of the dental profession.

[^{F9}(3) Where the registration of a dental practitioner in the dentists register is suspended—
(a) by an order under [^{F10}section 32 of the ^{M1}Dentists Act 1984] (interim suspension); or

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(b) by a direction or ^[F11]an order of the Health Committee under] that Act (health cases),

the suspension shall not terminate any arrangements made with him for the provision of general dental services, but he shall not provide such services in person during the suspension.

(4) Regulations may provide for the making of payments in consequence of suspension to a dental practitioner whose registration is so suspended.]

^[F12](5) In this Act, “dental corporation” means a body corporate which carries on the business of dentistry (within the meaning of section 40 of the Dentists Act 1984 (c. 24)).]

Textual Amendments

- F1** S. 35(1)(1A) substituted for s. 35(1) by S.I. 1985/39, **art. 7(9)**
- F2** Words in s. 35(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 9**; S.I. 2002/2478, **art. 3(1)(d)**
- F3** Words in s. 35(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 24(a)** (with Sch. 2 para. 6)
- F4** Words in s. 35(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 24(b)** (with Sch. 2 para. 6)
- F5** Words in s. 35(1) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(2)(a)(i)(ii), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(1), Sch. 1 Pt. I; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F6** Words in s. 35(2) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(2)(b)(i), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(1), Sch. 1 Pt. I; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F7** Words in s. 35(2) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(2)(b)(ii), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(1), Sch. 1 Pt. I; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F8** Words in s. 35(2)(b) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(2)(b)(iii), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(1), Sch. 1 Pt. I; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F9** S. 35(3)(4) added by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **s. 15(a)**
- F10** Words substituted by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(1), **Sch. 5 para. 8(a)**
- F11** Words substituted by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(1), **Sch. 5 para. 8(b)**
- F12** S. 35(5) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(2)(c), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(1), Sch. 1 Pt. I; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1

Modifications etc. (not altering text)

- C1** S. 35 restricted (28.11.1997) by 1997 c. 46, **s. 1(5)(b)**; S.I. 1997/2620, **art. 2(2)**
- C2** S. 35(1) modified (*prosp.*) by 1997 c. 46, **ss. 41(3)(11) Sch. 2 Pt. II para. 79**

Marginal Citations

- M1** 1984 c. 24(83:1).

36 Regulations as to s. 35.

^[F13](1) Regulations may provide as to the arrangements to be made under section 35 above, and shall include provision—

^[F14](a) for the preparation and publication by each Primary Care Trust and by each Health Authority of a list of dental practitioners and dental corporations who undertake to provide general dental services for persons in the area of the Primary Care Trust or Health Authority;]

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(b) for conferring a right, subject to ^{F15}[^{F16}subsections ^{F17}(2) to (7)] below ^{F18}[to any provision made under section 43C below] and to the provisions of this Part of this Act relating to the disqualification of practitioners ^{F19}[and to section 8 of the Health and Medicines Act 1988 and regulations under that section], on any dental practitioner ^{F20}[or dental corporation], who wishes to be included in any such list, to be so included;

^{F21}(c)

(d) for the removal from the list of dental practitioners ^{F22}[and dental corporations] undertaking to provide general dental services for persons in any ^{F23}[area] of the name of any one in whose case it has been determined in such manner as may be prescribed that he has never provided, or has ceased to provide, such general dental services for persons in that ^{F23}[area].

^{F24}(1A) The regulations may include provision as to—

(a) information which must be supplied to a ^{F25}[Primary Care Trust or] Health Authority by, or by arrangement with, a dental practitioner or dental corporation included or seeking inclusion in a list referred to in subsection (1) (a); and

(b) the supply to a ^{F25}[Primary Care Trust or] Health Authority—
 (i) by a dental practitioner who is included, or seeking inclusion, in such a list, or
 (ii) by a director of a dental corporation included, or seeking inclusion, in such a list,

of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act.]

^{F26}(1B) The regulations may include provision as to the making of declarations about—

(a) financial interests;
 (b) gifts above a prescribed value; and
 (c) other benefits received.

(1C) Before making regulations by virtue of subsection (1B), the Secretary of State must consult such organisations as he thinks fit appearing to him to represent dental practitioners and dental corporations providing general dental services.]

^{F27}(2) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the list kept by any ^{F28}[Primary Care Trust or] ^{F29}[Health Authority] unless he satisfies ^{F29}[the ^{F28}Primary Care Trust or] Health Authority] that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services in the ^{F30}[area of the Primary Care Trust or Health Authority].]

^{F31}(3) Regulations may make the exercise of the right conferred by virtue of paragraph (b) of subsection (1) above subject to any provision made by or under the regulations, and, in such cases as may be prescribed, may confer a right of appeal to a prescribed body in respect of a refusal to include a dental practitioner ^{F20}[or dental corporation] on such a list as is referred to in paragraph (a) of that subsection.]

^{F32}(4) The provision which may be made by regulations under subsection (3) includes, in particular, provision in relation to grounds on which a ^{F33}[Primary Care Trust or] Health Authority may, or must, refuse to include a dental practitioner or a dental

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corporation in a list referred to in subsection (1)(a) (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H below).

- (5) Those regulations may make provision in relation to criteria to be applied in making decisions under the regulations.
- (6) If those regulations provide that a [^{F34}Primary Care Trust or] Health Authority may refuse to include a dental practitioner or dental corporation in such a list, they must also provide for an appeal (by way of redetermination) to the FHSAA against the [^{F35}decision of the Primary Care Trust or of the Health Authority] .
- (7) Regulations may provide for grounds on which a [^{F36}Primary Care Trust or] Health Authority may defer a decision whether or not to grant an application for inclusion in a list referred to in subsection (1)(a).
- (8) Regulations may make provision as to the disclosure by a [^{F37}Primary Care Trust or] Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about dental practitioners and dental corporations seeking inclusion in such a list, and refusals by the [^{F38}Primary Care Trust or] Health Authority to include them.]

Textual Amendments

- F13** S. 36 renumbered s. 36(1) by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 5(1)**
- F14** S. 36(1)(a) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(2)**; S.I. 2002/2478, **art. 3(1)(d)**
- F15** Words inserted by S.I. 1981/432, **art. 3(3)(a)**
- F16** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 24(2)**
- F17** Words in s. 36(1)(b) substituted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 20(4)(a), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, **art. 2(2)**, **Sch. 1 Pt. II**; S.I. 2002/1475, **art. 2(1)**, **Sch. Pt. 1**
- F18** Words in s. 36(1)(b) inserted (1.4.2000) by 1999 c. 8, **s. 9(3)**, 67; S.I. 1999/2793, **art. 2(3)(b)**; S.I. 2000/1041, **art. 2(a)**
- F19** Words inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 4**
- F20** Words in s. 36(1)(b) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(3)(b)(d), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, **art. 2(1)**, **Sch. 1 Pt. I**; S.I. 2002/1475, **art. 2(1)**, **Sch. Pt. 1**
- F21** S. 36(1)(c) repealed (1.10.1998) by 1997 c. 46, s. 41(10)(12), **Sch. 2 Pt. I para. 12**, **Sch. 3 Pt. I**; S.I. 1998/1998, **art. 2(2)(a)(b)**, **Schs. 1 2**
- F22** Words in s. 36(1)(a)(d) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(3)(a)(c), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, **art. 2(1)**, **Sch. 1 Pt. I**; S.I. 2002/1475, **art. 2(1)**, **Sch. Pt. 1**
- F23** Words in s. 36(1)(d) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 25(a)**
- F24** S. 36(1A) inserted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 20(4)(b), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, **art. 2(2)**, **Sch. 1 Pt. II**; S.I. 2002/1475, **art. 2(1)**, **Sch. Pt. 1**
- F25** Words in s. 36(1A) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(3)**; S.I. 2002/2478, **art. 3(1)(d)**
- F26** S. 36(1B)(1C) inserted (1.7.2002 for W., otherwise prosp.) by 2001 c. 15, ss. 23(3), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1475, **art. 2(1)** **Sch. Pt. 1**

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- F27** S. 36(2) added by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 5(2)**
- F28** Words in s. 36(2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F29** Words in s. 36(2) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. 1 para. 25(b)(i)(ii)(iii)** (with Sch. 2 para. 6)
- F30** Words in s. 36(2) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(4)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F31** S. 36(3) added by National Health Service and Community Care Act 1990 (c.19, SIF 113:2), **s. 24(3)**
- F32** S. 36(4)-(8) inserted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 20(4)(c), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, **art. 2(2)**, Sch. 1 Pt. II; S.I. 2002/1475, **art. 2(1)** Sch. Pt. 1
- F33** Words in s. 36(4) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(5)**; S.I. 2002/2478, **art. 3(1)(d)**
- F34** Words in s. 36(6) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(6)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F35** Words in s. 36(6) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(6)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F36** Words in s. 36(7) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(7)**; S.I. 2002/2478, **art. 3(1)(d)**
- F37** Words in s. 36(8) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(7)**; S.I. 2002/2478, **art. 3(1)(d)**
- F38** Words in s. 36(8) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 10(7)**; S.I. 2002/2478, **art. 3(1)(d)**

Modifications etc. (not altering text)

- C3** S. 36 extended by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 17(1)**

37 Dental Estimates Board.

[^{F39}(1)] Regulations providing as to the arrangements to be made under section 35 above shall include provision—

- (a) for constituting a Board, to be called the Dental Estimates Board, of whom the chairman and a majority of the members shall be dental practitioners, for the purpose of carrying out such duties as may be prescribed with respect to . . . ^{F40} dental treatment and appliances, and to the remuneration of dental practitioners providing general dental services;
- (b) for providing in relation to that Board for any of the matters for which, in relation to [^{F41}a [^{F42}Strategic Health Authority]], provision is or may be made by or under Part III of Schedule 5 to this Act.

[^{F43}(1A)] Regulations may empower the Dental Practice Board—

- (a) to direct a dental practitioner to submit to the Board, in relation to treatment which he has carried out or contemplates carrying out or to a description of such treatment specified in the direction, such estimates and information and such radiographs, models or other items as may be prescribed; and
- (b) to direct a dental practitioner not to carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Board.

(1B) If regulations include any such provision as is mentioned in subsection (1A)(b) above, regulations shall confer on a dental practitioner in whose case a direction such as is

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mentioned in that paragraph has been given a right of appeal against the direction to a prescribed person or body, but before making regulations conferring such a right the Secretary of State shall consult such organisations as appear to him to be representative of persons providing general dental services.

(1C) Regulations may be made authorising or requiring the Dental Practice Board to carry on any such additional activity relating to the provision of general dental services as may be prescribed and, without prejudice to the generality of this subsection, to conduct or commission surveys or other research relating to the provision of such services.]

[^{F44}(2) In subsections (1A) and (1B), references to a dental practitioner include references to a dental corporation.]

Textual Amendments

- F39** S. 37 renumbered as s. 37(1) by [Health and Medicines Act 1988 \(c.49, SIF 113:2\)](#), **s. 12(2)**
- F40** Words repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), **Sch. 3**
- F41** Words in s. 37(1)(b) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. 1 para. 26** (with Sch. 2 para. 6)
- F42** Words in s. 37(1)(b) substituted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 17**; S.I. 2002/2478, **art. 3(1)(c)**
- F43** S. 37(1A)—(1C) inserted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), **s. 12(3)**
- F44** S. 37(2) inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 22(4), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, **art. 2(1)**, Sch. 1 Pt. I; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1

Modifications etc. (not altering text)

- C4** S. 37 extended (1.11.1999 for E. and 9.2.2001 for W.) by 1999 c. 8, **ss. 39(2)**, 67; S.I. 1999/2793, **art. 2(1)(a)**, **Sch. 1**; S.I. 2001/270, **art. 2(a)**

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

- Act modified by [2003 c. 43 Sch. 7 para. 3\(7\)](#)
- Act repealed by [2006 c. 43 Sch. 4](#)

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

- s. 3(4) inserted by [2003 c. 43 Sch. 11 para. 8](#)
- s. 3(4)(a) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(a\)](#)
- s. 3(4)(b) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 3(4)(b) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(b\)](#)
- s. 8(9)(10) added by [2006 c. 28 s. 74\(1\)](#)
- s. 11(4A)(4B) inserted by [2006 c. 28 s. 74\(2\)\(a\)](#)
- s. 16B(4) inserted by [2003 c. 43 s. 182\(1\)](#)
- s. 16BC(4) inserted by [2003 c. 43 s. 182\(2\)](#)
- s. 16CA and heading inserted by [2003 c. 43 s. 170](#)
- s. 16CB inserted by [2003 c. 43 s. 171\(1\)](#)
- s. 16CC inserted by [2003 c. 43 s. 174](#)
- s. 16CD16CE inserted by [2006 c. 28 s. 37](#)
- s. 19A(2)(aa) inserted by [2003 c. 43 Sch. 9 para. 9](#)
- s. 20A inserted by [2003 c. 4 s. 1\(1\)](#)
- s. 21(4) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 9](#)
- s. 22(1A)(e) inserted by [2003 c. 43 Sch. 4 para. 25](#)
- s. 28D(1)(b)-(bc) substituted for s. 28D(1)(b)(c) by [2003 c. 43 s. 177\(2\)](#)
- s. 28D(1)(bc)(i) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 28D(1)(bc)(iii) words substituted by [S.I. 2004/957 Sch. para. 3](#)
- s. 28D(1A) inserted by [2003 c. 43 s. 177\(3\)](#)
- s. 28E(3)(ca) inserted by [2003 c. 43 s. 177\(7\)](#)
- s. 28E(3A)(3B) inserted by [2003 c. 43 s. 177\(8\)](#)
- s. 28E(3C) inserted by [2003 c. 43 s. 177\(9\)](#)
- s. 28E(3D) inserted by [2003 c. 43 s. 177\(10\)](#)
- s. 28E(3E)(3F) inserted by [2003 c. 43 s. 177\(11\)](#)
- s. 28K-28P and heading inserted by [2003 c. 43 s. 172\(1\)](#)
- s. 28M(4) words substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 16](#)
- s. 28Q-28W and heading(s) inserted by [2003 c. 43 s. 175\(1\)](#)
- s. 28W(5) applied by [S.I. 2004/478 reg. 100\(3\)](#)
- s. 28W(5) applied by [S.I. 2004/478 Sch. 6 para. 100\(3\)](#)
- s. 28X applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 4](#)
- s. 28X inserted by [2003 c. 43 s. 179\(1\)](#)
- s. 28X heading words substituted by [2006 c. 28 s. 39\(5\)](#)
- s. 28X(1A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(a\)](#)
- s. 28X(2A) inserted by [2006 c. 28 s. 39\(2\)](#)
- s. 28X(3)(b) words substituted by [2006 c. 28 s. 39\(3\)](#)
- s. 28X(3)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(b\)](#)
- s. 28X(6A) inserted by [2006 c. 28 s. 39\(4\)](#)
- s. 28Y inserted by [2003 c. 43 s. 180](#)
- s. 28Y(1) applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 5](#)
- s. 28Y(1)(a) substituted by [2006 c. 28 s. 40\(2\)](#)
- s. 28Y(1)(b) words substituted by [2006 c. 28 s. 40\(3\)](#)
- s. 28Y(1)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 18](#)
- s. 28WA-28WF and cross-heading inserted by [2006 c. 28 s. 38](#)
- s. 29-34A repealed by [2003 c. 43 s. 175\(2\)Sch. 14 Pt. 4](#)

- s. 34A inserted by [1997 c. 46 s. 25\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 25(1) repealed (1.4.2004) without ever being in force by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1) (4), Sch. 14 Pt. 4 Note; S.I. 2004/288, art. 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345))
- s. 35(3)-(3B) substituted for s. 35(3) by [S.I. 2005/2011 Sch. 6 para. 1\(2\)\(a\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- s. 42(2A) inserted by [2001 c. 15 s. 40\(3\)](#)
- s. 42(2B)(2C) inserted by [2006 c. 28 s. 35](#)
- s. 42A42B inserted by [2006 c. 28 s. 34\(1\)](#)
- s. 43(4)(5) added by [1997 c. 19 Sch. para. 6](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 19 repealed (30.3.2007) by S.I. 2007/289, art. 1(2)(3), Sch. 1 para. 6; commencing date as notified in The Gazette, published 23.3.2007)
- s. 43A inserted by [1984 c. 48 s. 7\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(1) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43A43B substituted by [1999 c. 8 s. 10\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1))
- s. 43A43B substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 19](#)
- s. 43A(3) repealed by [1997 c. 46 Sch. 2 para. 77](#)[Sch. 3 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 77 repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43B added by [1984 c. 48 s. 7\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(3) repealed to the extent that it inserts section 43B of the National Health Service Act 1977 (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without that amendment ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 44(3A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 20\(c\)](#)
- s. 45A45B inserted by [2003 c. 43 Sch. 11 para. 23](#)
- s. 45A(3) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(3)(a) word repealed by [2006 c. 28 Sch. 8 para. 17\(2\)](#)[Sch. 9](#)
- s. 45A(3)(aa) inserted by [2006 c. 28 Sch. 8 para. 17\(2\)](#)
- s. 45A(4) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(4)(a) substituted by [2006 c. 28 Sch. 8 para. 17\(3\)](#)
- s. 45A(11) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45C inserted by [2006 c. 28 s. 41](#)
- s. 46-46C substituted for s. 46 by [1999 c. 8 s. 40\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed by 2001 c. 15, ss. 67, 70(2), Sch. 6 Pt. 1 (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the National Health Service Act 2006 (c. 41) (as to which see s. 227 of that 2006 Act) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), arts. 1(1), 2, Sch. 1 Pt. 2 para. 8(c))
- s. 54(1)(c) and word(s) inserted by [2003 c. 43 Sch. 11 para. 26\(2\)\(c\)](#)
- s. 54(1)(c) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) and word(s) inserted by [2003 c. 43 Sch. 11 para. 27\(2\)](#)
- s. 72(5)(d) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(i\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(ii\)](#)

- s. 77(4) inserted by [2003 c. 43 Sch. 11 para. 28](#)
- s. 78A inserted by [1997 c. 46 s. 26\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26(1) repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1))
- s. 79(5)(b) modified by [2003 c. 43 s. 183\(4\)](#)
- s. 96(4) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 27](#)
- s. 96A(12) inserted by [2003 c. 43 Sch. 4 para. 37](#)
- s. 98(1A)-(1C) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(2\)](#)
- s. 98(1A) substituted by [S.I. 2004/1714 Sch. 2 para. 1\(2\)](#)
- s. 98(1A)(e) inserted by [S.I. 2006/960 Sch. 2 para. 1\(2\)](#)
- s. 98(1C) words inserted by [S.I. 2004/1714 Sch. 2 para. 1\(4\)](#)
- s. 98(1C) words substituted by [S.I. 2006/960 Sch. 2 para. 1\(4\)](#)
- s. 98(1D) inserted by [2004 c. 23 Sch. 2 para. 2](#)
- s. 98(1BA)(1BB) inserted by [S.I. 2004/1714 Sch. 2 para. 1\(3\)](#)
- s. 98(1BC) inserted by [S.I. 2006/960 Sch. 2 para. 1\(3\)](#)
- s. 98(4A) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(4\)](#)
- s. 98(7)-(10) inserted by [S.I. 2005/1074 art. 2\(2\)](#)
- s. 103(4)(5) inserted by [2001 c. 15 Sch. 5 para. 5\(12\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(12)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 124A(3)(aa) inserted by [2002 c. 38 Sch. 3 para. 20](#)
- s. 126(1A) inserted by [2003 c. 43 s. 183\(3\)\(b\)](#)
- s. 126(4A) inserted by [2001 c. 15 Sch. 5 para. 5\(13\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(13)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 126(4A) inserted by [2003 c. 4 s. 1\(2\)](#)
- Sch. 5 para. 12B inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 39\(c\)](#)
- Sch. 5 para. 10(2A)-(2C) substituted for Sch. 5 para. 10(2A) by [S.I. 2005/2011 Sch. 6 para. 1\(4\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- Sch. 5A para. 20(1A) inserted by [2006 c. 28 s. 74\(3\)](#)
- Sch. 5B para. 19(1A) inserted by [2006 c. 28 s. 74\(4\)](#)
- Sch. 7A inserted by [2003 c. 4 s. 1\(3\)Sch. 1](#)
- Sch. 7A para. 3(1)(fa) inserted by [2003 c. 43 Sch. 11 para. 40\(2\)\(a\)](#)
- Sch. 7A para. 3(1)(g) words repealed by [2003 c. 43 Sch. 11 para. 40\(2\)\(b\)Sch. 14 Pt. 4](#)
- Sch. 7A para. 3(2) words substituted by [2003 c. 43 Sch. 11 para. 40\(3\)](#)
- Sch. 9A para. 10(a)(aa) substituted for s. Sch. 9A para. 10(a) by [2003 c. 43 Sch. 11 para. 42\(4\)\(b\)](#)
- Sch. 9A para. 6(d)(i)(ii) substituted for words in para. 6(d) by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 40\(b\)](#)
- Sch. 11 para. 5A inserted by [S.I. 2004/3363 art. 7](#)
- Sch. 12 para. 2A(6) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 42\(g\)](#)
- Sch. 12 para. 2B amendment to earlier affecting provision 2006 c. 28, s. 41(3) by [S.I. 2006/1407 Sch. 1 Pt. 2 para. 15](#) (The earlier affecting provision cited is incorrect. The correct provision should be s. 42(3).)
- Sch. 12 para. 2B inserted by [2006 c. 28 s. 42\(3\)](#)
- Sch. 12 para. 2A(1)(b)(ba) substituted for Sch. 12 para. 2A(1)(b) by [2006 c. 28 s. 42\(2\)\(a\)](#)
- Sch. 12A para. 7(4) inserted by [2001 c. 15 Sch. 5 para. 5\(17\)\(c\)](#)
- Sch. 12B inserted by [2006 c. 28 s. 56\(2\)Sch. 3](#)
- Sch. 12ZA inserted by [2003 c. 43 s. 183\(2\)](#)

Commencement Orders yet to be applied to the National Health Service Act 1977

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/53 art. 2-4 commences (2001 c. 15)
- S.I. 2003/713 art. 2 commences (2001 c. 15)
- S.I. 2003/833 art. 23 commences (2002 c. 17)
- S.I. 2003/2245 art. 2 commences (2001 c. 15)
- S.I. 2003/2246 art. 2 commences (2002 c. 17)
- S.I. 2003/2660 art. 2-4 commences (2003 c. 4)
- S.I. 2003/3064 art. 2 commences (2003 c. 4)
- S.I. 2003/3083 art. 2 commences (2002 c. 17)
- S.I. 2003/3346 art. 2-5 commences (2003 c. 43)
- S.I. 2004/103 art. 2-4 commences (2001 c. 15)
- S.I. 2004/287 art. 23 commences (1997 c. 46)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/289 art. 2 commences (1998 c. 8)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2004/1859 art. 2-6 commences (1999 c. 8)
- S.I. 2004/2626 art. 2 commences (2003 c. 43)
- S.I. 2005/457 art. 2 commences (2003 c. 43)
- S.I. 2005/558 art. 2Sch. 1 commences (2004 c. 23)
- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.I. 2005/2213 art. 23 commences (2002 c. 38)
- S.I. 2005/2800 art. 3-5 commences (2005 c. 10)
- S.I. 2005/2897 art. 2 commences (2002 c. 38)
- S.I. 2005/2925 art. 24-11 commences (2003 c. 43)
- S.I. 2005/2926 art. 23 commences (1997 c. 46)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/481 art. 23 commences (2001 c. 15)
- S.I. 2006/1014 art. 2Sch. 12 commences (2005 c. 4)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 3681213 commences (1997 c. 46)
- S.I. 2006/2603 art. 2-5 commences (2006 c. 28)
- S.I. 2006/3125 art. 2-4 commences (2006 c. 28)
- S.I. 2007/204 art. 2-4 commences (2006 c. 28)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)