



# Health Act 1999

## CHAPTER 8

### HEALTH ACT 1999

#### PART I

##### THE NATIONAL HEALTH SERVICE

###### *Fund-holding practices*

- 1 Repeal of law about fund-holding practices.

###### *Local administration*

- 2 Primary Care Trusts.
- 3 Primary Care Trusts: finance.
- 4 Expenditure of Health Authorities and Primary Care Trusts.
- 5 Primary Care Trusts: provision of services etc.
- 6 Delegation of Health Authority functions relating to pilot schemes and section 28C arrangements.
- 7 Primary Care Trusts: trust-funds and trustees.
- 8 Payments relating to past performance.
- 9 Indemnity cover for Part II services.
- 10 Remuneration for Part II services.
- 11 Local representative committees.
- 12 Directions.

###### *NHS trusts*

- 13 Establishment orders.
- 14 Exercise of powers.
- 15 Public dividend capital.
- 16 Existing NHS trusts: conversion of initial loan.
- 17 Borrowing.

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### *Quality etc*

- 18 Duty of quality.
- 19 The Commission for Health Improvement.
- 20 Functions of the Commission.
- 21 (1) If requested to do so by the Commission in...
- 22 Arrangements with Ministers.
- 23 Obtaining information etc.
- 24 Restrictions on disclosure of information.
- 25 Abolition of Clinical Standards Advisory Group.

### *Partnership*

- 26 Co-operation between NHS bodies.
- 27 Co-operation between NHS bodies and local authorities.
- 28 Plans for improving health etc.
- 29 Payments by NHS bodies to local authorities.
- 30 Payments by local authorities to NHS bodies.
- 31 Arrangements between NHS bodies and local authorities.
- 32 Joint consultative committees.

### *Control of prices of medicines and profits*

- 33 Powers relating to voluntary schemes.
- 34 Power to control prices.
- 35 Statutory schemes.
- 36 Statutory schemes: supplementary.
- 37 Enforcement.
- 38 Controls: supplementary.

### *Evasion of charges, fraud etc.*

- 39 Evasion of charges etc.
- 40 Disqualification etc. of Part II practitioners.

### *Miscellaneous*

- 41 High security psychiatric services.
- 42 Provision of information by Registrar General.
- 43 Health Service Commissioners.

### *Rectification of transitional arrangements*

- 44 Power to rectify transitional provisions etc.

## **PART II**

### **THE NATIONAL HEALTH SERVICE: SCOTLAND**

### *Fund-holding practices*

- 45 Repeal of law about fund-holding practices.

### *NHS trusts*

- 46 Establishment orders.
- 47 Directions as to delegation of functions.
- 48 Constitution of NHS trust boards.

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49 Duties of NHS trusts.

*Staff transfer*

50 Transfer of staff among health service bodies.

*Quality*

51 Duty of quality.

*Finance*

52 Expenditure of Health Boards and other bodies.

53 Public dividend capital.

54 Existing NHS trusts: conversion of initial loan.

55 Borrowing.

*Indemnity cover*

56 Indemnity cover for Part II services.

*Remuneration*

57 Remuneration for Part II services.

*Fraud*

58 Disqualification etc. of Part II practitioners.

59 Recovery of charges and payments.

**PART III**

MISCELLANEOUS AND SUPPLEMENTARY

*Miscellaneous*

- 60 Regulation of health professions and social care workers etc.  
 60A Standard of proof in fitness to practise proceedings  
 61 English and Scottish border provisions.

*Supplementary*

- 62 Regulations and orders.  
 63 Supplementary and consequential provision etc.  
 64 Interpretation.

*Final provisions*

- 65 Amendments and repeals.  
 66 Devolution.  
 67 Commencement.  
 68 Extent.  
 69 Short title.

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**SCHEDULES**

SCHEDULE 1 —

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After Schedule 5 to the 1977 Act (Health Authorities and...

SCHEDULE 2 —

*Status*

- 1 The Commission is not to be regarded as the servant...

*General powers*

- 2 (1) Subject to any directions given by the Secretary of...

*General duty*

- 3 It is the duty of the Commission to carry out...

*Membership*

- 4 The Commission is to consist of— (a) a chairman appointed...

*Appointment, procedure etc*

- 5 The Secretary of State may by regulations make provision as...  
5A (1) The Secretary of State may direct a Special Health...

*Remuneration and allowances*

- 6 (1) The Commission may pay to its chairman, and to...

*Employees*

- 7 (1) There is to be a chief executive of the...

*Delegation of functions*

- 8 (1) The Commission may arrange for the discharge of any...

*Assistance*

- 9 (1) The Commission may arrange for such persons as it...

*Payments and loans to Commission*

- 10 (1) The Secretary of State may make payments out of...

*Accounts*

- 11 (1) The Commission must keep accounts in such form as...

*Reports and other information*

- 12 (1) As soon as possible after the end of each...

*Application of seal and evidence*

- 13 The application of the seal of the Commission must be...  
14 A document purporting to be duly executed under the seal...

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*Miscellaneous amendments*

- 15 In Schedule 1 to the Public Records Act 1958 (definition...
- 16 In the Schedule to the Public Bodies (Admission to Meetings)...
- 17 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments...
- 18 In the House of Commons Disqualification Act 1975, in Part...
- 19 In the Northern Ireland Assembly Disqualification Act 1975, the same...

SCHEDULE 2A — Section 31 arrangements: transfer of staff

- 1 *Application of Schedule*
- 2 *Orders transferring staff*
- 3 *Effect of order on contracts of employment*
- 4 *Effect of order on pension rights*
- 5 *Divided employments*

SCHEDULE 3 — Regulation of health care and associated professions

*Matters generally within the scope of the Orders*

- 1 An Order may make provision, in relation to any profession,...
- 1A An Order may make provision, in relation to any social...
- 1B The provision that may be made by virtue of paragraph...

*Power to abolish regulatory bodies*

- 1C An Order may abolish a regulatory body if (and only...

*Manner of exercise of power*

- 2 (1) The power to make an Order may be exercised...
- 3 The power may be exercised so as to make provision...
- 4 The power may be exercised so as to make provision...
- 5 The power may be exercised so as to—
- 6 The power may not be exercised so as to create...

*Matters outside the scope of the Orders*

- 7 (1) An Order may not abolish— (a) the regulatory body...
- 8 (1) Where an enactment provides, in relation to any profession,...

*Preliminary procedure for making Orders*

- 9 (1) If it is proposed to lay a draft of...

*Interpretation and application*

- 10 In this Schedule— “ dental practitioner ” means a person...
- 11 (1) The powers conferred by section 60 may be exercised...
- 12 (1) The powers conferred by section 60 extend to the...

SCHEDULE 4 — Amendments of enactments

- .....
- 1 .....

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*National Health Service Act 1966 (c. 8)*

2 .....

*Health Services and Public Health Act 1968 (c. 46)*

3 In section 63 of the Health Services and Public Health...

*The 1977 Act*

4 .....  
5 .....  
6 .....  
7 .....  
8 .....  
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31 .....  
32 .....  
33 (1) Section 98 (accounts and audit) is amended as follows....  
34 .....  
35 .....  
36 .....  
37 .....  
38 .....  
39 .....  
40 .....  
41 .....

*The 1978 Act*

42 The 1978 Act is amended as follows.  
43 In section 9 (local consultative committees)— (a) in subsection (5),...  
44 In section 10(4) (Common Services Agency)— (a) after “Health Boards”...

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- 45 In section 12A(5) (NHS trusts)— (a) in paragraph (a), for...
- 46 In section 17A (NHS contracts)— (a) in subsection (2)—
- 47 In section 17E (personal medical and dental services: regulations),  
subsection...
- 48 .....
- 49 .....
- 50 Section 32 (regulations as to sections 29 to 31) is...
- 51 In section 32A (applications for interim suspension)—
- 52 In section 32B (continuation of suspension pending appeal)—
- 53 .....
- 54 After section 35 there is inserted— Interpretation of Part II....
- 55 In section 85A (financial duties of certain bodies)—
- 56 In section 85B(2) (bodies in respect of which schemes for...
- 57 In section 86 (accounts of Health Boards and the Agency),...
- 58 Section 87D (indicative amounts for doctors’ practices) is omitted.
- 59 In section 102 (state hospitals), for paragraph (b) of subsection...
- 60 In section 105(7) (orders, regulations and directions), for “incidental  
or...
- 61 In section 108(1) (interpretation)— (a) in the appropriate place there...
- 62 In Schedule 7A (NHS trusts)— (a) for any reference to...
- 63 (1) Schedule 7B (financial provisions relating to NHS trusts) is...
- 64 In Schedule 8 (the Tribunal), in paragraph 8—

*Mental Health Act 1983 (c. 20)*

- 65 The Mental Health Act 1983 is amended as follows.
- 66 In section 122(1) (provision of pocket money for in-patients in...
- 67 .....
- 68 In section 134 (correspondence of patients)— (a) in subsection (1)(b),...
- 69 (1) Section 145 (interpretation) is amended as follows.

*Mental Health (Scotland) Act 1984 (c. 36)*

- 70 .....

*Hospital Complaints Procedure Act 1985 (c. 42)*

- 71 .....

*Health Service Joint Consultative Committees (Access to Information) Act 1986 (c. 24)*

- 72 The Health Service Joint Consultative Committees (Access to  
Information) Act...

*Income and Corporation Taxes Act 1988 (c. 1)*

- 73 .....
- .....
- 74 .....
- 75 .....
- 76 .....
- 77 .....
- 78 .....
- 79 .....

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- 80 Section 18 (indicative amounts for doctors’ practices) is omitted.
- 81 .....
- 82 .....
- 83 .....
- 84 .....

*Health Service Commissioners Act 1993 (c. 46)*

- 85 (1) The Health Service Commissioners Act 1993 is amended as...  
.....
- 86 .....

*National Health Service (Residual Liabilities) Act 1996 (c. 15)*

- 87 .....

*National Health Service (Primary Care) Act 1997 (c. 46)*

- 88 .....

*National Health Service (Private Finance) Act 1997 (c. 56)*

- 89 .....

*Audit Commission Act 1998 (c. 18)*

- 90 In section 5 of the Audit Commission Act 1998 (general...

**SCHEDULE 5 — Repeals**

The repeal of section 97(2) of the 1977 Act has...



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**Changes and effects yet to be applied to :**

- s. 16(5) words inserted by [2012 c. 7 Sch. 14 para. 75](#)
- s. 46-49 repealed by [2004 asp 7 sch. 2](#)
- s. 53-55 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 44 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 45 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 62 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 63 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 33 repealed by [2006 c. 28 Sch. 9](#)