



# National Health Service Act 1977

## 1977 CHAPTER 49

### PART I

#### SERVICES AND ADMINISTRATION

##### *Co-operation and assistance*

###### **21 Local social services authorities.**

(1) Subject to paragraphs (d) and (e) of section 3(1) above, the services described in Schedule 8 to this Act in relation to—

- (a) care of mothers [<sup>1</sup>and young children],
- (b) prevention, care and after-care,
- (c) home help and laundry facilities,

are functions exercisable by local social services authorities, and that Schedule has effect accordingly.

(2) A local social services authority who provide premises, furniture or equipment for any of the purposes of this Act may permit the use of the premises, furniture or equipment—

- (a) by any other local social services authority, or
- (b) by any of the bodies constituted under this Act, or
- (c) by a local education authority.

This permission may be on such terms (including terms with respect to the services of any staff employed by the authority giving permission) as may be agreed.

(3) A local social services authority may provide (or improve or furnish) residential accommodation—

- (a) for officers employed by them for the purposes of any of their functions as a local social services authority, or
- (b) for officers employed by a voluntary organisation for the purposes of any services provided under this section and Schedule 8.

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### Textual Amendments

- F1** Words repealed (prosp.) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(7), Sch. 15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4))

## 22 Co-operation between health authorities and local authorities.

- (1) In exercising their respective functions health authorities [F<sup>2</sup>, Family Practitioner Committees] and local authorities shall co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales.
- (2) There shall be committees, to be called joint consultative committees, who shall [F<sup>3</sup>bodies represented on them] on the performance of their duties under subsection (1) above, and on the planning and operation of services of common concern to those authorities.

TABLE

1	2
<i>Area Health Authority</i>	<i>Associated Authorities</i>
An Area [F <sup>4</sup> or District] Health Authority in a metropolitan county in England.	The local authority for each district wholly or partly in the area [F <sup>4</sup> or district] of the Authority. [F <sup>5</sup> Any Family Practitioner Committee whose locality is wholly or partly in the District Health Authority's district.]
An Area [F <sup>4</sup> or District] Health Authority in a non-metropolitan county in England, or an Area [F <sup>4</sup> or District] Health Authority in Wales.	The local authority for each county, and also for each district, wholly or partly in the area [F <sup>4</sup> or district] of the Authority. [F <sup>5</sup> Any Family Practitioner Committee whose locality is wholly or partly in the District Health Authority's district.]
An Area [F <sup>4</sup> or District] Health Authority in Greater London.	The local authority for each London borough wholly or partly in the area [F <sup>4</sup> or district] of the Authority. [F <sup>6</sup> Also the Common Council of the City of London, if in the area [F <sup>4</sup> or district] of the Authority. [F <sup>5</sup> Any Family Practitioner Committee whose locality is wholly or partly in the District Health Authority's district.]

- (3) Except as provided by an order under the following provisions of this section, each joint consultative committee shall represent one or more Area [F<sup>4</sup>or District] Health Authorities together with one or more of the authorities in column 2 of the Table above, and an Area [F<sup>4</sup>or District] Health Authority shall be represented together with each

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of the authorities associated with that Authority in column 2 of the said Table in one or other of the committees (but not necessarily the same committee).

[<sup>F7</sup>(3A) It is the Secretary of State's duty by order to secure as respects each joint consultative committee that it includes additional members appointed in a manner specified in the order by voluntary organisations.]

(4) The Secretary of State shall have power by order to provide for any matter relating to joint consultative committees, and such an order may in particular—

- (a) provide for the way in which the provisions of subsections (2) and (3) above are to be carried out, or provide for varying the arrangements set out in those subsections;
- (b) provide, where it appears to the Secretary of State appropriate, for an Area [<sup>F4</sup>or District] Health Authority [<sup>F8</sup>or a Family Practitioner Committee] to be represented on a joint consultative committee together with a local or other authority whose area is not within the area [<sup>F4</sup>or district] of the Area [<sup>F4</sup>or District] Health Authority [<sup>F9</sup>or the locality of the Family Practitioner Committee];
- (c) afford a choice to any authorities as to the number of joint consultative committees on which they are to be represented, and provide for the case where the authorities cannot agree on the choice;
- (d) authorise or require a joint consultative committee to appoint any sub-committee or to join with another joint consultative committee or other joint consultative committees in appointing a joint sub-committee;
- (e) authorise or require the appointment to a joint consultative committee, or to any sub-committee, of persons who are [<sup>F10</sup>neither—
  - (i) members of the authorities represented by the joint consultative committee; nor
  - (ii) appointed by virtue of an order under subsection (3A) above];
- (f) require the authorities represented on a joint consultative committee to defray the expenses of the committee, and of any sub-committee, in such shares as may be determined by or under the order, and provide for the way in which any dispute between those authorities concerning the expenses is to be resolved; and
- (g) require those authorities to make reports to the Secretary of State on the work of the joint consultative committee and of any sub-committee.

(5) Before making an order under this section the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.

[<sup>F11</sup>(6) Without prejudice to the generality of section 126(4) below, the power to make an order conferred by subsection (3A) above may be exercised so as to make different provision for England and Wales and different provision for different communities in either.]

#### Textual Amendments

- F2** Words inserted by [Health and Social Security Act 1984](#) (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 3(a)**
- F3** Words substituted by [Health and Social Security Act 1984](#) (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 3(b)**
- F4** Words inserted by [Health Services Act 1980](#) (c. 53, SIF 113:2), **Sch. 1 para. 41**
- F5** Para. inserted by [Health and Social Security Act 1984](#) (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 3(c)**

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- F6 Words repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1, 2), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F7 S. 22(3A) inserted by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 12, **Sch. 5 para. 2(a)**
- F8 Words inserted by [Health and Social Security Act 1984](#) (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 3(d)(i)**
- F9 Words inserted by [Health and Social Security Act 1984](#) (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 3(d)(ii)**
- F10 Words substituted by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41 SIF 113:3), s. 12, Sch. 5 para. 2(b)
- F11 S. 22(6) inserted by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 12, **Sch. 5 para. 2(c)**

## 23 Voluntary organisations and other bodies.

- (1) The Secretary of State may, where he considers it appropriate, arrange with any person or body (including a voluntary organisation) for that person or body to provide, or assist in providing, any service under this Act.  
.....  
**F12**
- (2) The Secretary of State may make available—
  - (a) to any person or body (including a voluntary organisation) carrying out any arrangements under subsection (1) above, or
  - (b) to any voluntary organisation eligible for assistance under section 64 or section 65 of the Health Services and Public Health Act 1968 (assistance made available by the Secretary of State or local authorities), any facilities (including goods or materials, or the use of any premises and the use of any vehicle, plant or apparatus) provided by him for any service under this Act; and, where anything is so made available, the services of persons employed by the Secretary of State or by a health authority in connection with it.
- (3) The powers conferred by this section may be exercised on such terms as may be agreed, including terms as to the making of payments by or to the Secretary of State, and any goods or materials may be made available either temporarily or permanently.
- (4) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of this section and is used in accordance with the terms on which it is so made available, the Vehicles (Excise) Act 1971 and [**F13**Part VI of the Road Traffic Act 1988] shall have effect with such modifications as are specified in the order.
- (5) Any power to supply goods or materials conferred by this section includes a power to purchase and store them and includes a power to arrange with third parties for the supply of goods or materials by those third parties.

### Textual Amendments

**F12** Para. repealed by [Health Services Act 1980](#) (c. 53, SIF 113:2), **Sch. 7**

**F13** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988](#) (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 18(1)**

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### Textual Amendments

F14 S. 24 repealed by Overseas Development and Co-operation Act 1980 (c. 63, SIF 88), s. 18, Sch. 2 Pt. I

## 25 Supplies not readily obtainable.

Where the Secretary of State has acquired—

- (a) supplies of human blood for the purposes of any service under this Act, or
  - (b) any part of a human body for the purpose of, or in the course of providing, any such service, or
  - (c) supplies of any other substances or preparations not readily obtainable,
- he may arrange to make such supplies or that part available (on such terms, including terms as to charges, as he thinks fit) to any person.

This section is subject to section 62 below (restriction of powers under [<sup>F15</sup>section 25]).

### Textual Amendments

F15 Words substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), Sch. 2 para. 2

## 26 Supply of goods and services by Secretary of State.

(1) The Secretary of State may—

- (a) supply to local authorities, and to such public bodies or classes of public bodies as he may determine, any goods or materials of a kind used in the health service;
- (b) make available to local authorities, and to those bodies or classes of bodies, any facilities (including the use of any premises and the use of any vehicle, plant or apparatus) provided by him for any service under this act, and the services of persons employed by the Secretary of State or by a health authority;
- (c) carry out maintenance work in connection with any land or building for the maintenance of which a local authority is responsible.

In this subsection—

“maintenance work” includes minor renewals, minor improvements and minor extensions; and

“public bodies” includes public bodies in Northern Ireland.

(2) The Secretary of State may supply or make available to persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services such goods, materials or other facilities as may be prescribed.

(3) The Secretary of State shall make available to local authorities—

- (a) any services or other facilities (excluding the services of any person but including goods or materials, the use of any premises and the use of any vehicle, plant or apparatus) provided under this Act,
- (b) the services provided as part of the health service by any person employed by the Secretary of State or a health authority, and

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- (c) the services of any medical practitioner, dental practitioner or nurse employed by the Secretary of State or a health authority otherwise than to provide services which are part of the health service,  
so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.
- [<sup>F16</sup>(4) The Secretary of State may arrange to make available to local authorities the services of persons of the following descriptions, that is to say—
- (a) persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services, and
  - (b) persons providing health authorities with services of a kind provided as part of the health service,
- so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.]

#### Textual Amendments

F16 S. 26(4) added by Health Services Act 1980 (c. 53, SIF 113:2), s. 3(1)

## 27 Conditions of supply under s. 26.

- (1) It is the Secretary of State's duty, before he makes the services of any officer of a health authority available in pursuance of subsection (1)(b) or subsection (3)(b) or (c) of section 26 above, to consult the officer or a body recognised by the Secretary of State as representing the officer about the matter, or to satisfy himself that the health authority has consulted the officer about the matter.
- (2) The Secretary of State shall be entitled to disregard the provisions of subsection (1) above in a case where he considers it necessary to make the services of an officer available as mentioned in that subsection for the purpose of dealing temporarily with an emergency, and has previously consulted such a body about the making available of services in an emergency.
- (3) For the purposes of subsection (1)(b) or subsection (3)(b) or (c) of section 26 the Secretary of State may give such directions to health authorities to make the services of their officers available as he considers appropriate; and it shall be the health authority's duty to comply with any such directions.
- (4) The powers conferred by this section and section 26 may be exercised on such terms as may be agreed, including terms as to the making of payments to the Secretary of State, and such charges may be made by the Secretary of State in respect of services or facilities provided under subsection (3) of section 26 as may be agreed between the Secretary of State and the local authority or, in default of agreement, as may be determined by arbitration.
- (5) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of section 26 and is used in accordance with the terms on which it is so made available, the <sup>M1</sup>Vehicles (Excise) Act 1971 and [<sup>F17</sup>Part VI of the <sup>M2</sup>Road Traffic Act 1988] shall have effect with such modifications as are specified in the order.

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- (6) Any power to supply goods or materials conferred by section 26 includes a power to purchase and store them, and a power to arrange with third parties for the supply of goods or materials by those third parties.

#### Textual Amendments

**F17** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 3 para. 18\(2\)](#)

#### Marginal Citations

**M1** [1971 c. 10\(107:2\)](#).

**M2** [1988 c. 52\(107:1\)](#).

## 28 Supply of goods and services by local authorities.

- (1) In the <sup>M3</sup>Local Authorities (Goods and Services) Act 1970 the expression “public body” includes any health authority and so far as relates to his functions under this Act includes the Secretary of State.
- (2) The provisions of subsection (1) above have effect as if made by an order under section 1(5) of that Act of 1970, and accordingly may be varied or revoked by such an order.
- (3) Every local authority shall make available to health authorities [<sup>F18</sup>and NHS trusts] acting in the area of the local authority the services of persons employed by the local authority for the purposes of the local authority’s functions under the <sup>M4</sup>Local Authorities Social Services Act 1970 so far as is reasonably necessary and practicable to enable health authorities [<sup>F18</sup>and NHS trusts] to discharge their functions under this Act [<sup>F19</sup>and the National Health Service and Community Care Act 1990].

(4) .... **F20**

#### Textual Amendments

**F18** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 5\(8\), Sch. 2 para. 21](#)

**F19** Words added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 5\(8\), Sch. 2 para. 21](#)

**F20** S. 28(4) repealed (*retrospectively*) by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\), ss. 19, 25\(2\), Sch. 3](#)

#### Marginal Citations

**M3** [1970 c. 39\(81:4\)](#).

**M4** [1970 c. 42\(81:3\)](#).

## [<sup>F21</sup>]28A Power to make payments towards expenditure on community services.

- (1) This section applies to the following authorities—
- a District Health Authority; and
  - a special health authority established for a London Post-Graduate Teaching Hospital.

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- (2) An authority to whom this section applies may, if they think fit, make payments—
- (a) to a local social services authority towards expenditure incurred or to be incurred by them in connection with any function which, by virtue of section 2(1) or (2) of the <sup>M5</sup>Local Authority Social Services Act 1970, is to be performed through their social services committee, other than functions under section 3 of the <sup>M6</sup>Disabled Persons (Employment) Act 1958;
  - (b) to a district council, towards expenditure incurred or to be incurred by them in connection with their functions under section 8 of the <sup>M7</sup>Residential Homes Act 1980 or Part II of Schedule 9 to the <sup>M8</sup>Health and Social Services and Social Security Adjudications Act 1983 (meals and recreation for old people);
  - (c) to an authority who are a local education authority for the purposes of the Education Acts 1944 to 1981, towards expenditure incurred or to be incurred by them in connection with their functions under those Acts, in so far as they perform those functions for the benefit of disabled persons;
  - [  
<sup>F22</sup>(d) to a local housing authority within the meaning of the <sup>M9</sup>Housing Act 1985, towards expenditure incurred or to be incurred by them in connection with their functions under Part II of that Act (provision of housing); and]
  - (e) to the following bodies, in respect of expenditure incurred or to be incurred by them in connection with the provision of housing accommodation,—
    - [ a registered housing association within the meaning of the <sup>M10</sup>Housing <sup>F23</sup>(i) Associations Act 1985;]
    - (ii) the Commission for the New Towns;
    - (iii) a new town development corporation;
    - (iv) an urban development corporation established under the <sup>M11</sup>Local Government, Planning and Land Act 1980;
    - (v) the Housing Corporation; and
    - (vi) the Development Board for Rural Wales [<sup>F24</sup>and
    - (vii) Housing for Wales.]
- (3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (4) No payment shall be made under this section in respect of any expenditure unless the expenditure has been recommended for a payment under this section by a joint consultative committee on which the authority proposing to make the payment are represented.
- (5) The Secretary of State may by directions prescribe conditions relating to payments under this section.
- (6) The power to give such directions may be exercised so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.
- (7) Without prejudice to the generality of subsection (5) above, the power may be exercised—
- (a) so as to make different provision for England and Wales and different provision for different districts in either; and
  - (b) so as to require, in such circumstances as may be specified,—
    - (i) repayment of the whole or any part of a payment under this section;

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- (ii) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.
- (8) No payment shall be made under this section in respect of any expenditure unless the conditions relating to it—
- accord with the advice given by the joint consultative committee in making the recommendation for a payment under this section in respect of the expenditure in question; and
  - conform with the conditions prescribed for payments of that description under subsection (5) above.
- (9) Where expenditure which has been recommended by a joint consultative committee for a payment under this section is expenditure in connection with services to be provided by a voluntary organisation—
- the authority who are to make the payment may make payments to the voluntary organisation towards the expenditure incurred or to be incurred by the organisation in connection with the provision of those services, instead of or in addition to making payments under subsection (2) above; and
  - an authority of one of the descriptions specified in paragraph (a), (b), (c) or (d) of subsection (2) above and who have received payments under that subsection may make out of the sums paid to them payments to the voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of those services,
- but no payment shall be made under this subsection except subject to conditions—
- which conform with the conditions prescribed for payments of that description under subsection (5) above; and
  - which accord with the advice given by the joint consultative committee in recommending the expenditure for a payment under this section.]

#### Textual Amendments

- F21** Ss. 28A, 28B substituted for s. 28A by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 1](#)
- F22** S. 28A(2)(d) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 38\(2\)\(a\)](#)
- F23** S. 28A(2)(e)(i) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 38\(2\)\(b\)](#)
- F24** S. 28A(2)(e)(vii) and preceding word “and” added by [Housing Act 1988 \(c. 50, SIF 61\), s. 140\(1\), Sch. 17 para. 102](#)

#### Marginal Citations

- M5** 1970 c. 42(81:3).
- M6** 1958 c. 33(43:1).
- M7** 1980 c. 7.
- M8** 1983 c. 41(113:3).
- M9** 1985 c. 68(61).
- M10** 1985 c. 69(61).
- M11** 1980 c. 65(81:1, 2) (103:1, 2) (123:1, 2, 3, 4).

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## [<sup>F25</sup>] 28B Power of Secretary of State to make payments towards expenditure on community services in Wales.

- (1) The Secretary of State may, if he thinks fit, make payments—
  - (a) to authorities in Wales of any of the descriptions mentioned in paragraphs (a), (b), (c) and (d) of sectpm 28A(2) above, for the purposes respectively mentioned in those paragraphs;
  - (b) to the following bodies, in respect of expenditure incurred or to be incurred by them in connection with the provision of housing accommodation in Wales,—
    - [ a registered housing association within the meaning of the <sup>M12</sup>Housing <sup>F26</sup>(i) Associations Act 1985;]
    - (ii) the Commission for the New Towns;
    - (iii) a new town development corporation;
    - (iv) an urban development corporation established under the <sup>M13</sup>Local Government, Planning and Land Act 1980;
    - (v) [<sup>F27</sup>Housing for Wales]; and
    - (vi) the Development Board for Rural Wales.
- (2) The Secretary of State may, if he thinks fit, make payments to a voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of services for which he could make payments under subsection (1) above.
- (3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (4) Conditions may be attached to a payment under this section.
- (5) Without prejudice to the generality of subsection (4) above, the conditions that may be attached include conditions requiring, in such circumstances as may be specified,—
  - (a) repayment of the whole or any part of a payment under this section;
  - (b) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.]

### Textual Amendments

**F25** Ss. 28A, 28B substituted for s. 28A by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 1](#)

**F26** S. 28B(1)(b)(i) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 38\(3\)](#)

**F27** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\), s. 140\(1\), Sch. 17 para. 103](#)

### Marginal Citations

**M12** 1985 c. 69(61).

**M13** 1980 c. 53(113:2).

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VALID FROM 01/11/1999

[<sup>F28</sup>**28BB**Power of local authorities to make payments to NHS bodies.]

- (1) A local authority may, if they think fit, make payments to a relevant NHS body towards expenditure incurred or to be incurred by the body in connection with the performance by the body of prescribed functions of the NHS body.
- (2) In this section—
  - “prescribed” means prescribed to any extent by regulations made by the Secretary of State;
  - “relevant NHS body” means a Health Authority or a Primary Care Trust.
- (3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (4) The Secretary of State may by directions prescribe conditions relating to payments under this section.
- (5) The power to give such directions may be exercised so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.
- (6) Without prejudice to the generality of subsection (4) above, the power may be exercised—
  - (a) so as to make different provision for England and Wales and different provision for different areas in either; and
  - (b) so as to require, in such circumstances as may be specified—
    - (i) repayment of the whole or any part of a payment under this section; or
    - (ii) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.
- (7) No payment shall be made under this section in respect of any expenditure unless the conditions relating to it conform with the conditions prescribed for payments of that description under subsection (4) above.]

**Textual Amendments**

**F28** [S. 28BB](#) inserted (1.4.2000 for E. and 1.12.2000 for W. for specified purposes and otherwise *prosp.*) by [1999 c. 8, ss. 30, 67\(2\); S.I. 1999/2793, art. 2\(3\)\(b\); S.I. 2000/2991, art. 2\(1\), Sch. 1](#)

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**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations.