



National Health Service Act 1977

1977 CHAPTER 49

PART I

SERVICES AND ADMINISTRATION

Local administration

[^{F18} Health Authorities and Strategic Health Authorities

- (1) It is the duty of the Secretary of State to establish, in accordance with Part 1 of Schedule 5 to this Act, authorities to be called—
 - (a) Strategic Health Authorities, in the case of authorities established for areas in England;
 - (b) Health Authorities, in the case of authorities established for areas in Wales.
- (2) Subject to subsection (4) below—
 - (a) a Strategic Health Authority shall be established for such area of England as is specified in the order establishing the authority; and
 - (b) a Health Authority shall be established for such area of Wales as is so specified, or, if the order so provides, for the whole of Wales.
- (3) A Strategic Health Authority or a Health Authority shall be known by such name, in addition to the title “Strategic Health Authority” or “Health Authority”, as—
 - (a) appears to the Secretary of State appropriately to signify the connection of the authority with the area for which they are established; and
 - (b) is specified in the order establishing the authority.
- (4) The Secretary of State may by order—
 - (a) vary the area of a Strategic Health Authority or Health Authority;
 - (b) abolish a Strategic Health Authority or Health Authority;
 - (c) establish a new Strategic Health Authority or Health Authority;
 - (d) change the name by which a Strategic Health Authority or Health Authority are known.

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- (5) No order shall be made under this section relating to a Strategic Health Authority until after the completion of such consultation as may be prescribed.
- (6) Consultation requirements contained in regulations under subsection (5) are in addition to, and not in substitution for, any other consultation requirements which may apply.
- (7) The Secretary of State shall act under this section so as to ensure—
 - (a) that the areas for which Strategic Health Authorities are at any time established together comprise the whole of England;
 - (b) that the areas for which Health Authorities are at any time established together comprise the whole of Wales; and
 - (c) that no area for which a Strategic Health Authority or a Health Authority are established extends both into England and into Wales.
- (8) The power to make incidental or supplemental provision conferred by section 126(4) below includes, in particular, in its application to orders made under this section, power to make provision for the transfer of staff, property, rights and liabilities.]

Textual Amendments

F1 S. 8 substituted (1.10.2002) for ss. 8, 10 by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **ss. 1(2)**, 130; S.I. 2002/2478, **art. 3(1)(a)**

9 F2

Textual Amendments

F2 S. 9, Sch. 5 Pt. I para. 4, Sch. 8 paras. 1(2), 2(5), 3(2), repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), ss. 13, 30, **Sch. 10 Pt. I**

11 [^{F6}**Special Health Authorities.**]

- [^{F7}(1) The Secretary of State may by order establish special bodies for the purpose of exercising any functions which may be conferred on them by or under this Act.]
- (2) The Secretary of State may, subject to the provisions of Part III of Schedule 5 to this Act, make such further provision relating to that body as he thinks fit.
- (3) A body established in pursuance of this section shall (without prejudice to the power conferred by subsection (4) below allocate a particular name to the body) be called a [^{F8}Special Health Authorities].
- (4) Without prejudice to the generality of the power conferred by this section to make an order (or of section 126(4) below), that order may in particular contain provisions as to—
 - (a) the membership of the body established by the order;
 - (b) the transfer to the body of officers, property, rights and liabilities; and
 - (c) the name by which the body is to be known.

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- (5) It is the Secretary of State's duty before he makes such an order to consult with respect to the order such bodies as he may recognise as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the order.

Textual Amendments

- F6** S. 11 sidenote 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. 2(c)** (with Sch. 2 para. 6)
- F7** S. 11(1) substituted (1.9.1999 for E. and 1.12.1999 for W.) by 1999 c. 8, s. 65(1), **Sch. 4 para. 6**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2** (with art. 3)
- F8** Words in s. 11(3) 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. 2(b)** (with Sch. 2 para. 6)

12 Supplementary provisions for ss. 8 ^{F9}and] 11.

^{F10}(1)

^{F11}(2)] The provisions of Part III of Schedule 5 to this Act have effect, so far as applicable, in relation to—

- ^{F12}(a) [^{F13}Strategic Health Authorities and] Health Authorities established under section 8 above; and
- (b) any Special Health Authority established under section 11 above.]

Textual Amendments

- F9** Word in s. 12 sidenote 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. 3(c)** (with Sch. 2 para. 6)
- F10** S. 12(1) omitted (4.1.2000 for E. and otherwise prosp.) and repealed (prosp.) by 1999 c. 8, s. 65, Sch. 4 para. 7, **Sch. 5**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F11** S. 12 renumbered as s. 12(2) (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. 3** (with Sch. 2 para. 6)
- F12** S. 12(2)(a)(b) (as so renumbered) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) for s. 12(2)(a)-(c) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 3(b)** (with Sch. 2 para. 6)
- F13** Words in s. 12(2)(a) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 1(3), **Sch. 1 Pt. 1 para. 2**; S.I. 2002/2478, art. 3(1)

^{F14}13 Secretary of State's directions.

- (1) The Secretary of State may direct a [^{F15}Health Authority or Special Health Authority] to exercise on his behalf such of his functions relating to the health service as are specified in the directions, and ^{F16}. . . it shall be the duty of the [^{F17}Health Authority or Special Health Authority] to comply with the directions.
- (2) The Secretary of State's functions under subsection (1) above—
- (a) include any of his functions under enactments relating to mental health and nursing homes, ^{F18}. . .
- (b)

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Textual Amendments

- F14** S. 13 ceased to have effect (1.9.1999 for E. and 1.12.1999 for W.) by 1999 c. 8, ss. 12(5), 65, **Sch. 5**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2** (with art. 3); S.I. 2000/1041, art. 2(d), **Sch.**
- F15** Words in s. 13(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. 4(a)(i)** (with **Sch. 2 para. 6**)
- F16** Words in s. 13(1) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), **Sch. 1 Pt. I para. 4(a)(ii)**, **Sch. 3** (with **Sch. 2 paras. 6, 16**)
- F17** Words in s. 13(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. 4(a)(iii)** (with **Sch. 2 para. 6**)
- F18** S. 13(2)(b) and preceding word omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), **Sch. 1 Pt. I para. 4(b)**, **Sch. 3** (with **Sch. 2 paras. 6, 16**)

^{F19} 14

Textual Amendments

- F19** S. 14 omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), **Sch. 1 Pt. I para. 5**, **Sch. 3** (with **Sch. 2 paras. 6, 16**)

15 [^{F20}Duty of Health Authority in relation to family health services.]

(1) It is the duty [^{F21}of each Primary Care Trust and] of [^{F22}each Health Authority, in accordance with regulations]—

- [^{F23}(a) to administer the arrangements made in pursuance of this Act for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services for their [^{F24}area];]
- (b) to perform such [^{F25}management and] other functions relating to those services as may be prescribed.

F26

[^{F27}(1ZA) It is the duty of [^{F28}each Strategic Health Authority and] each Health Authority, in accordance with regulations, to perform such functions in relation to section 28C arrangements as may be prescribed.

(1ZB) Regulations under subsection (1ZA) may, in particular—

- (a) prescribe functions in relation to training;
- (b) provide for appeals to the Secretary of State or a prescribed body in relation to functions prescribed by the regulations.]

[^{F29}(1ZC) It is the duty of each Primary Care Trust—

- (a) in making LPS arrangements to establish and operate, in accordance with directions given by the Secretary of State under section 17 ^{F30} by virtue of section 36(2) of the Health and Social Care Act 2001, procedures for dealing with complaints about the provision of local pharmaceutical services in accordance with those arrangements, and

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(b) in accordance with regulations, to perform such other functions in relation to those arrangements as may be prescribed.

(1ZD) Regulations under subsection (1ZC)(b) may, in particular, prescribe functions in relation to training.]

^{F31}(1A)

[^{F32}In relation to a Part II medical practitioner—

^{F33}(1B) (a) whose name is included in the medical list of only one [^{F34}Primary Care Trust or] Health Authority, and
(b) who practises on his own or in partnership with others all of whom are Part II medical practitioners whose names are included only in [^{F35}the medical list of that Trust or Authority],

any reference in this Act or the ^{M1}National Health Service and Community Care Act 1990 to the relevant [^{F34}Primary Care Trust or] Health Authority is to be construed as a reference to [^{F36}that Trust or Authority] .

(1BA) In relation to a medical practitioner who is not within subsection (1B), any reference in this Act or the National Health Service and Community Care Act 1990 to the relevant [^{F37}Primary Care Trust or] Health Authority is to be construed as a reference to [^{F38}the Trust or Authority] in whose area most of the practice patients live.]

[In relation to the operation of a fund-holding practice by medical practitioners the
^{F39}(1C) relevant Health Authority in respect of one or more of whom would (apart from this subsection) be different from that in respect of the other or others, the relevant Health Authority for each of them shall be determined for the purposes of the application of any provision relating to fund-holding practices as if they were all practising in a single partnership.]

[In this section—

^{F40}(1D) "Part II medical practitioner" means a medical practitioner who provides general medical services under Part II and does not perform personal medical services under section 28C arrangements; and

"practice patient" means—

(a) in relation to a medical practitioner who practises otherwise than in partnership, an individual who is on that practitioner's list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with section 28C arrangements, an individual who is on that single list);
(b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with section 28C arrangements, an individual who is on that single list).]

(2) ^{F41}

Textual Amendments

F20 S. 15 sidenote 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. 6(e)** (with **Sch. 2 para. 6**)

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- F21** Words in s. 15(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 2(5), **Sch. 2 Pt. 1 para. 2(2)**; S.I. 2002/2478, **art. 3(1)(d)**
- F22** Words in s. 15(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. 1 para. 6(a)(i)** (with Sch. 2 para. 6)
- F23** S. 15(1)(a) substituted by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 5(2)
- F24** Words in s. 15(1)(a) 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. 6(a)(ii)** (with Sch. 2 para. 6)
- F25** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 12(1)(b)
- F26** Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. 1**
- F27** S. 15(1ZA)(1ZB) inserted (1.4.1998) by 1997 c. 46, s. 41(10)(11), **Sch. 2 Pt. 1 para. 4(2)**; S.I. 1998/631, art. 2(1)(b), **Sch. 2**
- F28** Words in s. 15(1ZA) inserted (1.10.2002 for E.W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 4(3), **Sch. 3 Pt. 2 para. 11**; S.I. 2002/2478, **art. 3(1)(a)**
- F29** S. 15(1ZC)(1ZD) inserted (E.) (12.12.2002) by The National Health Service (Local Pharmaceutical Services Etc.) Regulations 2002 (S.I. 2002/2861), **reg. 16**
- F30** Section 17 was substituted by the 1999 Act, section 12(1), and amended by the 2002 Act, Schedule 1, paragraph 7.
- F31** S. 15(1A) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), Sch. 1 Pt. 1 para. 6(b), **Sch. 3** (with Sch. 2 paras. 6, 16)
- F32** S. 15(1B)-(1D) repealed (1.10.1999 for specified purposes for E., 1.4.2000 for specified purposes for W. and otherwise prosp.) by 1999 c. 8, s. 65, Sch. 4 para. 8, **Sch. 5**; S.I. 1999/2540, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch. 1**; S.I. 2000/1041, art. 2(d), **Sch.**
- F33** S. 15(1B)(1BA) substituted (1.4.1998) for s. 15(1B) by 1997 c. 46, s. 41(10)(11), **Sch. 2 Pt. 1 para. 4(3)**; S.I. 1998/631, art. 2(1)(b), **Sch. 2**
- F34** Words in s. 15(1B) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 2(5), **Sch. 2 Pt. 1 para. 2(3)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F35** Words in s. 15(1B) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 2(5), **Sch. 2 Pt. 1 para. 2(3)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F36** Words in s. 15(1B) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 2(5), **Sch. 2 Pt. 1 para. 2(3)(c)**; S.I. 2002/2478, **art. 3(1)(d)**
- F37** Words in s. 15(1BA) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 2(5), **Sch. 2 Pt. 1 para. 2(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F38** Words in s. 15(1BA) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 2(5), **Sch. 2 Pt. 1 para. 2(4)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F39** S. 15(1C) inserted (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. 6(d)** (with Sch. 2 para. 6)
- F40** S. 15(1D) inserted (1.4.1998) by 1997 c. 46, s. 41(10)(11), **Sch. 2 Pt. 1 para. 4(4)**; S.I. 1998/631, art. 2(1)(b), **Sch. 2**
- F41** S. 15(2), Sch. 12 para. 2(5) repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. 1**

Modifications etc. (not altering text)

- C1** S. 15(1)(b) modified (1.4.1995) by S.I. 1995/692, **art. 2**

Marginal Citations

- M1** 1990 c. 19.

[^{F42}16] Exercise of functions by Health Authorities and Special Health Authorities.

- (1) This subsection applies to functions which are exercisable by [^{F43}a Strategic Health Authority or] a Health Authority under or by virtue of this Act (including this section),

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the ^{M2}National Health Service and Community Care Act 1990 or any prescribed provision of any other Act.

(2) Regulations may provide for any functions to which subsection (1) above applies to be exercised—

- ^{F44} [by another Strategic Health Authority;]
(za)
(a) by another Health Authority,
(b) by a Special Health Authority, or
(c) jointly with any one or more of the following: Primary Care Trusts [^{F45}, Local Health Boards][^{F46}, other Strategic Health Authorities] and other Health Authorities.

(3) Regulations may provide for any functions which are exercisable by a Special Health Authority under section 16D below to be exercised—

- (a) by another Special Health Authority, or
(b) jointly with one or more other Special Health Authorities.

(4) Regulations may provide—

- (a) for any functions to which subsection (1) above applies to be exercised, on behalf of the [^{F47}Strategic Health Authority or] Health Authority by whom they are exercisable, by a committee, sub-committee or officer of the [^{F47}Strategic Health Authority or] Health Authority,
(b) for any functions which, under section 16D below or this section, are exercisable by a Special Health Authority to be exercised, on behalf of that authority, by a committee, sub-committee or officer of the authority,
(c) for any functions exercisable jointly under subsection (2)(c) or (3)(b) above to be exercised, on behalf of the health service bodies in question, by a joint committee or joint sub-committee.]

Textual Amendments

- F42** S. 16 substituted (1.9.1999 for specified purposes for E., 1.12.1999 for specified purposes for W., 4.1.2000 insofar as not already in force for E. and otherwise prosp.) by 1999 c. 8, s. 65, **Sch. 4 para. 9**; S.I. 1999/2342, art. 2(1)(3), Schs. 1, 2; S.I. 1999/3184, art. 2(2), **Sch. 2** (with art. 3)
- F43** Words in s. 16(1) inserted (2.9.2002 for E. and 1.10.2002 for W.) by **National Health Service Reform and Health Care Professions Act 2002** (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 3(a)**; S.I. 2002/2202, art. 3(a); S.I. 2002/2478, art. 3(1)(c)
- F44** S. 16(2)(za) inserted (2.9.2002 for E. and 1.10.2002 for W.) by **National Health Service Reform and Health Care Professions Act 2002** (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 3(b)(i)**; S.I. 2002/2202, art. 3(a); S.I. 2002/2478, art. 3(1)(c)
- F45** Words in 16(2)(c) inserted (10.10.2002 for W., otherwise prosp.) by **National Health Service Reform and Health Care Professions Act 2002** (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 5**; S.I. 2002/2532, art. 2, **Sch.**
- F46** Words in 16(2)(c) inserted (2.9.2002 for E. and 1.10.2002 for W.) by **National Health Service Reform and Health Care Professions Act 2002** (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 3(b)(ii)**; S.I. 2002/2202, art. 3(a); S.I. 2002/2478, art. 3(1)(c)
- F47** Words in s. 16(4)(a) inserted (2.9.2002 for E. and 1.10.2002 for W.) by **National Health Service Reform and Health Care Professions Act 2002** (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 3(c)**; S.I. 2002/2202, art. 3(a); S.I. 2002/2478, art. 3(1)(c)

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Marginal Citations

M2 1990 c.19.

[^{F48}16A Primary Care Trusts.

[^{F49}(1) It is the duty of the Secretary of State to establish bodies to be known as Primary Care Trusts for areas in England with a view to their exercising functions in relation to the health service.

(1A) The Secretary of State shall act under this section so as to ensure that the areas for which Primary Care Trusts are at any time established together comprise the whole of England.]

(2) Each Primary Care Trust shall be established by an order made by him (referred to in this Act as a PCT order).

(3) A Primary Care Trust shall be established for the area [^{F50}of England] specified in its PCT order and shall exercise its functions in accordance with any prohibitions or restrictions in the order.

(4) If any consultation requirements apply, they must be complied with before a PCT order is made.

(5) In this section, "consultation requirements" means requirements about consultation contained in regulations (and the regulations must impose requirements where a PCT order establishes a Primary Care Trust).

(6) Schedule 5A to this Act (which makes further provision about Primary Care Trusts) shall have effect.]

Textual Amendments

F48 Ss. 16A, 16B inserted (8.9.1999 for specified purposes for E. and 4.1.2000 insofar as not already in force for E.) by 1999 c. 8, s. 2(1); S.I. 1999/2342, art. 2(2)(a)(3), **Sch. 2**

F49 S. 16A(1)(1A) substituted (1.10.2002) for s. 16A(1) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {2(2)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**

F50 Words in s. 16A(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {2(3)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**

Modifications etc. (not altering text)

C2 S. 16A extended (19.12.2001 for E.) by 2001 c. 15, ss. 45(5), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/4149, **art. 2(a)**

^{F51}16B Exercise of functions by Primary Care Trusts.

(1) This section applies to functions which are exercisable by a Primary Care Trust under or by virtue of this Act (including this section), the ^{M3}National Health Service and Community Care Act 1990 or any prescribed provision of any other Act.

(2) Regulations may provide for any functions to which this section applies to be exercised—

(a) by another Primary Care Trust,

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- (b) by a Special Health Authority, or
 - (c) jointly with any one or more of the following: [^{F52}Strategic Health Authorities,] Health Authorities, NHS trusts [^{F53}, Local Health Boards] and other Primary Care Trusts.
- (3) Regulations may provide—
- (a) for any functions to which this section applies to be exercised, on behalf of the Primary Care Trust by whom they are exercisable, by a committee, sub-committee or officer of the trust,
 - (b) for any functions which, under this section, are exercisable by a Special Health Authority to be exercised, on behalf of that authority, by a committee, sub-committee or officer of the authority,
 - (c) for any functions which, under this section, are exercisable by a Primary Care Trust jointly with one or more [^{F54}Strategic Health Authorities,] Health Authorities or other Primary Care Trusts (but not with any NHS trusts) to be exercised, on behalf of the health service bodies in question, by a joint committee or joint sub-committee.

Textual Amendments

- F51** Ss. 16A, 16B inserted (8.9.1999 for specified purposes for E., 4.1.2000 insofar as not already in force for E. and otherwise *prosp.*) by 1999 c. 8, s. 2(1); S.I. 1999/2342, art. 2(2)(a)(3), Sch. 2
- F52** Words in s. 16B(2)(c) inserted (2.9.2002 for E. and 1.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), Sch. 1 Pt. 1 para. 4(a); S.I. 2002/2202, art. 3(a); S.I. 2002/2478, art. 3(1)(c)
- F53** Words in s. 16B(2)(c) inserted (10.10.2002 for W. and otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), Sch. 5 para. 6; S.I. 2002/2532, art. 2
- F54** Words in s. 16B(3)(c) inserted (2.9.2002 for E. and 1.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), Sch. 1 Pt. 1 para. 4(b); S.I. 2002/2202, art. 3(a); S.I. 2002/2478, art. 3(1)(c)

Marginal Citations

- M3** 1990 c.19

[^{F55}16BALocal Health Boards

- (1) The National Assembly for Wales may establish bodies to be known as Local Health Boards with a view, in particular, to their exercising—
 - (a) functions of Health Authorities transferred or to be transferred to the Assembly by order under section 27 of the Government of Wales Act 1998 (reform of Welsh health authorities),
 - (b) other functions of the Assembly relating to the health service.
- (2) Each Local Health Board shall be established by order made by the Assembly (referred to in this Act as an LHB order), and an order may establish more than one Local Health Board.
- (3) A Local Health Board shall be established for the area of Wales specified in its LHB order.

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- (4) If any consultation requirements apply, they must be complied with before an LHB order is varied or revoked.
- (5) In this section, “consultation requirements” means requirements about consultation contained in regulations made by the Assembly.
- (6) Schedule 5B to this Act (which makes further provision about Local Health Boards) shall have effect.

Textual Amendments

F55 Ss. 16BA, 16BB, 16BC inserted (10.10.2002 for W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 6\(1\)](#), 42(3); S.I. 2002/2532, [art. 2](#)

16BB Local Health Boards: functions

- (1) The National Assembly for Wales may direct a Local Health Board to exercise in relation to its area any functions which—
 - (a) were exercised by a Health Authority in relation to any part of the same area, and
 - (b) have been transferred to the Assembly as mentioned in section 16BA(1) above.
- (2) The Assembly may also direct a Local Health Board to exercise in relation to its area such other functions of the Assembly relating to the health service as are specified in the directions.
- (3) The functions which may be specified in directions under this section include functions under enactments relating to mental health and nursing homes.
- (4) The Assembly may give directions to a Local Health Board about its exercise of any functions.
- (5) Directions under subsection (1) above must be given in regulations made by the Assembly; but other directions under this section and directions under section 16BC below may be given in such regulations or by instrument in writing.

Textual Amendments

F55 Ss. 16BA, 16BB, 16BC inserted (10.10.2002 for W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 6\(1\)](#), 42(3); S.I. 2002/2532, [art. 2](#)

16BC Exercise of functions by Local Health Boards

- (1) This section applies to functions which are exercisable by a Local Health Board under or by virtue of section 16BB above or this section.
- (2) The Assembly may give directions providing for any functions to which this section applies to be exercised—
 - (a) by another Local Health Board;
 - (b) by a Special Health Authority; or

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- (c) jointly with any one or more of the following: Health Authorities, NHS trusts, Primary Care Trusts and other Local Health Boards.
- (3) Directions given by the Assembly may provide—
- (a) for any functions to which this section applies to be exercised, on behalf of the Local Health Board by whom they are exercisable, by a committee, sub-committee or officer of the Board,
 - (b) for any functions which, under this section, are exercisable by a Special Health Authority to be exercised, on behalf of that authority, by a committee, sub-committee or officer of the authority,
 - (c) for any functions which, under this section, are exercisable by a Local Health Board jointly with one or more Health Authorities or other Local Health Boards (but not with any NHS trusts) to be exercised, on behalf of the health service bodies in question, by a joint committee or joint sub-committee.]

Textual Amendments

F55 Ss. 16BA, 16BB, 16BC inserted (10.10.2002 for W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 6\(1\)](#), 42(3); S.I. 2002/2532, [art. 2](#)

[^{F56}16C Advice for Health Authorities and Primary Care Trusts.

- (1) Every [^{F57}Strategic Health Authority and every] Health Authority shall make arrangements with a view to securing that they receive advice appropriate for enabling them effectively to exercise the functions exercisable by them from persons with professional expertise relating to the physical or mental health of individuals.
- (2) This section applies to Primary Care Trusts [^{F58}and Local Health Boards] as it applies to [^{F59}Strategic Health Authorities and] Health Authorities.]

Textual Amendments

F56 S. 16C inserted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, s. 65, [Sch. 4 para. 10](#); S.I. 1999/2342, [art. 2\(3\)\(a\)](#), [Sch. 2](#)

F57 Words in s. 16C(1) inserted (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. 5\(a\)](#); S.I. 2002/2478, [art. 3\(1\)\(c\)](#)

F58 Words in s. 16C(2) inserted (10.10.2002 for W., otherwise *prosp.*) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss.6\(2\)](#), 42(3), [Sch. 5 para. 7](#); S.I. 2002/2532, [art. 2](#)

F59 Words in s. 16C(2) inserted (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. 5\(b\)](#); S.I. 2002/2478, [art. 3\(1\)\(c\)](#)

Changes to legislation:

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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)