



National Health Service Act 1977

1977 CHAPTER 49

PART I

SERVICES AND ADMINISTRATION

[^{F1}Advisory committees for Wales] and Community Health Councils

Textual Amendments

F1 Words in the cross-heading substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), Sch. 1 para. 10(e) (with Sch. 2 paras. 6, 16)

19 [^{F2}Advisory committees for Wales].

(1) Where the Secretary of State is satisfied that a committee formed for Wales, ^{F3}... is representative of persons of any of the following categories—

- (a) the medical practitioners, or
- (b) the dental practitioners, or
- (c) the nurses and midwives, or
- (d) the registered pharmacists, or
- (e) the ophthalmic and dispensing opticians,

of Wales ^{F4}..., then it shall be his duty to recognise the committee.

(2) A committee recognised in pursuance of subsection (1) above shall be called—

- (a) the Welsh Medical, Dental, Nursing and Midwifery, Pharmaceutical or Optical Committee, as the case may be;

^{F5}(b)

^{F6}(3)

Status: This version of this cross heading contains provisions that are prospective.

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. (See end of Document for details) [View outstanding changes](#)

- (4) The Secretary of State's duty under [F⁷subsection (1)] above is subject to paragraph 1 of Schedule 6 to this Act, and that Schedule has effect in relation to a committee recognised in pursuance of this section.

Textual Amendments

- F2 Words in the sidenote to s. 19 substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), Sch. 10 para. 10(e) (with Sch. 2 paras. 6, 16)
- F3 Words in s. 19(1) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), Sch. 1 para. 10(a)(i), Sch. 3 (with Sch. 2 paras. 6, 16)
- F4 Words in s. 19(1) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), Sch. 1 para. 10(a)(ii), Sch. 3 (with Sch. 2 paras. 6, 16)
- F5 S. 19(2)(b) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), Sch. 1 para. 10(b), Sch. 3 (with Sch. 2 paras. 6, 16)
- F6 S. 19(3) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), Sch. 1 para. 10(c), Sch. 3 (with Sch. 2 paras. 6, 16)
- F7 Words in s. 19(4) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), Sch. 1 para. 10(d) (with Sch. 2 paras. 6, 16)

PROSPECTIVE

[F⁸] 19A Independent advocacy services

- (1) It is the duty of the Secretary of State to arrange, to such extent as he considers necessary to meet all reasonable requirements, for the provision of independent advocacy services.
- (2) “Independent advocacy services” are services providing assistance (by way of representation or otherwise) to individuals making or intending to make—
- (a) a complaint under a procedure operated by a health service body or independent provider,
 - (b) a complaint to the Health Service Commissioner for England or the Health Service Commissioner for Wales,
 - (c) a complaint of a prescribed description which relates to the provision of services as part of the health service and—
 - (i) is made under a procedure of a prescribed description, or
 - (ii) gives rise, or may give rise, to proceedings of a prescribed description.
- (3) In subsection (2)—
- “health service body” means a body which, under section 2(1) or (2) of the Health Service Commissioners Act 1993, is subject to investigation by the Health Service Commissioner for England or the Health Service Commissioner for Wales;
- “independent provider” means a person who, under section 2B(1) or (2) of that Act, is subject to such investigation.
- (4) The Secretary of State may make such other arrangements as he thinks fit for the provision of assistance to individuals in connection with complaints relating to the provision of services as part of the health service.

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- (5) In making arrangements under this section the Secretary of State must have regard to the principle that the provision of services under the arrangements should, so far as practicable, be independent of any person who is the subject of a relevant complaint or is involved in investigating or adjudicating on such a complaint.
- (6) The Secretary of State may make payments to any person in pursuance of arrangements under this section.]

Textual Amendments

F8 [S. 19A](#) inserted (*prosp.*) by [2001 c. 15, ss. 12, 70\(2\)](#) (with ss. 64(9), 65(4))

20 Community Health Councils.

- (1) It is the Secretary of State's duty to establish in accordance with this [F⁹]section, in the case of the area of each Health Authority, a council for the area, or separate councils for such separate parts of the area] as he thinks fit, and such a council shall be called a Community Health Council.
- (2) The Secretary of State—
 - (a) may if he thinks fit discharge this duty by establishing a Community Health Council for a district which includes the areas or parts of the areas of two or more [F¹⁰]Health Authorities], but
 - (b) shall be treated as not having discharged that duty unless he secures that there is no part of the area of [F¹¹]a Health Authority]which is not included in some Community Health Council's district.
- (3) The additional provisions of Schedule 7 to this Act have effect in relation to Community Health Councils.

Textual Amendments

F9 Words in [s. 20\(1\)](#) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 para. 11\(a\)](#) (with [Sch. 2 paras. 6, 16](#))

F10 Words in [s. 20\(2\)\(a\)](#) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 para. 11\(b\)\(i\)](#) (with [Sch. 2 paras. 6, 16](#))

F11 Words in [s. 20\(2\)\(b\)](#) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 para. 11\(b\)\(ii\)](#) (with [Sch. 2 paras. 6, 16](#))

Modifications etc. (not altering text)

C1 [S. 20](#) modified (1.12.1998) by [1998 c. 38, s. 27\(7\)\(b\)](#) (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2789, art. 2](#)

Status:

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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. 77Sch. 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)

<ul style="list-style-type: none"> - 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
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- 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](#))