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*

National Health Service Act 1977

1977 CHAPTER 49

PART I

SERVICES AND ADMINISTRATION

[F1 Directions as to distribution and exercise of functions]

[F1 16D Secretary of State's directions: distribution of functions.

(1) The Secretary of State may direct a [F2 Strategic Health Authority,] Health Authority or Special Health Authority [F3 or a Primary Care Trust] to exercise any of his functions relating to the health service which are specified in the directions.

(2) The Secretary of State may direct a Special Health Authority to exercise any functions of a [F4 Strategic Health Authority or] Health Authority or a Primary Care Trust which 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.]

Textual Amendments

F1 Ss. 16D, 17, 17A, 17B and preceding cross-heading 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.*) for s. 17 by 1999 c. 8, **s. 12(1)**; S.I. 1999/3184, art. 2(2), **Sch. 2** (with art. 3); S.I. 1999/2342, art. 2(1)(3), Sch. 1, **Sch. 2**

F2 Words in s. 16D(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. 6(a)**; S.I. 2002/2202, **art. 3(a)**; S.I. 2002/2478, **art. 3(1)(c)**

F3 Words in s. 16D(1) inserted (2.9.2002 for E., otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 3(2)**, 42(3); S.I. 2002/2202, **art. 3(c)**

***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*

F4 Words in s. 16D(2) 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. 6(b)**;S.I. 2002/2202, **art. 3(a)**; S.I. 2002/2478, **art. 3(1)(c)**

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.
View outstanding changes

Changes and effects yet to be applied to :

- s. 16D extended by 2003 c. 43 s. 187(5)
- s. 16D(1) words omitted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 6(a)
- s. 16D(2) words omitted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 6(b)

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)
- 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)