

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Health Authorities Act 1995, SCHEDULE 1 is up to date with all changes known to be in force on or before 10 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 2(1).

#### AMENDMENTS

##### Extent Information

- E1** [Sch. 1](#) does not extend to the Colonies; the amending/repealing provisions within Sch. 1 are co-extensive with the enactments they affect see [s.9\(2\)](#).

### PART I

#### AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 1977

- 1 The <sup>M1</sup>National Health Service Act 1977 shall be amended as follows.

##### Marginal Citations

- M1** [1977 c. 49](#).

- 2 In section 11 (special health authorities)—
- (a) in subsection (1), for “an District Health Authority or a Family Practitioner Committee” substitute “ a Health Authority ”,
  - (b) in subsection (3), for “special health authority” substitute “ Special Health Authority ”, and
  - (c) for the sidenote substitute “ Special Health Authorities. ”
- 3 Section 12 (supplementary provisions about health authorities) shall be renumbered as subsection (2) of that section and—
- (a) before that subsection as so renumbered insert—
    - “(1) Every Health Authority shall make arrangements for securing that they receive from—
    - (a) medical practitioners, registered nurses and registered midwives; and
    - (b) other persons with professional expertise in and experience of health care,advice appropriate for enabling the Health Authority effectively to exercise the functions conferred or imposed on them under or by virtue of this or any other Act.”,
  - (b) in that subsection as so renumbered, for paragraphs (a) to (c) substitute—
    - “(a) Health Authorities established under section 8 above; and
    - (b) any Special Health Authority established under section 11 above.”, and

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(c) in the sidenote, for “to” substitute “ and ”.

4 In section 13 (Secretary of State’s directions)—

(a) in subsection (1)—

(i) for the words from “Regional” to “authority” substitute “ Health Authority or Special Health Authority ”,

(ii) omit “(subject to section 14 below)”, and

(iii) for “body in question” substitute “ Health Authority or Special Health Authority ”, and

(b) in subsection (2), omit paragraph (b) and the word “but” immediately preceding it.

5 Omit section 14 (Regional Health Authority’s directions).

6 In section 15 (duty of Family Health Services Authority)—

(a) in subsection (1)—

(i) for the words from “each” to “Regional Health Authority” substitute “ each Health Authority, in accordance with regulations ”, and

(ii) for “locality” substitute “ area ”,

(b) omit subsection (1A),

(c) in subsection (1B)—

(i) for “practices” substitute “ practises ”,

(ii) for “Family Health Services Authority” substitute “ Health Authority ”,

(iii) for “Authority”, in each other place, substitute “ Health Authority ”,

(iv) for “Authority’s” substitute “ Health Authority’s ”,

(v) for “Authorities” substitute “ Health Authorities ”, and

(vi) for “locality” (in both places) substitute “ area ”,

(d) after that subsection insert—

“(1C) In relation to the operation of a fund-holding practice by medical practitioners the 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.”, and

(e) for the sidenote substitute “ Duty of Health Authority in relation to family health services. ”

7 For section 16 substitute—

## “16 Exercise of functions.

(1) Regulations may provide for functions exercisable by a Health Authority under or by virtue of this Act or the <sup>M2</sup>National Health Service and

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Community Care Act 1990, or under or by virtue of any prescribed provision of any other Act, to be exercisable—

- (a) on behalf of the Health Authority—
    - (i) by another Health Authority;
    - (ii) by a committee or sub-committee, or an officer, of the Health Authority or another Health Authority;
    - (iii) by a joint committee, or joint sub-committee, of the Health Authority and one or more other Health Authorities;
    - (iv) by a Special Health Authority; or
    - (v) by an officer of a Special Health Authority; or
  - (b) by the Health Authority jointly with one or more other Health Authorities.
- (2) Regulations may provide for functions exercisable by a Special Health Authority by virtue of section 11 or 13 above to be exercisable—
- (a) on behalf of the Special Health Authority—
    - (i) by another Special Health Authority;
    - (ii) by a committee or sub-committee, or an officer, of the Special Health Authority or another Special Health Authority; or
    - (iii) by a joint committee, or joint sub-committee, of the Special Health Authority and one or more other Special Health Authorities; or
  - (b) by the Special Health Authority jointly with one or more other Special Health Authorities.”

**Marginal Citations**

M2 1990 c. 19.

8 For section 17 substitute—

**“17 Directions as to exercise of functions.**

- (1) The Secretary of State may give directions with respect to the exercise—
  - (a) by Health Authorities of any functions exercisable by them under or by virtue of this or any other Act; and
  - (b) by Special Health Authorities of any functions exercisable by them by virtue of section 11 or 13 above or under the <sup>M3</sup>National Health Service and Community Care Act 1990.
- (2) It shall be the duty of a Health Authority or Special Health Authority to whom directions are given under subsection (1) above to comply with the directions.”

**Marginal Citations**

M3 1990 c. 19.

9 In section 18 (general provisions about directions)—

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- (a) in subsection (1), for “13 to 17” substitute “ 11 to 17 ”,
  - (b) omit subsection (2),
  - (c) in subsection (3)—
    - (i) for “13” substitute “ 11 ”, and
    - (ii) for “a body or” substitute “ an authority or a ”, and
  - (d) for the sidenote substitute “ Directions and regulations under ss.11 to 17. ”
- 10 In section 19 (local advisory committees)—
  - (a) in subsection (1), omit—
    - (i) “, or for the region of a Regional Health Authority,”, and
    - (ii) “or of the region”,
  - (b) in subsection (2), omit paragraph (b),
  - (c) omit subsection (3),
  - (d) in subsection (4), for “subsections (1) and (3)” substitute “ subsection (1) ”, and
  - (e) in the sidenote and the heading immediately preceding that section, for “Local advisory committees” substitute “ Advisory committees for Wales ”.
- 11 In section 20 (Community Health Councils)—
  - (a) in subsection (1), for the words from “section” to “those Authorities” substitute “ 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 ”, and
  - (b) in subsection (2)—
    - (i) in paragraph (a), for the words from “Area Health Authorities” to “District Health Authorities” substitute “ Health Authorities ”, and
    - (ii) in paragraph (b), for “an Area Health Authority or of the district of a District Health Authority” substitute “ a Health Authority ”.
- 12 In section 22 (co-operation between health authorities and local authorities)—
  - (a) in subsection (1), for “health authorities, Family Practitioner Committees and local authorities” substitute “ Health Authorities and Special Health Authorities (on the one hand) and local authorities (on the other) ”,
  - (b) in subsection (2), after “who shall” insert “ advise ”,
  - (c) omit the Table,
  - (d) for subsection (3) substitute—
    - “(3) Except as provided by an order under the following provisions of this section, each joint consultative committee shall represent one or more Health Authorities together with, in the case of each, one or more associated local authorities; and a Health Authority shall be represented together with each of the local authorities associated with that Health Authority in one or other of the committees (but not necessarily the same committee).
    - (3ZA) For the purposes of subsection (3) above a local authority is associated with a Health Authority if it is a local authority whose area is wholly or partly within the area of the Health Authority.”,
    - and

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- (e) in subsection (4)(b), for the words from “an Area” to the end substitute “ a Health Authority to be represented on a joint consultative committee together with a local authority none of whose area is within the area of the Health Authority; ”.
- 13 In section 23 (voluntary organisations and other bodies), in subsection (2), for “health authority” substitute “ Health Authority or Special Health Authority ”.
- 14 In section 26 (supply of goods and services by Secretary of State)—
  - (a) for “health authority” (in each place) substitute “ Health Authority or Special Health Authority ”, and
  - (b) in subsection (4)(b), for “health authorities” substitute “ Health Authorities or Special Health Authorities ”.
- 15 In section 27 (conditions of supply under section 26)—
  - (a) in subsection (1), for “health authority” (in both places) substitute “ Health Authority or Special Health Authority ”, and
  - (b) in subsection (3)—
    - (i) for “health authorities” substitute “ Health Authorities and Special Health Authorities ”, and
    - (ii) for “health authority’s duty” substitute “ duty of Health Authorities and Special Health Authorities ”.
- 16 In section 28 (supply of goods and services by local authorities)—
  - (a) in subsection (1), for “health authority” substitute “ Health Authority and any Special Health Authority ”, and
  - (b) in subsection (3), for “health authorities” (in both places) substitute “ Health Authorities, Special Health Authorities ”.
- 17 In section 28A (power to make payments towards expenditure on community services)—
  - (a) in subsection (1), for the words from “authorities” to “established” substitute “authorities—
    - (a) a Health Authority; and
    - (b) a Special Health Authority established”, and
  - (b) in subsection (7)(a), for “districts” substitute “ areas ”.
- 18 In section 29 (arrangements and regulations for general medical services)—
  - (a) in subsection (1)—
    - (i) for “Family Practitioner Committee” substitute “ Health Authority ”, and
    - (ii) for “locality” (in both places) substitute “ area ”,
  - (b) in subsection (2)—
    - (i) in paragraph (e), for “locality” (in both places) substitute “ area ”, and
    - (ii) in paragraph (f), for “in the locality of a Family Practitioner Committee” substitute “ in the area of a Health Authority ”, and
  - (c) in subsection (6)—
    - (i) for “a locality” substitute “ an area ”, and
    - (ii) for “the locality” substitute “ the area ”.

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- 19 In section 30 (applications to provide general medical services)—
- (a) in subsection (1)—
    - (i) for “Family Practitioner Committee” substitute “ Health Authority ”,
    - (ii) for “that Committee of” substitute “ the Health Authority of ”,
    - (iii) for “Committee’s locality” substitute “ Health Authority’s area ”,
    - (iv) for “the Committee” substitute “ the Health Authority ”, and
    - (v) for “that Committee shall” substitute “ the Committee shall ”, and
  - (b) in subsection (1A)—
    - (i) for “Family Practitioner Committee” (in each place) substitute “ Health Authority ”, and
    - (ii) for “Committee’s locality” substitute “ Health Authority’s area ”.
- 20 In section 31 (requirement of suitable experience), in subsection (1)(b)—
- (a) for “Family Practitioner Committee” (in both places) substitute “ Health Authority ”,
  - (b) for “Committee’s locality” substitute “ Health Authority’s area ”, and
  - (c) for “their locality” substitute “ their area ”.
- 21 In section 32 (regulations as to section 31), in subsection (3)(a), for “localities” substitute “ areas ”.
- 22 In section 33 (distribution of general medical services)—
- (a) in subsection (1), for “locality of the Family Practitioner Committee concerned or in the relevant part of that locality” substitute “ area of the Health Authority concerned or in the relevant part of that area ”,
  - (b) in subsection (1A), for “Family Health Services Authorities for localities” (in both places) substitute “ Health Authorities for areas ”,
  - (c) in subsection (2), for “locality or part of a locality” substitute “ area or part of an area ”,
  - (d) in subsection (2A)—
    - (i) for “locality of a Family Health Services Authority” substitute “ area of a Health Authority ”, and
    - (ii) for “the Authority” (in both places) substitute “ the Health Authority ”,
  - (e) in subsection (3)—
    - (i) for “Family Practitioner Committee” (in both places) substitute “ Health Authority ”, and
    - (ii) for “locality” substitute “ area ”,
  - (f) in subsection (4)(b), for “Family Practitioner Committee’s locality” substitute “ Health Authority’s area ”, and
  - (g) in subsection (8)—
    - (i) for “Family Health Services Authority” substitute “ Health Authority ”, and
    - (ii) for “locality” substitute “ area ”.
- 23 In section 34 (regulations for Medical Practices Committee)—

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- (a) the provisions preceding subsection (2) shall be renumbered as subsection (1) of that section, and
  - (b) in that subsection as so renumbered—
    - (i) for “Family Practitioner Committees” (in both places) substitute “Health Authorities ”, and
    - (ii) for “localities” (in both places) substitute “ areas ”.
- 24 In section 35 (arrangements for general dental services), in subsection (1)—
  - (a) for “Family Practitioner Committee” substitute “ Health Authority ”, and
  - (b) for “locality” (in both places) substitute “ area ”.
- 25 In section 36 (regulations as to section 35)—
  - (a) in subsection (1)(d), for “locality” (in both places) substitute “ area ”, and
  - (b) in subsection (2)—
    - (i) for “Family Practitioner Committee” substitute “ Health Authority ”,
    - (ii) for “the Committee” substitute “ the Health Authority ”, and
    - (iii) for “Committee’s locality” substitute “ Health Authority’s area ”.
- 26 In section 37 (Dental Practice Board), in subsection (1)(b), for “an Area or District Health Authority” substitute “ a Health Authority ”.
- 27 In section 38 (arrangements for general ophthalmic services), in subsection (1)—
  - (a) for “Family Practitioner Committee” substitute “ Health Authority ”, and
  - (b) for “locality” substitute “ area ”.
- 28 In section 39 (regulations as to section 38), in paragraph (d), for “locality” (in both places) substitute “ area ”.
- 29 In section 41 (arrangements for pharmaceutical services)—
  - (a) for “Family Practitioner Committee” substitute “ Health Authority ”,
  - (b) for “locality” (in both places) substitute “ area ”, and
  - (c) for “by a health authority or an NHS trust of dental services” substitute “ of dental services by a Health Authority, a Special Health Authority or an NHS trust ”.
- 30 In section 42 (regulations as to pharmaceutical services)—
  - (a) in subsection (1)—
    - (i) for “Family Practitioner Committee” substitute “ Health Authority ”, and
    - (ii) for “Committee’s locality” substitute “ Health Authority’s area ”,
  - (b) in subsection (2)—
    - (i) for “a Committee” (in both places) substitute “ a Health Authority ”,
    - (ii) for “Committee’s locality” substitute “ Health Authority’s area ”, and
    - (iii) for “Committee is” substitute “ Health Authority are ”, and
  - (c) in subsection (3)—
    - (i) for “Committee” (in each place) substitute “ Health Authority ”,
    - (ii) for “Committee’s locality.” substitute “ Health Authority’s area; ”,

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- (iii) for “Family Health Services Authority in whose locality” substitute “Health Authority in whose area”, and
  - (iv) for “that Family Health Services Authority may give its” substitute “that Health Authority may give their”.
- 31 In section 43 (persons authorised to provide pharmaceutical services), in subsection (1), for “a Family Practitioner Committee” substitute “a Health Authority”.
- 32 In section 44 (recognition of local representative committees)—
  - (a) in subsection (1)—
    - (i) for “Family Health Services Authority is satisfied” substitute “Health Authority are satisfied”,
    - (ii) for “its locality” substitute “their area”,
    - (iii) for “locality”, in each other place, substitute “area”, and
    - (iv) for “the Family Health Services Authority” substitute “the Health Authority”, and
  - (b) in subsection (2), for “Family Health Services Authority” substitute “Health Authority”.
- 33 In section 45 (functions of local representative committees)—
  - (a) for “Family Practitioner Committee” (in each place) substitute “Health Authority”,
  - (b) in subsection (1), for “a locality” substitute “an area”, and
  - (c) in subsection (2), for “locality” substitute “area”.
- 34 In section 46 (disqualification of practitioners)—
  - (a) in subsections (1) and (2), for “a Family Practitioner Committee” substitute “a Health Authority”,
  - (b) in subsection (2), for “other Family Practitioner Committee” substitute “other Health Authority”, and
  - (c) in subsection (4), for “Family Practitioner Committee or Committees” substitute “Health Authority or Health Authorities”.
- 35 Section 51 (university clinical teaching and research) shall be renumbered as subsection (1) of that section and—
  - (a) in that subsection as so renumbered, for “make available, in premises provided by him by virtue of this Act,” substitute “exercise his functions under this Act and Part I of the <sup>M4</sup>National Health Service and Community Care Act 1990 so as to secure that there are made available”, and
  - (b) after that subsection insert—
    - “(2) Regulations may provide for any functions exercisable by a Health Authority or Special Health Authority in relation to the provision of facilities such as are mentioned in subsection (1) above to be exercisable by the Health Authority or Special Health Authority jointly with one or more other relevant health service bodies.
    - (3) For the purposes of subsection (2) above the following are relevant health service bodies—



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- (a) Health Authorities;
- (b) Special Health Authorities; and
- (c) NHS trusts.”

**Marginal Citations**

**M4** 1990 c. 19.

36 In section 54 (prohibition on sale of medical practices), for subsections (2) to (4) substitute—

“(2) Subsection (1) above does not render unlawful the sale by a medical practitioner of the whole or part of the goodwill of a medical practice (or part of a medical practice) if—

- (a) his name has ceased to be entered on any list of medical practitioners undertaking to provide general medical services; and
- (b) he has not at any time carried on the practice (or the part of the practice) anywhere which was, at a time when he provided services pursuant to arrangements with any Council, Committee or Authority, within the area, district or locality of the Council, Committee or Authority.

(3) Subsection (1) above does not render unlawful the sale of, or of any part of, the goodwill of a medical practice by a medical practitioner by reason only that the goodwill, or any part of the goodwill, to be sold is attributable to a practice previously carried on by a person whose name was entered on a list of medical practitioners undertaking to provide general medical services.

(4) In this section “general medical services” includes the services so described provided pursuant to the provisions of the <sup>M5</sup>National Health Service Act 1946, the <sup>M6</sup>National Health Service Reorganisation Act 1973 or this Act by arrangement with any Council, Committee or Authority.”

**Marginal Citations**

**M5** 1973 c. 32.

**M6** 1946 c. 81.

37 In section 56 (inadequate services)—

- (a) for “the locality of a Family Practitioner Committee or part of the locality of such a Committee” substitute “ the area, or part of the area, of a Health Authority ”,
- (b) for the words from “in question” to “are not” substitute “ in question in that area or part, or that for any other reason any considerable number of persons in any such area or part are not ”, and
- (c) for “the Family Practitioner Committee” substitute “ the Health Authority ”.

38 In section 65 (accommodation and services for private patients)—

- (a) in subsection (1)—

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- (i) for “District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”,
    - (ii) for the words from “available, such charges” to “satisfied” substitute “ available, such charges as the Health Authority or Special Health Authority may determine and may make and recover such charges as they may determine in respect of such accommodation and services and calculate those charges on any basis that they consider to be the appropriate commercial basis; but they shall do so only if and to the extent that they are satisfied ”, and
    - (iii) for “the Authority of any function conferred on the Authority under” substitute “ the Health Authority or Special Health Authority of any function conferred on them under ”,
  - (b) in subsection (1A), for “District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”,
  - (c) in subsection (2), for “A District or Special Health Authority” substitute “ A Health Authority or Special Health Authority ”, and
  - (d) in subsection (3)—
    - (i) for “District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”, and
    - (ii) for “an authority” substitute “ a Health Authority or Special Health Authority ”.
- 39 In section 83 (sums payable to persons providing services), for—
- (a) the words in paragraph (a) from “a Regional” to “Committee”, and
  - (b) the words in paragraph (b) from “an Area” to “Committee”,
- substitute “ a Health Authority or Special Health Authority ”.
- 40 In section 83A (remission and repayment of charges and payment of travelling expenses), in subsection (1)(c), for “District Health Authority” (in both places) substitute “ Health Authority ”.
- 41 In section 85 (default powers), in subsection (1), for paragraphs (a) to (g) substitute—
- “(a) a Health Authority;
  - (b) a Special Health Authority;
  - (c) an NHS trust;
  - (d) the Medical Practices Committee; or
  - (e) the Dental Practice Board;”.
- 42 In section 90 (gifts on trust), for “health authority” substitute “ Health Authority or Special Health Authority ”.
- 43 In section 91 (private trusts for hospitals), in subsection (3)(b), for “District Health Authority” substitute “ Health Authority ”.
- 44 In section 92 (further transfers of trust property)—
- (a) in subsection (1)—
    - (i) for “health authority”, in the first place, substitute “ Health Authority or Special Health Authority ”, and
    - (ii) for the words from “from any health authority” to the end substitute “ from any relevant health service body to any other relevant health service body. ”,

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(b) after that subsection insert—

“(1A) In this section “relevant health service body” means—

- (a) a Health Authority;
- (b) a Special Health Authority;
- (c) an NHS trust;
- (d) special trustees; or
- (e) trustees for an NHS trust.”,

(c) in subsection (2)—

(i) for “one or more health authorities or NHS trusts” substitute “ one or more bodies which are relevant health service bodies by virtue of subsection (1A)(a) to (c) above ”, and

(ii) for the words from “health authority” to the end substitute “ body or, in such proportions as may be specified in the order, to those bodies. ”,

(d) in subsection (3), for “health authorities or NHS trusts and special trustees” substitute “ special trustees and other bodies ”, and

(e) in subsection (4), for “authorities or NHS trusts” substitute “ bodies ”.

45 In section 96 (trusts: supplementary provisions), in subsection (1A), for “health authority” substitute “ Health Authority or Special Health Authority ”.

46 In section 96A (power to raise money by appeals, collections etc.)—

(a) in subsection (1), for—

- (i) “health authority”, and
- (ii) “authority”,

substitute “ Health Authority, Special Health Authority ”,

(b) in subsections (3) and (4), for “health authority, NHS trust or Board” substitute “ Health Authority, Special Health Authority or NHS trust ”,

(c) in subsection (5), for “District Health Authority” substitute “ Health Authority ”,

(d) in subsection (6), omit the words from “to another” to “for an NHS trust”,

(e) in subsections (7) to (9), for—

- (i) “health authority, NHS trust or Board” (in each place), and
- (ii) “authority, NHS trust or Board” (in each place),

substitute “ Health Authority, Special Health Authority or NHS trust ”, and

(f) in subsection (8), omit—

- (i) “or by a Regional Health Authority”, and
- (ii) “or that Authority”.

47 For section 97 substitute—

**“97 Means of meeting expenditure of Health Authorities and Special Health Authorities out of public funds.**

(1) It is the duty of the Secretary of State to pay to each Health Authority sums equal to expenditure of the Health Authority which—

- (a) is attributable to the payment of remuneration to persons providing services in pursuance of Part II of this Act; but
- (b) is not expenditure within subsection (2) below.

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- (2) It is also the duty of the Secretary of State to pay in respect of each financial year to each Health Authority sums not exceeding the amount allotted for that year by the Secretary of State to the Health Authority towards meeting the expenditure of the Health Authority which is attributable to the reimbursement of expenses of persons providing services in pursuance of Part II of this Act which are expenses—
  - (a) incurred in connection with the provision of the services (or in giving instruction in matters relating to the services); and
  - (b) of a description specified in the allotment.
- (3) It is also the duty of the Secretary of State to pay in respect of each financial year to each Health Authority sums not exceeding the amount allotted for that year by the Secretary of State to the Health Authority towards meeting the expenditure of the Health Authority which—
  - (a) is attributable to the performance by the Health Authority of their functions in that year; but
  - (b) is not expenditure within subsection (1) or (2) above.
- (4) It is the duty of the Secretary of State to pay in respect of each financial year to each Special Health Authority sums not exceeding the amount allotted for that year by the Secretary of State to the Special Health Authority towards meeting the expenditure of the Special Health Authority which is attributable to the performance by the Special Health Authority of their functions in that year.
- (5) An amount is allotted to a Health Authority or Special Health Authority for a year under this section when they are notified by the Secretary of State that it is allotted to them for that year; and the Secretary of State may make an allotment under this section increasing or reducing an allotment previously so made.
- (6) The Secretary of State may give directions to a Health Authority or Special Health Authority with respect to—
  - (a) the application of sums paid to them under subsections (1) to (3), or subsection (4), above;
  - (b) the payment of sums by them to the Secretary of State in respect of charges or other sums referable to the valuation or disposal of assets; or
  - (c) the application by them of sums received by them by virtue of section 15(7)(a) of the <sup>M7</sup>National Health Service and Community Care Act 1990.
- (7) Where directions have been given to a Health Authority or Special Health Authority under subsection (6) above it is the duty of the Health Authority or Special Health Authority to comply with the directions.
- (8) Where an order establishing a Special Health Authority provides for any expenditure of the Special Health Authority to be met by a Health Authority or by two or more Health Authorities in portions determined by or in accordance with the order, it is the duty of the Health Authority, or each of the Health Authorities, to pay to the Special Health Authority sums equal to, or to the appropriate portion of, that expenditure.

*Status: Point in time view as at 28/06/1995.*

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- (9) Sums falling to be paid under this section shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.”

**Marginal Citations**

M7 1990 c. 19.

48 For section 97A substitute—

**“97A Financial duties of Health Authorities and Special Health Authorities.**

- (1) It is the duty of every Health Authority, in respect of each financial year, to perform their functions so as to secure that the expenditure of the Health Authority which is attributable to the performance by them of their functions in that year (not including expenditure within subsection (1) of section 97 above) does not exceed the aggregate of—
- (a) the amounts allotted to them for that year under subsections (2) and (3) of that section;
  - (b) any sums received by them in that year under any provision of this Act (other than sums received by them under that section); and
  - (c) any sums received by them in that year otherwise than under this Act for the purpose of enabling them to defray any such expenditure.
- (2) It is the duty of every Special Health Authority, in respect of each financial year, to perform their functions so as to secure that the expenditure of the Special Health Authority which is attributable to the performance by them of their functions in that year does not exceed the aggregate of—
- (a) the amount allotted to them for that year under subsection (4) of section 97 above;
  - (b) any sums received by them in that year under any provision of this Act (other than sums received by them under that subsection); and
  - (c) any sums received by them in that year otherwise than under this Act for the purpose of enabling them to defray any such expenditure.
- (3) The Secretary of State may give such directions to a Health Authority or Special Health Authority as appear to be requisite to secure that the Health Authority or Special Health Authority comply with the duty imposed on them by subsection (1) or (2) above.
- (4) Directions under subsection (3) above may be specific in character.
- (5) Where directions have been given to a Health Authority or Special Health Authority under subsection (3) above it is the duty of the Health Authority or Special Health Authority to comply with the directions.
- (6) To the extent to which—
- (a) any expenditure is defrayed by a Health Authority or Special Health Authority as trustee or on behalf of a Health Authority or Special Health Authority by special trustees; or
  - (b) any sums are received by a Health Authority or Special Health Authority as trustee or under section 96A above,

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that expenditure and, subject to subsection (8) below, those sums shall be disregarded for the purposes of this section.

(7) For the purposes of this section sums which, in the hands of a Health Authority or Special Health Authority, cease to be trust funds and become applicable by the Health Authority or Special Health Authority otherwise than as trustee shall be treated, on their becoming so applicable, as having been received by the Health Authority or Special Health Authority otherwise than as trustee.

(8) Of the sums received by a Health Authority or Special Health Authority under section 96A above so much only as accrues to the Health Authority or Special Health Authority after defraying any expenses incurred in obtaining them shall be disregarded under subsection (6) above.

(9) Subject to subsection (6) above, the Secretary of State may by directions determine—

(a) whether sums of a description specified in the directions are, or are not, to be treated for the purposes of this section as received under this Act by a Health Authority or Special Health Authority of a description specified in the directions;

(b) whether expenditure of a description specified in the directions is, or is not, to be treated for those purposes as—

(i) expenditure within subsection (1) above of a Health Authority of a description so specified; or

(ii) expenditure within subsection (2) above of a Special Health Authority of a description so specified; or

(c) the extent to which, and the circumstances in which, sums received—

(i) by a Health Authority under subsections (1) to (3) of section 97 above; or

(ii) by a Special Health Authority under subsection (4) of that section,

but not yet spent are to be treated for the purposes of this section as part of the expenditure of the Health Authority or Special Health Authority and to which financial year's expenditure they are to be attributed.”

49 Omit section 97B (financial duties of Family Health Services Authorities in Wales).

50 In section 98 (accounts and audit)—

(a) in subsection (1), for paragraphs (a) to (cc) substitute—

“(a) every Health Authority;

(b) every Special Health Authority;

(c) every NHS trust;”,

(b) in subsection (2A)—

(i) for “District Health Authority” substitute “Health Authority”,

(ii) for “Authority's district” substitute “Health Authority's area”, and

(iii) for “Authority is the prescribed Authority” substitute “Health Authority is prescribed for the purposes of this subsection”,

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- (c) in the subsection numbered (2B) which was inserted by section 20(2)(b) of the <sup>M8</sup>National Health Service and Community Care Act 1990—
  - (i) after “paid” insert “ under section 15 of the <sup>M9</sup>National Health Service and Community Care Act 1990 ”,
  - (ii) for “Family Health Services Authority” (in both places) substitute “ Health Authority ”, and
  - (iii) for “the Authority” substitute “ the Health Authority ”, and
- (d) omit subsection (5).

#### Marginal Citations

**M8** 1990 c. 19.  
**M9** 1990 c. 19.

- 51 In section 99 (regulation of financial arrangements), in subsection (1), for paragraphs (a) to (d) substitute—
  - “(a) Health Authorities,
  - (b) Special Health Authorities,”.
- 52 In section 103 (special arrangement as to payment of remuneration), in subsection (3), for “Family Health Services Authority which, under Part II of this Act, has” substitute “ Health Authority which, under Part II of this Act, have ”.
- 53 In section 104 (superannuation of officers of certain hospitals), in subsection (1)(a), for “Area or District Health Authorities” substitute “ Health Authorities ”.
- 54 In section 105 (payments for certain medical examinations), in subsection (2)(b), for “health authority” substitute “ Health Authority or Special Health Authority ”.
- 55 In section 124 (special notices of births and deaths)—
  - (a) in subsection (2)—
    - (i) for the words from “prescribed” to “includes” substitute “ Health Authority the area of which includes ”, and
    - (ii) for “Authority’s area or district as are entered (on and after 1st April 1974)” substitute “ Health Authority’s area as are entered ”,
  - (b) in subsection (4), for the words from “prescribed” to “district” substitute “ Health Authority for the area ”,
  - (c) in subsection (5)—
    - (i) for the words from “prescribed” to “office” substitute “ Health Authority at their offices ”,
    - (ii) for “that officer’s office” substitute “ the Health Authority’s offices ”,
    - (iii) for “an Area or District Health Authority” substitute “ a Health Authority ”, and
    - (iv) omit “or district”,
  - (d) in subsection (6), for “Area or District Health Authority” substitute “ Health Authority ”, and
  - (e) in subsection (7), for “medical officer” substitute “ Health Authority ”.

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- 56 In section 125 (protection of members and officers of authorities), for paragraphs (a) to (d) substitute—
- “(a) a Health Authority,  
(b) a Special Health Authority, and  
(c) an NHS trust,”.
- 57 In section 126 (regulations and directions: general provisions), for the second sentence of subsection (3) substitute—
- “(3A) Directions given by the Secretary of State in pursuance of any provision of this Act or Part I of the<sup>M10</sup>National Health Service and Community Care Act 1990 shall be given by an instrument in writing.
- (3B) In relation to directions given in pursuance of sections 11 to 17 above section 18 above applies in place of subsections (3) and (3A) above.”

#### Marginal Citations

M10 1990 c. 19.

- 58 In section 128 (interpretation), in subsection (1)—
- (a) omit the definitions of “District Health Authority” and “health authority”, and
- (b) after the definition of “functions” insert—
- ““fund-holding practice” shall be construed in accordance with section 14 of the National Health Service and Community Care Act 1990;”.
- 59 In Schedule 5 (authorities), insert as Part I (and in substitution for the existing heading of the Schedule)—
- “Health Authorities and Special Health Authorities

## PART I

### MEMBERSHIP OF HEALTH AUTHORITIES

- 1 A Health Authority shall consist of—
  - (a) a chairman appointed by the Secretary of State;
  - (b) not more than a prescribed number of persons (not being officers of the Health Authority) appointed by the Secretary of State; and
  - (c) a prescribed number of officers of the Health Authority.
- 2 Regulations may provide that all or any of the persons appointed as members of a Health Authority under paragraph 1(b) above—
  - (a) must hold posts of a prescribed description; or
  - (b) must fulfil any other prescribed conditions.
- 3 Regulations shall provide that each of the persons who is a member of a Health Authority under paragraph 1(c) above must either—



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- (a) hold an office of the Health Authority of a prescribed description; or
  - (b) be appointed by the chairman of the Health Authority and the persons appointed as members of the Health Authority under paragraph 1(b) above.
- 4 Regulations may provide for a person of a prescribed description who is not an officer of a Health Authority to be treated for the purposes of this Part of this Schedule, and any other prescribed provision relating to members of (or of committees or sub-committees of) Health Authorities, as if he were such an officer.”
- 60 In Part III of that Schedule (supplementary provisions about authorities)—
  - (a) in paragraph 8, for the words from “Regional” to “Committee” substitute “ Health Authority and each Special Health Authority ”,
  - (b) in paragraph 9—
    - (i) in sub-paragraph (1), omit “or a Regional Health Authority”, and
    - (ii) in sub-paragraph (7), for the words from “means” to “which is specified” substitute “means—
      - (a) a Health Authority; or
      - (b) any Special Health Authority which is specified”,
  - (c) in paragraph 10—
    - (i) in sub-paragraph (1)(b), after “employ” insert “ a chief officer and officers of such other descriptions as may be prescribed and to employ ”, and
    - (ii) in sub-paragraph (3), omit paragraphs (b) and (d),
  - (d) in paragraph 11, omit—
    - (i) in sub-paragraph (2), “or, as the case may be, a Regional Health Authority’s,”, “or the Authority” (in both places), “or itself” and “or paragraph (d)”, and
    - (ii) in sub-paragraph (3), “or Regional Health Authority” and “or paragraph (b)” and “or the Authority” (in both places),
  - (e) in paragraph 12(b), omit “, and the exercise of functions by,”,
  - (f) in paragraph 12A, for the words from “or Schedule 1” to “those Schedules)” substitute “ may make provision (including provision modifying this Schedule) ”, and
  - (g) omit paragraph 15(3).
- 61 In Schedule 6 (local advisory committees)—
  - (a) in paragraph 1(1), omit “, or for the region of a Regional Health Authority, or the area or district of an Area or District Health Authority,”,
  - (b) in paragraph 2, omit “or (3)”,
  - (c) omit paragraph 4,
  - (d) in paragraph 5—
    - (i) for “An Authority” substitute “ The Secretary of State ”,
    - (ii) for “paragraphs 3 or 4” substitute “ paragraph 3 ”,
    - (iii) for “the Authority” substitute “ the Secretary of State ”, and
    - (iv) omit the second sentence, and
  - (e) in the heading, for “Local Advisory Committees” substitute “ Advisory Committees for Wales ”.

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- 62 In Schedule 7 (Community Health Councils)—
- (a) in paragraph 2—
    - (i) in paragraph (d), for the words from “Regional” to “Committees” substitute “ Health Authorities and NHS trusts ”,
    - (ii) in paragraph (e), for the words from “Regional” to “Services Authorities” substitute “ Health Authorities and NHS trusts ” and for “such health authorities” substitute “ Health Authorities ”,
    - (iii) in paragraph (f), for “such Authorities and Committees” substitute “ Health Authorities ”, and
    - (iv) in paragraph (g), for “such Authorities or Committees” substitute “ Health Authorities ”,
  - (b) in paragraph 3(d), for the words from “Regional” to the end substitute “ Health Authority. ”,
  - (c) in paragraph 7, in the definition of “district”, for the words from “the locality” to “District Health Authorities” substitute “ the district for which it is established, whether the district consists of the whole or part of the area of a Health Authority or of the whole or part of the area of one Health Authority together with the whole or part of the area of one or more others, ”, and
  - (d) omit paragraph 8.
- 63 In Schedule 9 (tribunal for purposes of section 46), in paragraph 3, for “Family Practitioner Committees” (in both places) substitute “ Health Authorities ”.
- 64 In Schedule 14 (transitional provisions and savings), in paragraph 13—
- (a) in sub-paragraph (1)(b), for the words from “paragraphs” to “152” substitute “ paragraphs 2, 7 to 9, 40, 68, 82, 109, 111, 123, 124(2) and (3), 125(2), 128, 130, 131(2), 132, 133, 151 and 152 ”, and
  - (b) in sub-paragraph (2)—
    - (i) after “this Act” insert “ or the Health Authorities Act 1995 ”, and
    - (ii) for “131” substitute “ 131(2) ”.

## PART II

### AMENDMENTS OF THE NATIONAL HEALTH SERVICE AND COMMUNITY CARE ACT 1990

- 65 The <sup>M11</sup>National Health Service and Community Care Act 1990 shall be amended as follows.

#### Marginal Citations

**M11** 1990 c. 19.

- 66 In section 1 (regional and district health authorities), in subsection (3), for “Part III of Schedule 5 to the principal Act” substitute “ In the <sup>M12</sup>National Health Service Act 1977 (in this Part of this Act referred to as “the principal Act”), Part III of Schedule 5 ”.

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#### Marginal Citations

M12 1977 c. 49.

- 67 In section 3 (primary and other functions of health authorities etc. and exercise of functions)—
- (a) for subsection (1) substitute—
    - “(1) Any reference in this Act to the primary functions of a Health Authority or Special Health Authority is a reference to those functions for the time being exercisable by the Health Authority or Special Health Authority by virtue of—
      - (a) directions under section 11 or 13 of the principal Act;
      - (b) section 15 or Part II of the principal Act; or
      - (c) any provision of this Act (apart from subsection (2) below).”;
  - (b) in subsection (2), for—
    - (i) “Regional, District or Special Health Authority or a Family Health Services Authority”, and
    - (ii) “authority”,substitute “ Health Authority or Special Health Authority ”,
  - (c) in subsection (5), for—
    - (i) “Regional, District or Special Health Authority”, and
    - (ii) “authority”,substitute “ Health Authority or Special Health Authority ”,
  - (d) in subsection (6)—
    - (i) in paragraph (a), for “Regional, District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”,
    - (ii) in paragraph (b), for “health authority” substitute “ authority which is a Health Authority or Special Health Authority ”, and
    - (iii) in the words following that paragraph, for “the authority” substitute “ the Health Authority or Special Health Authority ” and for “other health authority” substitute “ other authority ”, and
  - (e) in subsection (8), for—
    - (i) “Regional, District or Special Health Authority”, and
    - (ii) “authority”,substitute “ Health Authority or Special Health Authority ”.
- 68 In section 4 (NHS contracts), in subsection (2)—
- (a) for paragraph (a) substitute—
    - “(a) a Health Authority;
    - (aa) a Special Health Authority;”, and
  - (b) omit paragraph (d).
- 69 In section 5 (NHS trusts)—
- (a) in subsection (1), for “Regional, District or Special Health Authorities” substitute “ Health Authorities or Special Health Authorities ”,
  - (b) for subsections (2) to (4) substitute—

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- “(2) No order shall be made under subsection (1) above until after the completion of such consultation as may be prescribed.”,
- (c) in subsection (6), for “health authorities” substitute “ Health Authorities or Special Health Authorities ”, and
  - (d) in subsection (7), the words from “and, without prejudice” onwards shall follow (rather than form part of) paragraph (f).
- 70 In section 6 (transfer of staff to NHS trusts)—
- (a) for “health authority” (in each place) substitute “ Health Authority or Special Health Authority ”, and
  - (b) in subsection (4)(a), for “health authority’s rights, powers, duties and liabilities” substitute “ rights, powers, duties and liabilities of the Health Authority or Special Health Authority ”.
- 71 In section 7 (supplementary provisions as to transfer of staff), in subsection (1)(b), for “health authority” substitute “ Health Authority or Special Health Authority ”.
- 72 In section 8 (transfer of property, rights and liabilities to NHS trusts), for “health authority” (in each place) substitute “ Health Authority or Special Health Authority ”.
- 73 In section 14 (recognition of fund-holding practices of doctors)—
- (a) in subsections (1) and (2), for “relevant Regional Health Authority” substitute “ Secretary of State ”,
  - (b) omit subsections (3) to (5), and
  - (c) in subsection (6), omit paragraph (d).
- 74 In section 15 (payments to recognised fund-holding practices)—
- (a) for subsection (1) substitute—
 

“(1) In respect of each financial year, every Health Authority shall be liable to pay to the members of each recognised fund-holding practice in relation to which they are the relevant Health Authority a sum determined by the Secretary of State in such manner and by reference to such factors as the Secretary of State may direct (in this section referred to as an “allotted sum”).”,
  - (b) omit subsection (2),
  - (c) in subsection (3), omit “or subsection (2)”,
  - (d) for subsection (4) substitute—
 

“(4) In any case where—

    - (a) a Health Authority make a payment of, or of any part of, an allotted sum to the members of a recognised fund-holding practice, and
    - (b) some of the individuals on the list of patients of any of the members of the practice reside in the area of another Health Authority, or in the area of a Health Board,

the Health Authority making the payment shall be entitled to recover from that other Health Authority, or from that Health Board, an amount equal to such portion of the payment as may be

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- determined in accordance with directions given by the Secretary of State.”,
- (e) omit subsection (5),
  - (f) in subsection (7)—
    - (i) in paragraph (a), for “Regional Health Authority”, and
    - (ii) in paragraph (c), for “District Health Authority”,substitute “ Health Authority ”,
  - (g) omit subsection (8), and
  - (h) in subsection (9), for—
    - (i) “Family Health Services Authority”, and
    - (ii) “Authority”, in the other place,substitute “ Health Authority ”.
- 75 In section 16 (renunciation and removal of recognition as a fund-holding practice and withholding of funds)—
- (a) in subsection (2), omit—
    - (i) “the relevant Regional Health Authority or, as the case may be,”,
    - and
    - (ii) “the Regional Health Authority or, as the case may be,”,
  - (b) in subsection (3)(b), omit the words from the beginning to “Authority,”,
  - (c) in subsection (4)—
    - (i) for “District Health Authorities” substitute “ Health Authorities ”,
    - and
    - (ii) omit “the Regional Health Authority or, as the case may be,”,
  - (d) omit subsection (5),
  - (e) in subsection (6), for the words from “Regional” to the end substitute “ Health Authority of an amount equal to that determined by the Secretary of State as having been so applied. ”, and
  - (f) omit subsection (7).
- 76 In section 17 (transfer of functions relating to recognised fund-holding practices)—
- (a) in subsection (1)—
    - (i) omit “a Regional Health Authority or, in Wales,”, and
    - (ii) for “Family Health Services Authority” substitute “ Health Authority ”,
  - (b) in subsection (2), for “Family Health Services Authority” substitute “ Health Authority ”, and
  - (c) after that subsection insert—

“(2A) Where regulations under this section provide for any function of the Secretary of State to become a function of a Health Authority, the regulations may make provision for and in connection with appeals against any decision made, or other thing done, in exercise of the function.”
- 77 In section 18 (indicative amounts)—
- (a) in subsection (1), for—

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- (i) “Family Health Services Authority” (in both places), and
  - (ii) “Authority”,
- substitute “ Health Authority ”, and
- (b) in subsections (4), (5) and (7), for “Family Health Services Authority” substitute “ Health Authority ”.
- 78 In section 20 (extension of functions of Audit Commission to cover health service), in subsection (1)(a), for “health authorities” substitute “ Health Authorities, Special Health Authorities ”.
- 79 In section 21 (schemes for meeting losses and liabilities etc. of certain health service bodies)—
  - (a) in subsection (2), for paragraph (a) substitute—
    - “(a) Health Authorities;
    - (aa) Special Health Authorities;”, and
  - (b) in subsections (3)(a), (4)(b) and (5), for “health authority” substitute “ Health Authority, Special Health Authority ”.
- 80 In section 46 (local authority plans for community care services), in subsection (2) —
  - (a) in paragraph (a), for “District Health Authority the whole or any part of whose district” substitute “ Health Authority the whole or any part of whose area ”, and
  - (b) omit paragraph (b).
- 81 In section 47 (assessment of needs for community care services), in subsection (3), for “District Health Authority” (in each place) substitute “ Health Authority ”.
- 82 In section 49 (regulations for the transfer of staff from the health service to local authorities), in subsection (4)(b), for “Regional, District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”.
- 83 In section 60 (removal of Crown immunities), in subsection (7)—
  - (a) for paragraph (a) substitute—
    - “(a) a Health Authority established under section 8 of the <sup>M13</sup>National Health Service Act 1977;
    - (aa) a Special Health Authority established under section 11 of that Act;”, and
  - (b) omit paragraph (d).

#### Marginal Citations

**M13** 1977 c. 49.

- 84 In section 62 (Clinical Standards Advisory Group), in subsection (7)—
  - (a) in the definition of “health service body”—
    - (i) for paragraph (i) substitute—
      - “(i) a Health Authority established under section 8 of the <sup>M14</sup>National Health Service Act 1977;
      - (ia) a Special Health Authority established under section 11 of that Act;”,

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- (ii) at the end of paragraph (iv) insert “ and ”, and
- (iii) omit paragraph (vi) and the word “and” immediately preceding it, and
- (b) in the definition of “services”, for paragraph (a) substitute—
  - “(a) in England and Wales by virtue of—
    - (i) directions under section 13 of the <sup>M15</sup>National Health Service Act 1977;
    - (ii) Part II of that Act; or
    - (iii) section 5 of this Act; or”.

#### Marginal Citations

**M14** 1977 c. 49.

**M15** 1977 c. 49.

- 85 In Schedule 2 (NHS trusts)—
- (a) in paragraph 3(1)(f), for “health authority which is” substitute “ Health Authority or Special Health Authority which are ”,
  - (b) in paragraph 4—
    - (i) in sub-paragraph (1), for “Regional, District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”, and
    - (ii) in sub-paragraph (2), for “Regional, District or Special Health Authority’s functions” substitute “ functions of the Health Authority or Special Health Authority ”,
  - (c) in paragraph 5(3), for “Regional, District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”,
  - (d) in paragraph 6(2)—
    - (i) in paragraph (e), for “health authorities” (in both places) substitute “ Health Authorities or Special Health Authorities ”, and
    - (ii) at the end (but not as part of paragraph (f)) insert “ and with any directions given to it under section 1(1A) of the <sup>M16</sup>Hospital Complaints Procedure Act 1985 ”,
  - (e) in paragraph 13, for “Regional, District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”,
  - (f) in paragraph 19(1)—
    - (i) in paragraph (c), for “District Health Authority”, and
    - (ii) for “Authority”, in the other place,substitute “ Health Authority ”,
  - (g) in paragraph 30, in sub-paragraph (1), for paragraph (b) substitute—
    - “(b) a Health Authority, or
    - (bb) a Special Health Authority, or”,and, in sub-paragraph (2), for “health authority” substitute “ Health Authority, Special Health Authority ”, and
  - (h) in paragraph 31, for “or health authority” substitute “ , or such Health Authority or Special Health Authority, ”.

*Status: Point in time view as at 28/06/1995.*

*Changes to legislation: Health Authorities Act 1995, SCHEDULE 1 is up to date with all changes known to be in force on or before 10 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Marginal Citations

**M16** 1985 c. 42.

### PART III

#### AMENDMENTS OF OTHER ENACTMENTS

#### Extent Information

**E2** Part III does not extend to the Colonies.

#### *The Polish Resettlement Act 1947*

- 86 In section 4 of the <sup>M17</sup>Polish Resettlement Act 1947 (provision of health services), in subsection (1), for “Area Health Authorities District Health Authorities” substitute “Health Authorities”.

#### Marginal Citations

**M17** 1947 c. 19.

#### *The National Assistance Act 1948*

- 87 (1) The <sup>M18</sup>National Assistance Act 1948 shall be amended as follows.
- (2) In section 26 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C), for “District Health Authority” substitute “Health Authority”.
- (3) In the sixth Schedule (transitional provisions), omit paragraphs 7 to 9.

#### Marginal Citations

**M18** 1948 c. 29.

#### *The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951*

- 88 In the second Schedule to the <sup>M19</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (paying authorities), in Part I, for paragraph 15 substitute—

“15. Officer of a Health Authority, a Special Health Authority or any other body constituted under the

<sup>M20</sup>

National Health Service Act 1977 or the

<sup>M21</sup>

The Health Authority, Special Health Authority or other body.



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## National Health Service and Community Care Act 1990

15A. Officer of a Health Board, the  
Common Services Agency for the  
Scottish Health Service or any other  
body constituted under the  
M22

The Health Board, Agency or other  
body.”,

National Health Service (Scotland) Act  
1978

and, in paragraph 16, for the entry in the second column substitute “ The Health  
Authority or Health Board for the area for which the services are provided. ”

### Marginal Citations

M19 1951 c. 65.

M20 1990 c. 19.

M21 1977 c. 49.

M22 1978 c. 29.

## The Landlord and Tenant Act 1954

- 89 In section 57 of the <sup>M23</sup>Landlord and Tenant Act 1954 (modification on grounds  
of public interest of rights under Part II of that Act), in subsection (6), for the  
words from “Regional” to “special health authority” substitute “ Health Authority  
or Special Health Authority ”.

### Marginal Citations

M23 1954 c. 56.

## The Public Records Act 1958

- 90 In the first Schedule to the <sup>M24</sup>Public Records Act 1958 (definition of public  
records), in the Table at the end of paragraph 3, in Part I, in the second column, at  
the end of the entry relating to health service hospitals insert—

“records of trust property passing  
to a Health Authority or Special  
Health Authority by virtue of the  
Health Authorities Act 1995 or under  
section 92 of the  
M25

National Health Service Act 1977  
or held by a Health Authority under  
section 90 or 91 of that Act.”

*Status: Point in time view as at 28/06/1995.*

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#### Marginal Citations

**M24** 1958 c. 51.

**M25** 1977 c. 49.

#### *The Public Bodies (Admission to Meetings) Act 1960*

- 91 In the Schedule to the <sup>M26</sup>Public Bodies (Admission to Meetings) Act 1960 (bodies to which that Act applies), for paragraph 1(f) and (g) substitute—
- “(f) Health Authorities, except as regards the exercise of functions under the <sup>M27</sup>National Health Service (Service Committees and Tribunal) Regulations 1992 or any regulations amending or replacing those Regulations;
  - (g) if the order establishing a Special Health Authority so provides, the Special Health Authority;”.

#### Marginal Citations

**M26** 1960 c. 67.

**M27** S.I. 1992/664.

#### *The Human Tissue Act 1961*

- 92 In section 1 of the Human Tissue Act 1961 (removal of parts of bodies for medical purposes), in subsection (10)(a), for “has the meaning given by section 128(1) of the National Health Service Act 1977” substitute “ means a Health Authority established under section 8 of the <sup>M28</sup>National Health Service Act 1977 or a Special Health Authority established under section 11 of that Act ”.

#### Marginal Citations

**M28** 1961 c. 54.

#### *The Parliamentary Commissioner Act 1967*

- 93 In Schedule 3 to the <sup>M29</sup>Parliamentary Commissioner Act 1967 (matters not subject to investigation), in paragraph 8—
- (a) for the words from “Regional” to “special health authority” substitute “ Health Authority, a Special Health Authority ”, and
  - (b) omit “a Family Practitioner Committee;”.

#### Marginal Citations

**M29** 1967 c. 13.

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*The Leasehold Reform Act 1967*

- 94 In section 28 of the <sup>M30</sup>Leasehold Reform Act 1967 (retention or resumption of land required for public purposes)—
- (a) in subsection (5)(d), for the words from “Regional” to “special health authority” substitute “ Health Authority, any Special Health Authority ”, and
  - (b) in subsection (6), in the second sentence, in paragraph (c), for the words from “Regional” to “special health authority” substitute “ Health Authority, Special Health Authority ”.

**Marginal Citations**

**M30** 1967 c. 88.

*The Health Services and Public Health Act 1968*

- 95 (1) The <sup>M31</sup>Health Services and Public Health Act 1968 shall be amended as follows.
- (2) In section 63 (provision of instruction for officers of hospital authorities etc.)—
- (a) in subsection (1)(a), for the words from “Regional” to “special health authority” substitute “ Health Authority or Special Health Authority or a Health Board ”,
  - (b) in subsection (2)(b), for “a Family Practitioner Committee” substitute “ a Health Authority ”,
  - (c) after subsection (5) insert—
    - “(5A) The Secretary of State may by regulations provide for any functions exercisable by a Health Authority or Special Health Authority under or in relation to arrangements made under subsection (1) above to be exercisable by the Health Authority or Special Health Authority jointly with one or more other relevant health service bodies; and section 126 of the 1977 Act shall apply in relation to regulations made under this subsection as if this subsection were contained in that Act.
    - (5B) For the purposes of subsection (5A) above the following are relevant health service bodies—
      - (a) Health Authorities;
      - (b) Special Health Authorities; and
      - (c) NHS trusts.”, and
  - (d) after subsection (8) insert—
    - “(8A) Expressions used in both this section and the 1977 Act have the same meaning in this section as in that Act.”
- (3) In section 64 (financial assistance to voluntary organisations), in subsection (3)(b), for “a Family Practitioner Committee is, by virtue of Part IV of the <sup>M32</sup>National Health Service Act 1946,” substitute “ a Health Authority are, by virtue of Part II of the <sup>M33</sup>National Health Service Act 1977, ”.

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#### Marginal Citations

**M31** 1968 c. 46.

**M32** 1977 c. 49.

**M33** 1946 c. 81.

### *The Post Office Act 1969*

- 96 In section 86 of the <sup>M34</sup>Post Office Act 1969 (interpretation of Part III of that Act), in subsection (1), in paragraph (a) of the definition of “national health service authority”, for the words from “Regional” to the end substitute “ Health Authority or a Special Health Authority; ”.

#### Extent Information

**E3** Sch. 1 para.96 does not extend to the Colonies.

#### Marginal Citations

**M34** 1969 c. 48.

### *The Local Government Act 1972*

- 97 (1) The <sup>M35</sup>Local Government Act 1972 shall be amended as follows.
- (2) In section 113 (placing of staff of local authorities at disposal of other authorities), in subsection (1A), for—
- “Regional Health Authority, Area Health Authority District Health Authority or special health authority”,
  - “Regional Area or District Health Authority or special health authority”, and
  - “Regional Area or District Health Authority or the special health authority”,
- substitute “ Health Authority, Special Health Authority ”.
- (3) In section 261 (remuneration of certain employees), in subsection (7), for the words from “the National” to “section 24” substitute “ section 44 of the <sup>M36</sup>National Health Service Reorganisation Act 1973 and section 24 ”.

#### Marginal Citations

**M35** 1972 c. 70.

**M36** 1973 c. 32.

### *The National Health Service Reorganisation Act 1973*

- 98 The <sup>M37</sup>National Health Service Reorganisation Act 1973 shall cease to have effect.

*Status: Point in time view as at 28/06/1995.*

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**Marginal Citations**

**M37** 1973 c. 32.

*The Health and Safety at Work etc. Act 1974*

- 99 In section 60 of the <sup>M38</sup>Health and Safety at Work etc. Act 1974 (employment medical advisory service: supplementary), in subsection (1), for “Area Health Authority and each District Health Authority arranges for one of its officers who is” substitute “ Health Authority arranges for ”.

**Marginal Citations**

**M38** 1974 c. 37.

*The House of Commons Disqualification Act 1975*

- 100 In Schedule 1 to the <sup>M39</sup>House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House of Commons), in Part III, for the entry beginning “Chairman or any member, not being also an employee, of any Regional Health Authority” substitute— “ Chairman or any member, not being also an employee, of any Health Authority or Special Health Authority which is a relevant authority for the purposes of paragraph 9(1) of Schedule 5 to the <sup>M40</sup>National Health Service Act 1977. ”

**Marginal Citations**

**M39** 1975 c. 24.

**M40** 1977 c. 49.

*The Adoption Act 1976*

- 101 In section 2 of the <sup>M41</sup>Adoption Act 1976 (local authorities’ social services), for “health authorities” substitute “ Health Authorities, Special Health Authorities, ”.

**Marginal Citations**

**M41** 1976 c. 36.

*The National Health Service (Scotland) Act 1978*

- 102 (1) The <sup>M42</sup>National Health Service (Scotland) Act 1978 shall be amended as follows.
- (2) In section 17A (NHS contracts), in subsection (2)—
- (a) for paragraph (f) substitute—
- “(f) Health Authorities established under section 8 of the <sup>M43</sup>National Health Service Act 1977;

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- (ff) Special Health Authorities established under section 11 of the <sup>M44</sup>National Health Service Act 1977;”, and
- (b) omit paragraph (i).
- (3) In section 17B (reimbursement of Health Boards’ costs), in subsection (1), for “District or Special Health Authority” substitute “Health Authority or Special Health Authority”.
- (4) In section 87A (recognition of fund-holding practices of doctors), in subsection (4) (g), for “Family Health Services Authority established under section 10” substitute “Health Authority established under section 8”.
- (5) In section 87B (payments to recognised fund-holding practices), in subsection (3)—
  - (a) in paragraph (b), for “region of a Regional Health Authority” substitute “area of a Health Authority”, and
  - (b) for “the Authority” substitute “the Health Authority”.
- (6) In section 87D (indicative amounts for doctors’ practices), in subsection (7), for “Family Health Services Authority established under section 10” substitute “Health Authority established under section 8”.
- (7) In Schedule 7A (NHS trusts)—
  - (a) in paragraph 6(2), at the end (but not as part of paragraph (f)) insert “and with any directions given to it under section 1(1A) of the <sup>M45</sup>Hospital Complaints Procedure Act 1985”, and
  - (b) in paragraph 22(1)—
    - (i) in paragraph (c), for “District Health Authority within the meaning” substitute “Health Authority established under section 8”, and
    - (ii) for “or Authority” substitute “or Health Authority”.
- (8) In Schedule 15 (transitional provisions and savings), in paragraph 10(b)—
  - (a) omit “94(b).”, and
  - (b) for “135(a) to (c)” substitute “135(b) and (c)”.

#### Marginal Citations

**M42** 1978 c. 29.

**M43** 1977 c. 49.

**M44** 1977 c. 49.

**M45** 1985 c. 42.

#### *The <sup>M46</sup>Employment Protection (Consolidation) Act 1978*

#### Marginal Citations

**M46** 1978 c. 44.

- 103 (1) The Employment Protection (Consolidation) Act 1978 shall be amended as follows.
- (2) In section 29 (time off for public duties)—

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- (a) in subsection (1)(d), for the words from “Regional” to “Committee” substitute “ Health Authority or Special Health Authority ”, and
  - (b) in subsection (2)(b), for the words preceding “ “Health Board”” substitute “ “Health Authority” means a Health Authority established under section 8 of the <sup>M47</sup>National Health Service Act 1977 and “Special Health Authority” means a Special Health Authority established under section 11 of that Act, and ”.
- (3) In Schedule 13 (computation of period of employment)—
- (a) in paragraph 17(1) (provisions of Schedule to relate only to employment with the one employer unless any of paragraphs 17(2) to (5), 18 and 18A apply), for “and 18A” substitute “ to 18B ”, and
  - (b) after paragraph 18A insert—

“18B(1) If a person employed in relevant employment by a health service employer is taken into relevant employment by another such employer, his period of employment at the time of the change of employer shall count as a period of employment with the second employer and the change shall not break the continuity of the period of employment.

- (2) For the purposes of sub-paragraph (1) employment is relevant employment if it is employment of a description—
- (a) in which persons are engaged while undergoing professional training which involves their being employed successively by a number of different health service employers, and
  - (b) which is specified in an order made by the Secretary of State.
- (3) The following are health service employers for the purposes of this paragraph—
- (a) Health Authorities established under section 8 of the National Health Service Act 1977,
  - (b) Special Health Authorities established under section 11 of that Act,
  - (c) National Health Service trusts established under Part I of the <sup>M48</sup>National Health Service and Community Care Act 1990,
  - (d) the Dental Practice Board, and
  - (e) the Public Health Laboratory Service Board.”

#### Marginal Citations

M47 1977 c.49

M48 1990 c.19

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*The Nurses, Midwives and Health Visitors Act 1979*

- 104 In section 16 of the <sup>M49</sup>Nurses, Midwives and Health Visitors Act 1979 (local supervision of midwifery practice), in subsection (1), for paragraphs (a) and (b) substitute—
- “(a) in England and Wales, Health Authorities;”.

**Marginal Citations**

**M49** 1979 c.36

*The Overseas Development and Co-operation Act 1980*

- 105 In Schedule 1 to the <sup>M50</sup>Overseas Development and Co-operation Act 1980 (statutory bodies with powers under section 2(1) of that Act), in Part II, after “A Health Authority” insert—
- “A Special Health Authority”.

**Marginal Citations**

**M50** 1980 c.63.

*The Local Government Finance Act 1982*

- 106 In section 12 of the <sup>M51</sup>Local Government Finance Act 1982 (accounts subject to audit by Audit Commission), in subsection (3B)—
- (a) for “Family Health Services Authority” substitute “Health Authority”, and
- (b) for “Authority’s” substitute “Health Authority’s”.

**Marginal Citations**

**M51** 1982 c.32.

*The Mental Health Act 1983*

- 107 (1) The <sup>M52</sup>Mental Health Act 1983 shall be amended as follows.
- (2) In section 23 (discharge of patients)—
- (a) in subsection (3), for the words from “Regional” to the end substitute “, Health Authority or Special Health Authority, by that National Health Service trust, Health Authority or Special Health Authority. ”, and
- (b) in subsection (5)(a), for—
- (i) “a District or Special Health Authority”, and



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- (ii) “such an authority”,  
substitute “ a Health Authority or Special Health Authority ”.
- (3) In section 24 (visiting and examination of patients), in subsection (3)—
  - (a) for “Regional Health Authority, District Health Authority National Health Service trust or special health authority” substitute “ Health Authority, Special Health Authority or National Health Service trust ”, and
  - (b) for “authority or trust” substitute “ Health Authority, Special Health Authority or National Health Service trust ”.
- (4) In section 32 (regulations), in subsection (3), for “Regional Health Authorities, District Health Authorities National Health Service trusts or special health authorities” substitute “ Health Authorities, Special Health Authorities or National Health Service trusts ”.
- (5) In section 39 (information as to hospitals)—
  - (a) in subsection (1)—
    - (i) for “Regional Health Authority” (in both places) substitute “ Health Authority ”,
    - (ii) for “the region” substitute “ the area ”,
    - (iii) for “that Authority has” substitute “ that Health Authority have ”,
    - (iv) for “its region” substitute “ their area ”, and
    - (v) for “that Authority shall” substitute “ that Health Authority shall ”, and
  - (b) omit subsection (2).
- (6) In section 65 (Mental Health Review Tribunals), for subsection (1) substitute—

“(1) There shall be tribunals, known as Mental Health Review Tribunals, for the purpose of dealing with applications and references by and in respect of patients under the provisions of this Act.

(1A) There shall be—

  - (a) one tribunal for each region of England, and
  - (b) one tribunal for Wales.

(1B) The Secretary of State—

  - (a) shall by order determine regions for the purpose of subsection (1A) (a) above; and
  - (b) may by order vary a region determined for that purpose;

and the Secretary of State shall act under this subsection so as to secure that the regions together comprise the whole of England.

(1C) Any order made under subsection (1B) above may make such transitional, consequential, incidental or supplemental provision as the Secretary of State considers appropriate.”
- (7) In section 79 (interpretation of Part V), after subsection (6) insert—

“(7) In this Part of this Act any reference to the area of a tribunal is—

  - (a) in relation to a tribunal for a region of England, a reference to that region; and
  - (b) in relation to the tribunal for Wales, a reference to Wales.”

*Status: Point in time view as at 28/06/1995.*

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- (8) In section 117 (after-care)—
- (a) in subsection (2), for “District Health Authority” (in both places) substitute “ Health Authority ”, and
  - (b) in subsection (3), for the words from “section” to “for the area” substitute “ section “the Health Authority” means the Health Authority, and “the local social services authority” means the local social services authority, for the area ”.
- (9) In section 121 (Mental Health Act Commission)—
- (a) in subsection (1), for “special health authority” substitute “ Special Health Authority ”, and
  - (b) in subsection (11), for “health authorities” substitute “ Special Health Authorities ”.
- (10) In section 134 (correspondence of patients), in subsection (3)(e), for “health authority within the meaning of the <sup>M53</sup>National Health Service Act 1977” substitute “ Health Authority or Special Health Authority ”.
- (11) In section 139 (protection for acts done in pursuance of that Act), in subsection (4), for “health authority within the meaning of the National Health Service Act 1977” substitute “ Health Authority or Special Health Authority ”.
- (12) In section 140 (notification of hospitals having arrangements for reception of urgent cases)—
- (a) for “Regional Health Authority and in Wales every District Health Authority” substitute “ Health Authority ”,
  - (b) for “region or district, as the case may be, of the Authority” substitute “ Health Authority’s area ”, and
  - (c) for “to the Authority” substitute “ to the Health Authority ”.
- (13) In section 143 (regulations, orders and rules), in subsection (2), after “54A” insert “ or 65 ”.
- (14) In section 145 (interpretation), in subsection (1)—
- (a) after the definition of “approved social worker” insert—
 

““Health Authority” means a Health Authority established under section 8 of the <sup>M54</sup>National Health Service Act 1977;”,
  - (b) in paragraph (a) of the definition of “the managers”, for “District Health Authority or special health authority” substitute “ Health Authority or Special Health Authority ”, and
  - (c) after the definition of “restriction order” insert—
 

““Special Health Authority” means a Special Health Authority established under section 11 of the National Health Service Act 1977;”.

#### Marginal Citations

**M52** 1983 c.20.

**M53** 1977 c.49.

**M54** 1977 c.49.

*Status: Point in time view as at 28/06/1995.*

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*The Public Health (Control of Disease) Act 1984*

- 108 (1) The <sup>M55</sup>Public Health (Control of Disease) Act 1984 shall be amended as follows.
- (2) In section 1 (authorities administering that Act), in subsection (4), for paragraph (b) substitute—
- “(b) Health Authorities or Special Health Authorities,”.
- (3) In section 11 (cases of notifiable disease and food poisoning to be reported), in subsection (3)—
- (a) in paragraph (a), for “District Health Authority within whose district” substitute “Health Authority within whose area”, and
- (b) in paragraph (b)(ii)—
- (i) for “District Health Authority for the district” substitute “Health Authority for the area”, and
- (ii) for “that Authority is” substitute “that Health Authority are”.
- (4) In section 12 (fees for certificates under section 11), in subsection (1), for “District Health Authority” substitute “Health Authority”.
- (5) In section 13 (regulations for control of certain diseases), in subsection (4)(a), for the words from “Regional Health Authorities” to “special health authorities” substitute “Health Authorities, Special Health Authorities or National Health Service trusts”.
- (6) In section 37 (removal to hospital of person with notifiable disease), in subsection (1)—
- (a) in paragraph (c), for “District Health Authority” substitute “Health Authority”, and
- (b) in the words following that paragraph, for “District Health Authority in whose district” substitute “Health Authority in whose area”.
- (7) In section 39 (keeper of common lodging-house to notify case of infectious disease), in subsection (3), for “Area Health Authority within whose area, or the District Health Authority within whose district,” substitute “Health Authority within whose area”.
- (8) In section 41 (removal to hospital of inmate of common lodging-house with notifiable disease), in subsection (1)—
- (a) in paragraph (c), for “District Health Authority” substitute “Health Authority”, and
- (b) in the words following that paragraph, for “District Health Authority in whose district” substitute “Health Authority in whose area”.

**Marginal Citations**

**M55** 1984 c.22.

*The Hospital Complaints Procedure Act 1985*

- 109 (1) The <sup>M56</sup>Hospital Complaints Procedure Act 1985 shall be amended as follows.
- (2) In section 1 (hospital complaints procedure)—

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- (a) in subsection (1)—
  - (i) for “health authority” substitute “ Health Authority and Special Health Authority ”, and
  - (ii) for “authority or Board is” substitute “ Health Authority, Special Health Authority or Board are ”, and
- (b) after that subsection insert—
 

“(1A) It shall also be the duty of the Secretary of State to give to each NHS trust which is responsible for the management of a hospital such directions as appear necessary for the purpose of securing that, as respects each hospital for the management of which that NHS trust is responsible—

  - (a) such arrangements are made for dealing with complaints made by or on behalf of persons who are or have been patients at that hospital; and
  - (b) such steps are taken for publicising the arrangements so made,

as (in each case) are specified or described in the directions.”
- (3) Omit section 1A (NHS trust hospitals).

#### Marginal Citations

**M56** 1985 c.42

#### *The Health Service Joint Consultative Committees (Access to Information) Act 1986*

- 110 In section 1 of the <sup>M57</sup>Health Service Joint Consultative Committees (Access to Information) Act 1986 (interpretation), in subsection (2), for “District Health Authority, Family Practitioner Committee” substitute “ Health Authority ”.

#### Marginal Citations

**M57** 1986 c.24.

#### *The Disabled Persons (Services, Consultation and Representation) Act 1986*

- 111 (1) The <sup>M58</sup>Disabled Persons (Services, Consultation and Representation) Act 1986 shall be amended as follows.
- (2) In section 2 (rights of authorised representatives of disabled persons), in subsection (9), in the definition of “health authority”, for “has the meaning given by section 128(1) of the 1977 Act” substitute “ means a Health Authority or a Special Health Authority ”.
  - (3) In section 7 (persons discharged from hospital)—
    - (a) in subsection (1)(a), omit “district or”, and
    - (b) in subsection (9)—

*Status: Point in time view as at 28/06/1995.*

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- (i) in the definition of “health authority”, for “District Health Authority” substitute “Health Authority”, and
  - (ii) in the definition of “the managers”, after “(other than a special hospital” and after “(other than a State hospital” insert “or a hospital vested in a National Health Service trust” and for “District Health Authority or special health authority” substitute “Health Authority or Special Health Authority”.
- (4) In section 16 (interpretation), in subsection (1)—
- (a) after the definition of “guardian” insert—

““Health Authority” means a Health Authority established under section 8 of the 1977 Act;”, and
  - (b) after the definition of “services” insert—

““Special Health Authority” means a Special Health Authority established under section 11 of the 1977 Act;”.

**Marginal Citations**

**M58** 1986 c.33.

*The Education (No.2) Act 1986*

- 112 In section 7 of the <sup>M59</sup> Education (No.2) Act 1986 (appointment of representative governors in place of co-opted governors), in subsection (2)(a), for “District Health Authority” substitute “Health Authority”.

**Marginal Citations**

**M59** 1986 c.61.

*The AIDS (Control) Act 1987*

- 113 (1) The <sup>M60</sup> AIDS (Control) Act 1987 shall be amended as follows.
- (2) In section 1 (periodical reports on matters relating to AIDS and HIV)—
- (a) in subsection (1)—
    - (i) omit paragraph (a), and
    - (ii) in paragraph (b), for sub-paragraphs (i) and (ii) substitute—

“(i) each Health Authority in England and Wales;”,
  - (b) for subsections (2) and (3) substitute—

“(2) Any report under this section—

    - (a) shall contain the information specified in the Schedule to this Act and such other relevant information as the Secretary of State may direct; and

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- (b) shall be published by the Health Authority, Health Board or NHS trust by which it is made.”,
  - (c) in subsection (5)—
    - (i) for “special health authority” substitute “ Special Health Authority ”, and
    - (ii) for “that authority” substitute “ that Special Health Authority ”, and
  - (d) in subsection (9), for the words from “ “Regional” to “1977”” substitute “ “Health Authority” means a Health Authority established under section 8 of the <sup>M61</sup>National Health Service Act 1977 and “Special Health Authority” means a Special Health Authority established under section 11 of that Act ”.
- (3) In the Schedule (contents of reports), in paragraphs 4 and 7, omit “district or”.

#### Marginal Citations

**M60** 1987 c.33.

**M61** 1977 c.49.

#### *The Income and Corporation Taxes Act 1988*

- 114 In section 519A of the <sup>M62</sup>Income and Corporation Taxes Act 1988 (health service bodies), in subsection (2)—
- (a) for paragraph (a) substitute—
    - “(a) a Health Authority established under section 8 of the National Health Service Act 1977;
    - (aa) a Special Health Authority established under section 11 of that Act;”, and
  - (b) omit paragraph (c).

#### Marginal Citations

**M62** 1988 c.1.

#### *The Dartford-Thurrock Crossing Act 1988*

- 115 In section 19 of the <sup>M63</sup>Dartford-Thurrock Crossing Act 1988 (exemption from tolls), in paragraph (b), for “health authority (as defined in the <sup>M64</sup>National Health Service Act 1977)” substitute “ Health Authority established under section 8 of the National Health Service Act 1977 or a Special Health Authority established under section 11 of that Act ”.

#### Marginal Citations

**M63** 1988 c.20.

**M64** 1977 c.49.

*Status: Point in time view as at 28/06/1995.*

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*The Community Health Councils (Access to Information) Act 1988*

- 116 In section 1 of the <sup>M65</sup>Community Health Councils (Access to Information) Act 1988 (access to Council meetings and documents), in subsection (6)(a), for the words from “regional” to “region or district” substitute “ Health Authority within whose area ”.

**Marginal Citations**

**M65** 1988 c.24.

*The Road Traffic Act 1988*

- 117 In section 159 of the <sup>M66</sup>Road Traffic Act 1988 (payments for treatment)—
- (a) in subsection (1)(a), for—
    - (i) “Area Health Authority, District Health Authority or special health authority”, and
    - (ii) “such authority”,substitute “ Health Authority or Special Health Authority ”, and
  - (b) in subsection (3), for “Authority (in Scotland, Board)” substitute “ Health Authority or Special Health Authority (or, in Scotland, Health Board) ”.

**Marginal Citations**

**M66** 1988 c.52.

*The Children Act 1989*

- 118 (1) The <sup>M67</sup>Children Act 1989 shall be amended as follows.
- (2) In section 19 (review of provision for day care, child minding etc.), in subsection (7) (a), for “health authority” substitute “ Health Authority, Special Health Authority ”.
  - (3) In section 21 (provision of accommodation for children in police protection or detention or on remand etc.), in subsection (3), for “District Health Authority” substitute “ Health Authority ”.
  - (4) In section 24 (advice and assistance for certain children), in—
    - (a) subsection (2)(d), and
    - (b) subsection (12)(b),for “health authority” substitute “ Health Authority, Special Health Authority ”.
  - (5) In section 27 (co-operation between authorities), in subsection (3)(d), for “health authority” substitute “ Health Authority, Special Health Authority ”.
  - (6) In section 29 (recoupment of cost of providing services etc.), in subsection (8)(c), for “District Health Authority” substitute “ Health Authority ”.
  - (7) In section 47 (local authority’s duty to investigate), in subsection (11)(d), for “health authority” substitute “ Health Authority, Special Health Authority ”.

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- (8) In section 80 (inspection of children’s homes by persons authorised by Secretary of State)—
  - (a) in subsection (1)(d), for “health authority” substitute “ Health Authority, Special Health Authority ”, and
  - (b) in subsection (5)(e), for “health authority” substitute “ Health Authority, Special Health Authority, ”.
- (9) In section 85 (children accommodated by health authorities and local education authorities), in subsection (1), for “health authority” substitute “ Health Authority, Special Health Authority, ”.
- (10) In section 105 (interpretation), in subsection (1)—
  - (a) omit the definition of “district health authority”,
  - (b) for the definition of “health authority” substitute—
 

““Health Authority” means a Health Authority established under section 8 of the <sup>M68</sup>National Health Service Act 1977;”, and
  - (c) for the definition of “special health authority” substitute—
 

““Special Health Authority” means a Special Health Authority established under section 11 of the National Health Service Act 1977;”.

#### Marginal Citations

**M67** 1989 c.41.

**M68** 1977 c.49.

#### *The Access to Health Records Act 1990*

- 119 (1) The <sup>M69</sup>Access to Health Records Act 1990 shall be amended as follows.
- (2) In section 1 (definitions), in subsection (2), for “Family Practitioner Committee” substitute “ Health Authority ”.
  - (3) In section 7 (duty of health service bodies etc. to take advice)—
    - (a) in subsection (1), omit “or Family Practitioner Committee”,
    - (b) in subsection (2), after “(other than a” insert “ Health Authority or ”, and
    - (c) in subsection (3)—
      - (i) for “Family Practitioner Committee or a” substitute “ Health Authority or ”, and
      - (ii) for “Committee or Board” substitute “ Health Authority or Health Board ”.
  - (4) In section 11 (interpretation)—
    - (a) after the definition of “general practitioner” insert—
 

““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977;”,
    - (b) in the definition of “health service body”, for paragraph (a) substitute—
 

“(a) a Health Authority or Special Health Authority;”, and



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(c) after the definition of “parental responsibility” insert—

““Special Health Authority” means a Special Health Authority established under section 11 of the National Health Service Act 1977.”

**Marginal Citations**

**M69** 1990 c.23.

*The Water Industry Act 1991*

120 (1) The <sup>M70</sup>Water Industry Act 1991 shall be amended as follows.

(2) In section 87 (fluoridation of water supplies at request of health authorities)—

- (a) in subsection (1), for “District Health Authority” substitute “ Health Authority ”,
- (b) in subsection (3), for “district of the authority” substitute “ area of the Health Authority ”,
- (c) in subsection (5), for “District Health Authority” substitute “ Health Authority ”, and
- (d) in subsection (9), for the words from “District” to the end substitute “ Health Authority are references to any Health Authority established under section 8 of the National Health Service Act 1977. ”

(3) In section 89 (publicity and consultation)—

- (a) for “District Health Authority” (in each place), and
  - (b) in subsection (7), for “authority”,
- substitute “ Health Authority ”.

(4) In Schedule 7 (pre-1985 fluoridation schemes)—

- (a) in paragraph 2(2), for “Regional or District Health Authority” substitute “ Health Authority ”, and
- (b) in paragraph 3(1)—
  - (i) for “District Health Authority” substitute “ Health Authority ”, and
  - (ii) for “such an authority” substitute “ a Health Authority ”.

**Marginal Citations**

**M70** 1991 c.56.

*The Health and Personal Social Services (Northern Ireland) Order 1991*

121 (1) The <sup>M71</sup>Health and Personal Social Services (Northern Ireland) Order 1991 shall be amended as follows.

(2) In Article 8 (HSS contracts), in paragraph (2)(g), for paragraphs (i) and (ii) substitute—

- “(i) Health Authorities;
- (ii) Special Health Authorities;”.

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- (3) In Article 9 (primary and other functions of boards)—
- (a) in paragraph (2)—
    - (i) for “a health authority” substitute “ a Health Authority or Special Health Authority ”, and
    - (ii) for “health authority”, in the other place, substitute “ Health Authority, Special Health Authority ”, and
  - (b) in paragraph (5)(c), for “health authority” substitute “ Health Authority or Special Health Authority ”.
- (4) In Schedule 3 (HSS trusts), in paragraph 19(1)—
- (a) for “a health authority” substitute “ a Health Authority or Special Health Authority ”, and
  - (b) for “health authority”, in the other place, substitute “ Health Authority, Special Health Authority ”.

#### Marginal Citations

**M71** [S.I. 1991/194 \(N.I. 1\)](#)

#### *The Trade Union and Labour Relations (Consolidation) Act 1992*

- 122 In section 279 of the <sup>M72</sup>Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), for “Family Health Services Authority” substitute “ Health Authority ”.

#### Marginal Citations

**M72** [1992 c.52.](#)

#### *The Tribunals and Inquiries Act 1992*

- 123 In Schedule 1 to the <sup>M73</sup>Tribunals and Inquiries Act 1992 (tribunals under general supervision of Council on Tribunals), in Part I, for paragraph 33 substitute—

“National Health Service

33.

- (a) Health Authorities established under section 8 of the <sup>M74</sup>National Health Service Act 1977 (c. 49) in respect of their functions under the <sup>M75</sup>National Health Service (Service Committees and Tribunal) Regulations 1992 or any regulations amending or replacing those Regulations;
- (b) the tribunal constituted under section 46 of that Act;
- (c) committees of Health Authorities established under regulation 3 of those Regulations or any provision amending or replacing that regulation.”

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#### Marginal Citations

M73 1992 c.52.

M74 1977 c.49.

M75 1977 c. 49.

### *The Education Act 1993*

- 124 (1) The <sup>M76</sup>Education Act 1993 shall be amended as follows.
- (2) In section 166 (duty of District Health Authority or local authority to help local education authority), for “District Health Authority” (in each place, including the sidenote) substitute “Health Authority”.
- (3) In section 176 (duty of District Health Authority or NHS trust to notify parent etc.)—
- (a) in subsection (1) and in the sidenote, for “District Health Authority”, and
  - (b) in subsections (2) and (3), for “health authority” (in each place),
- substitute “Health Authority”.

#### Marginal Citations

M76 1993 c. 35.

### *The Welsh Language Act 1993*

- 125 In section 6 of the <sup>M77</sup>Welsh Language Act 1993 (meaning of “public body”), in subsection (1)—
- (a) for paragraph (f) substitute—
    - “(f) a Health Authority established under section 8 of the <sup>M78</sup>National Health Service Act 1977 or a Special Health Authority established under section 11 of that Act;”, and
  - (b) omit paragraph (h).

#### Marginal Citations

M77 1993 c. 38.

M78 1977 c. 49.

### *The Health Service Commissioners Act 1993*

- 126 (1) The <sup>M79</sup>Health Service Commissioners Act 1993 shall be amended as follows.
- (2) In section 2 (health service bodies subject to investigation)—
- (a) in subsection (1), for paragraphs (a) and (b) substitute—
    - “(a) Health Authorities whose areas are in England;”, and omit paragraph (e), and

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(b) in subsection (2), for paragraph (a) substitute—

“(a) Health Authorities whose areas are in Wales,” in paragraph (b), after “Wales,” insert “ and ” and omit paragraph (d) and the word “and” immediately preceding it.

(3) In section 6 (restrictions on certain investigations), in subsection (3), for “Family Health Services Authority” substitute “ Health Authority ”.

(4) In section 14 (reports by Commissioners), in subsection (1)—

(a) in paragraph (d), after “of,” insert “ and ”, and

(b) for paragraphs (e) and (f) substitute—

“(e) to the Secretary of State.”

#### Marginal Citations

**M79** 1993 c. 46.

#### *The Value Added Tax Act 1994*

127 In Schedule 8 to the <sup>M80</sup>Value Added Tax Act 1994 (zero-rating), in Part II, in Group 15, in Note (4)(a), for “Regional, District or Special Health Authority” substitute “ Health Authority or Special Health Authority ”.

#### Marginal Citations

**M80** 1994 c. 23.

**Status:**

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**Changes to legislation:**

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