

Status: Point in time view as at 28/06/1995.

Changes to legislation: There are currently no known outstanding effects for the Health Authorities Act 1995, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 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 II

AMENDMENTS OF THE NATIONAL HEALTH SERVICE AND COMMUNITY CARE ACT 1990

- 65 The ^{M1}National Health Service and Community Care Act 1990 shall be amended as follows.

Marginal Citations

- M1** [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 ^{M2}National Health Service Act 1977 (in this Part of this Act referred to as “the principal Act”), Part III of Schedule 5 ”.

Marginal Citations

- M2** [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—

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- (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—
“(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 ”.

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- 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 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 ”.

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- 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—
 - (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

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- (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 ^{M3}National Health Service Act 1977;
- (aa) a Special Health Authority established under section 11 of that Act;”, and
- (b) omit paragraph (d).

Marginal Citations

M3 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 ^{M4}National Health Service Act 1977;
- (ia) a Special Health Authority established under section 11 of that Act;”,
- (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 ^{M5}National Health Service Act 1977;
- (ii) Part II of that Act; or
- (iii) section 5 of this Act; or”.

Marginal Citations

M4 1977 c. 49.

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M5 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 ^{M6}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, ”.

Marginal Citations

M6 1985 c. 42.

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