



# Health Act 1999

## 1999 CHAPTER 8

### PART III

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary*

#### **62 Regulations and orders**

- (1) Any power to make regulations or an order under this Act is exercisable by statutory instrument.
- (2) Directions under section 20 or 28 or Schedule 2, or by virtue of section 38(1)(b), are to be given by an instrument in writing.
- (3) Any such directions may be varied or revoked by subsequent directions under, or by virtue of, the same provision.
- (4) Subsections (4) and (5) of section 126 of the 1977 Act (supplementary provisions about subordinate legislation) apply in relation to any power conferred by this Act to make Orders in Council, orders or regulations, or to give directions mentioned in subsection (2), as they apply in relation to the powers which may be exercised as mentioned in subsection (4)(a) and (b) of that section.
- (5) The provision which may be made by virtue of subsection (4) of that section in regulations under section 20 or 31 or an Order in Council under section 61 includes provision amending or repealing any enactment, instrument or document.
- (6) Subject to the following subsections, a statutory instrument containing subordinate legislation under this Act is to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Subsection (6) does not apply to—
  - (a) an order under section 63 which contains only provision for or in connection with the transfer of any property, rights or liabilities, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) an order under section 67.
- (8) No order is to be made under section 37(10) unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (9) No recommendation is to be made to Her Majesty to make an Order in Council under section 60 unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (10) But if any provision made by an Order in Council under that section would, if it were included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament, no recommendation is to be made to Her Majesty to make the Order unless a draft—
  - (a) has been laid before, and approved by resolution of, each House of Parliament, and
  - (b) has been laid before, and approved by resolution of, the Scottish Parliament.
- (11) No recommendation is to be made to Her Majesty to make an Order in Council under section 61 unless a draft—
  - (a) has been laid before, and approved by resolution of, each House of Parliament, and
  - (b) has been laid before, and approved by resolution of, the Scottish Parliament.

### **63 Supplementary and consequential provision etc**

- (1) The Secretary of State may by order make—
  - (a) such supplementary, incidental or consequential provision, or
  - (b) such transitory, transitional or saving provision,
 as he considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.
- (2) The provision which may be made under subsection (1) includes provision amending or repealing any enactment, instrument or document.

### **64 Interpretation**

In this Act—

- “the 1977 Act” means the National Health Service Act 1977,
- “the 1978 Act” means the National Health Service (Scotland) Act 1978,
- “the 1990 Act” means the National Health Service and Community Care Act 1990,
- “the Commission” means the Commission for Health Improvement,
- “enactment” includes an enactment whenever passed or made,
- “NHS trust” has the same meaning—
  - (a) in Part I of this Act as in the 1977 Act,
  - (b) in Part II of this Act as in the 1978 Act.