
Changes to legislation: There are currently no known outstanding effects for the Health Act 1999,
Cross Heading: Preliminary procedure for making Orders. (See end of Document for details)

SCHEDULES

SCHEDULE 3

REGULATION OF HEALTH CARE AND ASSOCIATED PROFESSIONS

Preliminary procedure for making Orders

- 9 (1) If it is proposed to lay a draft of an Order before Parliament, the Secretary of State must first—
- (a) publish a draft of an Order, and
 - (b) invite representations to be made to him about the draft by persons appearing to him appropriate to represent [^{F1}any profession][^{F2}or any social care workers in England] to be regulated, persons appearing to him appropriate to represent those provided with services [^{F3}by any profession [^{F4}or any social care workers in England] to be regulated] and any other persons appearing to him appropriate to consult about the draft.
- [^{F5}(1A) In the case of a draft Order which amends or repeals—
- (a) an enactment contained in an Act of the Scottish Parliament or in an instrument made under such an Act, or
 - (b) any other enactment that extends to Scotland and relates to matters falling within the legislative competence of the Scottish Parliament,
- but does not contain provision of the kind mentioned in sub-paragraph (3), the persons consulted by the Secretary of State under sub-paragraph (1)(b) must include the Scottish Ministers.]
- (2) After the end of the period of three months beginning with the publication of the draft, he may lay the draft as published, or that draft with any modifications he considers appropriate, together with a report about the consultation before Parliament.
- (3) If any provision of a draft would, if it were included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament [^{F6}and is not merely incidental to, or consequential on, provision that (if so included) would be outside that competence]—
- (a) the Secretary of State's duty under sub-paragraph (1) must be performed also by the Scottish Ministers, and
 - (b) sub-paragraph (4) shall apply instead of sub-paragraph (2).
- (4) After the end of the period of three months beginning with the publication of the draft, the draft as published, or that draft with any modifications which the Secretary of State and the Scottish Ministers consider appropriate, may be laid before Parliament and the Scottish Parliament together with a report made by the Secretary of State and the Scottish Ministers about the consultation.

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Textual Amendments

- F1** Words in Sch. 3 para. 9(1)(b) substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(2\)\(a\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F2** Words in Sch. 3 para. 9(1)(b) inserted (27.3.2012 for specified purposes, 1.8.2012 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 211\(6\)\(a\)](#), 306(1)(d)(4) (with s. 230(6)); S.I. 2012/1319, [art. 2\(4\)](#)
- F3** Words in Sch. 3 para. 9(1)(b) substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(2\)\(b\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F4** Words in Sch. 3 para. 9(1)(b) inserted (27.3.2012 for specified purposes, 1.8.2012 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 211\(6\)\(b\)](#), 306(1)(d)(4) (with s. 230(6)); S.I. 2012/1319, [art. 2\(4\)](#)
- F5** Sch. 3 para. 9(1A) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(3\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F6** Words in Sch. 3 para. 9(3) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(4\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)

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