



Health and Social Care Act 2001

CHAPTER 15

HEALTH AND SOCIAL CARE ACT 2001

PART 1

NATIONAL HEALTH SERVICE

Health service funding

- 1 Determination of allotments to and resource limits for Health Authorities and Primary Care Trusts
- 2 Payments relating to past performance
- 3 Supplementary payments to NHS trusts and Primary Care Trusts
- 4 Public-private partnerships
- 5 Income generation

Terms of employment of health service employees

- 6 Terms and conditions of employment by health service bodies

Local authority scrutiny of health service provision

- 7 Functions of overview and scrutiny committees
- 8 Joint overview and scrutiny committees etc.
- 9 Overview and scrutiny committees: exempt information
- 10 Application to the City of London

Public involvement and consultation

- 11 Public involvement and consultation

Independent advocacy services

- 12 Independent advocacy services

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Social Care Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Intervention powers

13 Intervention orders

Abolition of Medical Practices Committee and National Health Service Tribunal

14 Abolition of Medical Practices Committee

15 Vacancies for medical practitioners

16 Abolition of NHS Tribunal

General and personal medical services, general dental services, general ophthalmic services and pharmaceutical services

17 Remuneration of general medical practitioners

18 Out of hours medical services

19 Enhanced criminal record certificates

20 Medical, dental, ophthalmic and pharmaceutical etc. lists

21 Conditional inclusion in medical, dental, ophthalmic and pharmaceutical lists

22 Dental corporations

23 Declaration of financial interests, gifts, etc.

24 Supplementary lists

25 Suspension and disqualification of practitioners

Personal medical services and personal dental services

26 PMS and PDS lists

The Family Health Services Appeal Authority

27 The Family Health Services Appeal Authority

PART 2

PHARMACEUTICAL SERVICES

CHAPTER 1

LOCAL PHARMACEUTICAL SERVICES

Preparation and making of pilot schemes

28 Pilot schemes

29 Making pilot schemes

30 Designation of priority neighbourhoods or premises

Reviews, variation and termination of pilot schemes

31 Reviews of pilot schemes

32 Variation and termination of pilot schemes

NHS contracts and financial provisions

33 NHS contracts

34 Funding of preparatory work

35 Charges, recovery of payments and penalties

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General

- 36 Effect of the 1977 Act
- 37 Premises from which piloted services may be provided
- 38 Control of entry regulations

Assessing the result of pilot schemes

- 39 Assessing pilot schemes

Provision for local pharmaceutical schemes

- 40 Provision for LPS schemes

Corresponding provision, etc.

- 41 Corresponding provision and application of enactments

CHAPTER 2

CHANGES TO EXISTING ARRANGEMENTS

England and Wales

- 42 Dispensing of NHS prescriptions and provision of pharmaceutical services
- 43 Remote provision of pharmaceutical, etc. services

Scotland

- 44 Dispensing of NHS prescriptions

PART 3

CARE TRUSTS AND PARTNERSHIP ARRANGEMENTS

- 45 Care Trusts
- 46 Directed partnership arrangements
- 47 Further provisions about directions in connection with directed partnership arrangements and Care Trusts
- 48 Transfer of staff in connection with partnership arrangements

PART 4

SOCIAL CARE

Nursing care

- 49 Exclusion of nursing care from community care services

Preserved rights

- 50 Preserved rights: transfer to local authorities of responsibilities as to accommodation
- 51 Preserved rights: disclosure of information
- 52 Preserved rights: alignment of social security benefits

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Measures to increase availability of Part 3 accommodation

- 53 Disregarding of resources when determining need for residential accommodation
- 54 Funding by resident etc. of more expensive accommodation
- 55 Power for local authorities to take charges on land instead of contributions
- 56 Cross-border placements

Direct payments

- 57 Direct payments
- 58 Direct payments in respect of children

Supplementary

- 59 Interpretation of Part 4

PART 5

MISCELLANEOUS AND SUPPLEMENTARY

Patient information

- 60 Control of patient information
- 61 Patient Information Advisory Group

Services for disabled people

- 62 Reports to Parliament on services for disabled people

Prescribing rights

- 63 Extension of prescribing rights

Supplementary

- 64 Regulations and orders
- 65 Supplementary and consequential provision etc
- 66 Interpretation
- 67 Minor and consequential amendments and repeals
- 68 Powers of National Assembly for Wales under amended Acts
- 69 Financial provisions
- 70 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Exempt information relating to health services

Part 1 — DESCRIPTIONS OF EXEMPT INFORMATION

- 1 Information relating to a particular employee, former employee or applicant...
- 2 Information relating to any particular occupier or former occupier of,...
- 3 Information relating to any particular applicant for, or recipient or...
- 4 Information relating to any particular applicant for, or recipient or...
- 5 The amount of any expenditure proposed to be incurred by...
- 6 Any terms proposed or to be proposed by or to...

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- 7 The identity of a relevant body (as well as of...
 - 8 Information relating to any consultations or negotiations, or contemplated consultations...
 - 9 Any instructions to counsel and any opinion of counsel (whether...
 - 10 Information relating to a particular person who is or was...
 - 11 Information relating to a particular person who is or was...
 - 12 Information relating to a particular person who is or was...
 - 13 Information relating to any particular employee, former employee, or applicant...
 - 14 Information relating to the physical or mental health of a...
- Part 2 — QUALIFICATIONS
- 15 Information relating to a person of a description specified in...
 - 16 Information falling within paragraph 5 of Part 1 is exempt...
 - 17 Information falling within paragraph 6 of Part 1 is exempt...
 - 18 Information falling within paragraph 8 of Part 1 is exempt...
- Part 3 — INTERPRETATION
- 19 In this Schedule— “disposal”, in relation to property, includes the...

SCHEDULE 2 — Pilot Schemes

- 1 *How pilot schemes may be initiated*
- 2 *Preliminary steps to be taken*
- 3 *Approval*
- 4 *Preliminary approval*
- 5 *Effect of proposals on existing services*
- 6 *Guidance*
- 7 *Making a scheme*

SCHEDULE 3 — LPS Schemes

The following is the Schedule inserted in the 1977 Act...

SCHEDULE 4 — Partnership Arrangements: Transfer of Staff

The following is the Schedule inserted in the Health Act...

SCHEDULE 5 — Minor and consequential amendments

Part 1 — NATIONAL HEALTH SERVICE

- 1 *Health Services and Public Health Act 1968 (c. 46)*
- 2 *House of Commons Disqualification Act 1975 (c. 24)*
- 3 In Part 3 of Schedule 1 to that Act (which...
- 4 *Patents Act 1977 (c. 37)*
- 5 *National Health Service Act 1977 (c. 49)*
- 6 *Mental Health Act 1983 (c. 20)*
- 7 *Copyright, Designs and Patents Act 1988 (c. 48)*
- 8 *National Health Service and Community Care Act 1990 (c. 48)*
- 9 *Trade Union and Labour Relations (Consolidation) Act 1992 (c. 46)*
- 10 *Tribunals and Inquiries Act 1992 (c. 53)*
- 11 *National Health Service (Primary Care) Act 1997 (c. 46)*
- 12 *Health Act 1999 (c. 8)*
- 13 *Local Government Act 2000 (c. 22)*
- 14 *Freedom of Information Act 2000 (c. 36)*

Part 2 — SOCIAL CARE

- 15 *Local Authority Social Services Act 1970 (c. 42)*
- 16 *Carers and Disabled Children Act 2000 (c. 16)*

PART 3 — PATIENT INFORMATION

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- 17 *House of Commons Disqualification Act 1975 (c. 24)*
- 18 *Freedom of Information Act 2000 (c. 36)*

SCHEDULE 6 — Repeals

- Part 1 — NATIONAL HEALTH SERVICE
- Part 2 — PHARMACEUTICAL SERVICES
- Part 3 — SOCIAL CARE

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Social Care Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- Pt. 1 extended in part (with modifications) by S.I. 2003/49 art. 2(2)(a)
- Pt. 2 extended in part (with modifications) by S.I. 2003/49 art. 2(2)(b)
- Pt. 3 extended (with modifications) by S.I. 2003/49 art. 2(2)(c)
- Pt. 4 extended in part (Isles of Scilly) (with modifications) by S.I. 2003/761 art. 2(2)(a)
- s. 1-4 repealed by 2006 c. 43 Sch. 4
- s. 6 repealed by 2006 c. 43 Sch. 4
- s. 7 8 applied (with modifications) by S.I. 2004/1425 art. 2
- s. 7-11 coming into force by S.I. 2003/53 art. 3(a)
- s. 7(2)-(5) repealed by 2006 c. 43 Sch. 4
- s. 7(3)(b) text amended by 2003 c. 43 Sch. 4 para. 116(a)
- s. 7(3)(c) text amended by 2003 c. 43 Sch. 4 para. 116(b)
- s. 7(4) text amended by 2003 c. 43 Sch. 4 para. 116(c)
- s. 8-13 repealed by 2006 c. 43 Sch. 4
- s. 11(2)(b) text amended by 2003 c. 43 Sch. 14 Pt. 1
- s. 11(2)(d) inserted by 2003 c. 43 s. 30
- s. 14(1)-(3) repealed by 2006 c. 43 Sch. 4
- s. 14(4) text amended by 2006 c. 43 Sch. 1 para. 215
- s. 15 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 16 repealed by 2006 c. 43 Sch. 4
- s. 17 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 18 repealed by 2003 c. 43 Sch. 11 para. 70 Sch. 14 Pt. 4
- s. 19 repealed by 2003 c. 44 Sch. 37 Pt. 11
- s. 19 repealed by 2005 c. 15 Sch. 17 Pt. 2
- s. 20 repealed by 2006 c. 43 Sch. 4
- s. 20(1) coming into force by S.I. 2003/53 art. 4(a)
- s. 20(2)-(4) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 20(6) coming into force by S.I. 2003/53 art. 4(a)
- s. 21 repealed by 2006 c. 43 Sch. 4
- s. 22 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 23-25 repealed by 2006 c. 43 Sch. 4
- s. 23(2)(3) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 25 coming into force by S.I. 2003/53 art. 4(b)
- s. 26 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 27 repealed by 2006 c. 43 Sch. 4
- s. 27(5) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 28-38 repealed by 2006 c. 43 Sch. 4
- s. 28(4) text amended by 2003 c. 43 Sch. 11 para. 71
- s. 28(7) text amended by 2003 c. 43 Sch. 4 para. 117
- s. 33(1) text amended by 2003 c. 43 Sch. 4 para. 118
- s. 39(1) text amended by 2006 c. 43 Sch. 1 para. 216(a)
- s. 39(2) text amended by 2006 c. 43 Sch. 1 para. 216(b)
- s. 40-43 repealed by 2006 c. 43 Sch. 4
- s. 41(1)(a) text amended by 2003 c. 43 Sch. 14 Pt. 4
- s. 41(1)(b) and word(s) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 41(2A) inserted by S.I. 2006/1407 Sch. 1 Pt. 2 para. 7
- s. 45-48 repealed by 2006 c. 43 Sch. 4
- s. 54(1)(b) text amended by 2008 c. 14 Sch. 15 Pt. 5
- s. 57(1A)-(1C) inserted by 2008 c. 14 s. 146(2)
- s. 57(3)-(5)(7) amendment to earlier affecting provision 1989 c. 41 s. 17A by 2008 c. 14 Sch. 14 para. 1

- s. 57(3)(a) text amended by 2008 c. 14 s. 146(3)(a)
- s. 57(3)(c)(i) text amended by 2008 c. 14 s. 146(3)(b)
- s. 57(3)(d) text amended by 2008 c. 14 s. 146(3)(c)
- s. 57(3)(e)(ii) text amended by 2008 c. 14 s. 146(3)(c)
- s. 57(3)(j)-(l) inserted by 2008 c. 14 s. 146(3)(d)
- s. 57(4)(a) applied by S.I. 2004/1748 reg. 6(3)(a)
- s. 57(4)(a) applied by S.I. 2004/1748 reg. 6(4)(a)
- s. 57(4)(b) excluded by S.I. 2004/1748 reg. 6(3)(b)
- s. 57(4)(b) excluded by S.I. 2004/1748 reg. 6(4)(b)
- s. 57(4)(b) text amended by 2008 c. 14 s. 146(4)
- s. 57(5)(a) text amended by 2008 c. 14 s. 146(5)(a)
- s. 57(5)(b) text amended by 2008 c. 14 s. 146(5)(b)
- s. 57(5A)-(5C) inserted by 2008 c. 14 s. 146(6)
- s. 57(7A) inserted by 2008 c. 14 s. 146(7)
- s. 57(7B) inserted by 2010 nawm 2 s. 16(2)
- s. 60 repealed by 2006 c. 43 Sch. 4
- s. 61 repealed by 2006 c. 43 Sch. 4
- s. 64(3) repealed by 2006 c. 43 Sch. 4
- s. 64(4A) inserted by 2008 c. 14 s. 146(8)
- s. 65 modified by 2006 c. 43 Sch. 2 para. 1(6)(c)
- s. 66 text amended by 2006 c. 43 Sch. 1 para. 217
- s. 67 extended (with modifications) by S.I. 2003/49 art. 2(2)(d)
- s. 67(1) coming into force by S.I. 2003/53 art. 2(b) 3(c) 4(d)
- s. 67(1) extended (Isles of Scilly) (with modifications) by S.I. 2003/761 art. 2(2)(b)
- s. 67(2) coming into force by S.I. 2003/53 art. 4(c)
- s. 67(2) extended (Isles of Scilly) (with modifications) by S.I. 2003/761 art. 2(2)(c)
- s. 68(2) repealed by 2006 c. 43 Sch. 4
- s. 68(3) repealed by 2006 c. 43 Sch. 4
- s. 68(4) text amended by 2006 c. 43 Sch. 1 para. 218
- Sch. 1 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 extended (with modifications) by S.I. 2003/49 art. 2(2)(a)
- Sch. 1 para. 11(a) modified by S.I. 2004/865 art. 109(2)(g)
- Sch. 1 para. 11(a) modified by S.I. 2004/1016 art. 85(2)(g)
- Sch. 1-4 repealed by 2006 c. 43 Sch. 4
- Sch. 1 para. 11(a) substituted by 2006 c. 28 Sch. 8 para. 46
- Sch. 1 para. 11 substituted for s. Sch. 1 para. 11 12 by 2003 c. 43 Sch. 11 para. 72(2)
- Sch. 1 para. 13 text amended by 2003 c. 43 Sch. 11 para. 72(3)
- Sch. 2 para. 5(2)(c) substituted for Sch. 2 para. 5(2)(c)(d) by 2003 c. 43 Sch. 11 para. 73
- Sch. 5 para 5(14) coming into force by S.I. 2003/53 art. 4(d)
- Sch. 5 para 11(1) coming into force by S.I. 2003/53 art. 2(c)
- Sch. 5 para. 1 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 4 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 5(1) coming into force by S.I. 2003/53 art. 2(c)
- Sch. 5 para. 5(17) coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 7 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 9 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 11(2)(a) coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 13 coming into force by S.I. 2003/53 art. 3(c)
- Sch. 5 para. 14 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 5(1) coming into force by S.I. 2003/53 art. 4(d)
- Sch. 5 Pt. 2 extended (Isles of Scilly) (with modifications) by S.I. 2003/761 art. 2(2)(b)
- Sch. 5 Pt. 1 extended (with modifications) by S.I. 2003/49 art. 2(2)(d)
- Sch. 5 para. 5(4)-(7) repealed by 2003 c. 43 Sch. 14 Pt. 4
- Sch. 5 para. 11(2)(3) repealed by 2003 c. 43 Sch. 14 Pt. 4
- Sch. 5 para. 12(2) repealed by 2003 c. 43 Sch. 14 Pt. 4
- Sch. 5 para. 5 repealed by 2006 c. 43 Sch. 4

- Sch. 5 para. 8 repealed by 2006 c. 43 Sch. 4
- Sch. 5 para. 11 repealed by 2006 c. 43 Sch. 4
- Sch. 5 para. 12 repealed by 2006 c. 43 Sch. 4
- Sch. 5 Pt. 3 repealed by 2008 c. 14 Sch. 15 Pt. 6
- Sch. 5 para. 5(12)(c) repealed by S.I. 2006/1407 Sch. 2
- Sch. 5 para. 5(13)(c) repealed by S.I. 2006/1407 Sch. 2
- Sch. 5 para. 12(2) repealed by S.I. 2006/1407 Sch. 2
- Sch. 5 para. 3 repealed by S.I. 2010/22 Sch. 4 Pt. 1
- Sch. 5 para. 10 repealed by S.I. 2010/22 Sch. 4 Pt. 1
- Sch. 6 coming into force by S.I. 2003/53 art. 4(c)
- Sch. 6 Pt. 3 extended (Isles of Scilly) (with modifications) by S.I. 2003/761 art. 2(2)(c)
- Sch. 6 Pt. 1 extended (with modifications) by S.I. 2003/49 art. 2(2)(d)
- Sch. 6 Pt. 2 extended (with modifications) by S.I. 2003/49 art. 2(2)(d)

Commencement Orders yet to be applied to the Health and Social Care Act 2001:

Commencement Orders bringing provisions within this Act into force:

- S.I. 2003/53 art. 1-4 commences (2001 c. 15)
- S.I. 2003/939 art. 2 commences (2001 c. 15)
- S.I. 2003/2245 art. 2 commences (2001 c. 15)
- S.I. 2004/103 art. 2-4 commences (2001 c. 15)
- S.I. 2004/1754 art. 2 commences (2001 c. 15)
- S.I. 2006/481 art. 2 3 commences (2001 c. 15)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 8 commences (2001 c. 15)

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/713 art. 2 commences (2001 c. 15)
- S.I. 2003/850 art. 2 3 commences (2001 c. 15)
- S.I. 2003/2246 art. 2 commences (2002 c. 17)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/866 art. 2 amendment to earlier commencing SI 2004/288
- S.I. 2004/1009 art. 2 amendment to earlier commencing SI 2004/288
- S.I. 2004/1019 art. 2 amendment to earlier commencing SI 2004/480
- S.I. 2005/2925 art. 2 4-11 commences (2003 c. 43)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/345 art. 8 amendment to earlier commencing SI 2004/480
- S.I. 2006/378 art. 2-7 Sch. commences (2005 c. 15)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 12 commences (2002 c. 17)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 13 commences (2003 c. 43)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)
- S.I. 2008/2497 art. 2-7 commences (2008 c. 14)
- S.I. 2009/462 art. 2-5 commences (2008 c. 14)
- S.I. 2009/631 art. 2 commences (2008 c. 14)
- S.I. 2009/2567 art. 2 3 commences (2008 c. 14)
- S.I. 2011/849 art. 2 commences (2010 nawm 2)
- S.I. 2011/986 art. 2 3 commences (2008 c. 14)