



# National Health Service (Consequential Provisions) Act 2006

## CHAPTER 43

### NATIONAL HEALTH SERVICE (CONSEQUENTIAL PROVISIONS) ACT 2006

- 1 Meaning of “the consolidating Acts”
- 2 Consequential amendments
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#### SCHEDULES

##### SCHEDULE 1 — Consequential amendments

- 1 Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)
- 2 In section 1— (a) in the definition of “NHS trust”...
- 3 Polish Resettlement Act 1947 (c. 19)
- 4 In section 4(1), for “the National Health Service Act 1977”...
- 5 National Assistance Act 1948 (c. 29)
- 6 In section 21(8), for “the National Health Service Act 1977”...
- 7 In section 24(7)— (a) for “Part 1 of the National...
- 8 In section 29(6)(b), for “the National Health Service Act 1977”...
- 9 In section 47(8), for “the National Health Service Act 1977”...
- 10 Law Reform (Personal Injuries) Act 1948 (c. 41)
- 11 In section 2(4), for “the National Health Service Act 1977”...

- 12 Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)
- 13 In Part 1 of Schedule 2— (a) in paragraph 15,...
- 14 Landlord and Tenant Act 1954 (c. 56)
- 15 In section 57(6), for “the National Health Service Act 1977”...
- 16 Pharmacy Act 1954 (c. 61)
- 17 In section 13I, for subsection (1)(e) substitute—
- 18 Disabled Persons (Employment) Act 1958 (c. 33)
- 19 In section 3(2), for “paragraph 2 of Schedule 8 to...
- 20 Public Records Act 1958 (c. 51)
- 21 In paragraph 3(2) of Schedule 1, in Part 1 of...
- 22 Mental Health Act 1959 (c. 72)
- 23 In section 8— (a) in subsection (2), for “Schedule 8...
- 24 In section 142(2), for the words from the beginning to...
- 25 In section 154(2), for the words from the beginning to...
- 26 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 27 In paragraph 1(l) of the Schedule, for “section 5(1) of...
- 28 Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)
- 29 In section 7— (a) in subsection (1)(a)(i), for “the National...
- 30 Abortion Act 1967 (c. 87)
- 31 Leasehold Reform Act 1967 (c. 88)
- 32 In section 28(6)(c), for “the National Health Service Act 1977”...
- 33 Health Services and Public Health Act 1968 (c. 46)
- 34 In section 45(4)(b), for “the National Health Service Act 1977”...
- 35 In section 59(2), for “Part II of the National Health...
- 36 In section 59(2B)— (a) in paragraph (a), for “section 28...
- 37 In section 59(2C), for “Part 1 of the 1977 Act”...
- 38 In section 63— (a) in subsection (2)(aa), for “Part 1...
- 39 In section 64(3)— (a) in paragraph (a), in the second...
- 40 In section 65(3)(b), in the second sub-paragraph (xix), for “the...
- 41 Social Work (Scotland) Act 1968 (c. 49)
- 42 In section 86(3)— (a) for “sections 2 and 3 of...
- 43 Medicines Act 1968 (c. 67)
- 44 In section 131(5), for “the National Health Service Act 1977”...
- 45 In section 132(1), in the definition of “health centre” for...
- 46 Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)
- 47 In section 3(2)(a)— (a) for “Part I of that Act”...
- 48 Finance Act 1971 (c. 68)
- 49 In paragraph 1(1) of Schedule 13, for “National Health Service...
- 50 Local Government Act 1972 (c. 70)
- 51 In section 113(4)— (a) for “Part 1 of the National...
- 52 House of Commons Disqualification Act 1975 (c. 24)
- 53 In Schedule 1, in Part 2, in the entry relating...
- 54 In Schedule 1, in Part 3— (a) in the entry...
- 55 Race Relations Act 1976 (c. 74)
- 56 In Part 1 of Schedule 1A— (a) in paragraph 5—...
- 57 Patents Act 1977 (c. 37)
- 58 In section 56(4)— (a) in paragraph (ai), for “Part 1...
- 59 Acquisition of Land Act 1981 (c. 67)
- 60 In section 16(3)— (a) in paragraph (b), for “Part I...
- 61 In section 17(4), in the definition of “statutory undertakers”—
- 62 Mental Health Act 1983 (c. 20)
- 63 In section 12(3), for the words from “section 18A(4)” to...

- 64 In section 19(3), for the words from “National Health Service...
- 65 In section 23(5)(a), for “the National Health Service Act 1977”...
- 66 In section 121— (a) in subsection (1), for “section 126(3)...
- 67 In section 122(2)— (a) for “National Health Service Act 1977”...
- 68 In section 134(3A), for “section 19A of the National Health...
- 69 In section 139(4), for “the National Health Service and Community...
- 70 In section 145(1)— (a) omit the definition of “Health Authority”,...
- 71 Health and Social Services and Social Security Adjudications Act 1983  
(c. 41)
- 72 In section 17(2)(c) for “Schedule 8 to the National Health...
- 73 National Audit Act 1983 (c. 44)
- 74 In section 6(3)(aa), for “section 98 of the National Health...
- 75 Medical Act 1983 (c. 54)
- 76 In section 11(4), in paragraph (za) of the definition of...
- 77 In section 12— (a) in subsection (1), for “sections 2...
- 78 Public Health (Control of Disease) Act 1984 (c. 22)
- 79 In section 74, in the definition of “NHS trust”, for...
- 80 Dentists Act 1984 (c. 24)
- 81 In section 40(2)(aa), for the words from “under section 28C”...
- 82 In section 53(3)(a), for “section 2, 3, 5(1)(a) or 28C...
- 83 Video Recordings Act 1984 (c. 39)
- 84 In section 3(10)(b)(i), for “the National Health Service Act 1977”...
- 85 Greater London Council (General Powers) Act 1984 (c. xxvii)
- 86 In section 10(2)(b), for “section 128 of the National Health...
- 87 Disabled Persons (Services, Consultation and Representation) Act 1986  
(c. 33)
- 88 In section 2— (a) in subsection (5)(a), for the words...
- 89 In section 7— (a) in subsection (3), for “the 1977...
- 90 In section 16(1)— (a) omit the definition of “the 1977...
- 91 Company Directors Disqualification Act 1986 (c. 46)
- 92 In section 22C(3), for “Part 1 of the Health and...
- 93 National Health Service (Amendment) Act 1986 (c. 66)
- 94 In section 4— (a) in subsection (1), for “section 43A(1)...
- 95 In section 8(2), omit the definition of “the 1977 Act”....
- 96 AIDS (Control) Act 1987 (c. 33)
- 97 In section 1(9)— (a) for “section 8 of the National...
- 98 In section 1(10) of that Act, for “Part 1 of...
- 99 Income and Corporation Taxes Act 1988 (c. 1)
- 100 In section 519A(2)— (a) in paragraph (a)—
- 101 In section 519A(8), for “section 14(1) of the Health and...
- 102 Local Government Act 1988 (c. 9)
- 103 In section 25(2)(c), for “section 28A(9)(b) of the National Health...
- 104 Dartford-Thurrock Crossing Act 1988 (c. 20)
- 105 In section 19(b), for the words from “a Strategic Health...
- 106 Community Health Councils (Access to Information) Act 1988 (c. 24)
- 107 In section 1(1), for “continued in existence by or established...
- 108 In section 2(1)(c), for “National Health Service Act 1977” substitute...
- 109 Local Government Finance Act 1988 (c. 41)
- 110 In paragraph 16(3) of Schedule 5, for “section 128(1) of...
- 111 Copyright, Designs and Patents Act 1988 (c. 48)
- 112 In section 48(6)— (a) for “section 16A of the National...
- 113 In section 240(4)— (a) in paragraph (za) for “Part 1...
- 114 In Schedule 6— (a) in paragraph 1(1), in the definition...

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- 115 Health and Medicines Act 1988 (c. 49)
  - 116 In section 7— (a) in subsection (1), for “the National...
  - 117 In section 11(7)— (a) omit “Section 79(1) of the National...
  - 118 In section 11(8), omit “paragraph 2(4)(a) of Schedule 12 to...
  - 119 In section 17— (a) in subsection (1), for “section 38,...
  - 120 In section 18, for “the National Health Service Act 1977”...
  - 121 Road Traffic Act 1988 (c. 52)
  - 122 In section 144(2)— (a) in paragraph (da)—
  - 123 In section 161(1), in paragraph (a) of the definition of...
  - 124 Children Act 1989 (c. 41)
  - 125 In section 105— (a) omit the definition of “Health Authority”,...
  - 126 Opticians Act 1989 (c. 44)
  - 127 In section 27(4)(b), for sub-paragraph (i) substitute—
  - 128 National Health Service and Community Care Act 1990 (c. 19)
  - 129 In section 46(3), in the definition of “community care services”,...
  - 130 In section 47(3), for “National Health Service Act 1977” substitute...
  - 131 In section 60— (a) in subsection (1)(a), for “National Health...
  - 132 In section 61(3), for “Part 1 of the National Health...
  - 133 In section 61A(1)(b), for “Part 1 of this Act” substitute...
  - 134 Access to Health Records Act 1990 (c. 23)
  - 135 In section 1(2)(aa) for “section 28C of that Act” substitute...
  - 136 In section 11— (a) in the definition of “general medical...
  - 137 Water Industry Act 1991 (c. 56)
  - 138 In section 87(3)(a)(i), for “section 8 of the National Health...
  - 139 In Schedule 4A— (a) in paragraph 7, for “Part 1...
  - 140 London Local Authorities Act 1991 (c. xiii)
  - 141 In section 4, in paragraph (d) of the definition of...
  - 142 Social Security Contributions and Benefits Act 1992 (c. 4)
  - 143 In section 67(2)(a), for sub-paragraph (ii) substitute—
  - 144 In section 72(8)(a), for “or paragraph 2 of Schedule 8...
  - 145 In section 73(13)(a), for “the Secretary of State under section...
  - 146 In section 143(3)(c), for sub-paragraph (i) substitute—
  - 147 In section 163(6)— (a) for “Part 1 of the National...
  - 148 In section 171(3)— (a) for “Part 1 of the National...
  - 149 In section 171ZJ(9)— (a) in paragraph (a)—
  - 150 In section 171ZS(9)— (a) in paragraph (a)—
  - 151 Local Government Finance Act 1992 (c. 14)
  - 152 In paragraph 6(2)(a) of Schedule 1, for “National Health Service...
  - 153 Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
  - 154 In section 279(1)— (a) in paragraph (a)—
  - 155 In section 279(2)— (a) in paragraph (a), for “section 28C...
  - 156 Tribunals and Inquiries Act 1992 (c. 53)
  - 157 In Part 1 of Schedule 1, in the entry relating...
  - 158 Judicial Pensions and Retirement Act 1993 (c. 8)
  - 159 In Schedule 5, omit the entry for the Chairman of...
  - 160 Charities Act 1993 (c. 10)
  - 161 In section 43A(7), in the definition of “English National Health...
  - 162 In section 43B(4), in the definition of “Welsh National Health...
  - 163 Welsh Language Act 1993 (c. 38)
  - 164 In section 6(1)— (a) in paragraph (f)—
  - 165 Health Service Commissioners Act 1993 (c. 46)
  - 166 In section 2A(1)— (a) in paragraph (a), for “section 28K...
  - 167 In section 6(5), for “38, 39, 41 or 42 of...

- 168 In section 7— (a) in subsection (1), for “the National...  
169 Vehicle Excise and Registration Act 1994 (c. 22)  
170 In paragraph 7 of Schedule 2— (a) in sub-paragraph (b),...  
171 In paragraph 8 of that Schedule— (a) after “Secretary of...  
172 In paragraph 19(2)(c) of that Schedule, for paragraph (i) substitute—...  
173 Value Added Tax Act 1994 (c. 23)  
174 In Part 2 of Schedule 8, in Note (5H) to...  
175 Health Authorities Act 1995 (c. 17)  
176 In Schedule 2— (a) in paragraph 2(4), after “section 21...  
177 Employment Rights Act 1996 (c. 18)  
178 In section 43K(1)— (a) in paragraph (ba), for “or Local...  
179 In section 50(8)— (a) in paragraph (a), for “Part I...  
180 In section 218(10)— (a) in paragraph (a)—  
181 Education Act 1996 (c. 56)  
182 In section 322(3)(a), for “National Health Service Act 1977”  
substitute...  
183 In section 403(2), for “section 22 of the National Health...  
184 In section 520(1), for the words from “section 5(1)” to...  
185 In section 579, in paragraph (c) of the definition of...  
186 Audit Commission Act 1998 (c. 18)  
187 In section 33(8)(c), for “the National Health Service Act 1977”...  
188 In section 49(1)(c), for “the National Health Service Act 1977”...  
189 In section 53(1), in the definition of “the health service”...  
190 Data Protection Act 1998 (c. 29)  
191 In section 69(3)— (a) in paragraph (a), for “or a...  
192 Government of Wales Act 1998 (c. 38)  
193 In Schedule 17— (a) in paragraph 13, for “section 11...  
194 Health Act 1999 (c. 8)  
195 In section 16(5), in the definition of “initial loan”, for...  
196 In section 61(2), for “the 1977 Act” substitute “the National...  
197 In section 62(4), for “(4) and (5) of section 126...  
198 Care Standards Act 2000 (c. 14)  
199 In section 2(4) and (5), for “National Health Service Act...  
200 In section 121, in the definition of “health service hospital”...  
201 Learning and Skills Act 2000 (c. 21)  
202 In section 121, in the definition of “Strategic Health Authority”...  
203 In section 129, omit the definition of “Health Authority”.  
204 Local Government Act 2000 (c. 22)  
205 In section 21(2)(f) for the words from “section 7” to...  
206 In subsection (3) of section 32, for the words from...  
207 Regulation of Investigatory Powers Act 2000 (c. 23)  
208 In section 4— (a) in subsection (5), for “section 17...  
209 In Schedule 1— (a) in paragraph 26, for “section 11...  
210 Freedom of Information Act 2000 (c. 36)  
211 In Part 3 of Schedule 1— (a) in paragraph 36A,...  
212 Criminal Justice and Court Services Act 2000 (c. 43)  
213 In section 42(1), in paragraph (a) of the definition of...  
214 Health and Social Care Act 2001 (c. 15)  
215 In section 14(4), for “1977 Act” substitute “National Health Service...  
216 In section 39— (a) in subsection (1), for “section 128(1)...  
217 In section 66, omit the definitions of “the 1977 Act”...  
218 In section 68(4), for “Neither of subsections (1) and (3)...  
219 Anti-terrorism, Crime and Security Act 2001 (c. 24)

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- 220 Omit paragraphs 16 and 45.
  - 221 In paragraph 53A, for “Schedule 5 to the Health and...
  - 222 At the end, add— Paragraph 5 of Schedule 22 to the National Health Service...
  - 223 International Development Act 2002 (c. 1)
  - 224 In Schedule 1, in the entry relating to a National...
  - 225 National Health Service Reform and Health Care Professions Act 2002 (c. 17)
  - 226 In section 22(6)(b), for “a Health Authority established for an...
  - 227 Nationality, Immigration and Asylum Act 2002 (c. 41)
  - 228 In section 133(4)— (a) in paragraph (a)(i), for “section 16A...
  - 229 In paragraph 1(1) of Schedule 3, for paragraph (e) substitute—...
  - 230 Community Care (Delayed Discharges etc.) Act 2003 (c. 5)
  - 231 In section 12, in the definition of “health service hospital”...
  - 232 Finance Act 2003 (c. 14)
  - 233 In section 61(3), in the entry headed “Health: England and...
  - 234 In section 66(4), in the entry headed “Health: England and...
  - 235 Licensing Act 2003 (c. 17)
  - 236 In section 16(3), in the definition of “health service body”—...
  - 237 Sexual Offences Act 2003 (c. 42)
  - 238 In section 22(5), in paragraph (a) of the definition of...
  - 239 Health and Social Care (Community Health and Standards) Act 2003 (c. 43)
  - 240 In section 33(2), for “the 1990 Act” substitute “the National...
  - 241 In section 45(3), for “section 128(1) of the 1977 Act”...
  - 242 In section 113(1)(c), for “section 31 of the Health Act...
  - 243 In section 114(1)(c), for “section 31 of the Health Act...
  - 244 In section 122(1), for “section 31 of the Health Act...
  - 245 In section 124(6), in the definition of “Northern Irish health...
  - 246 In section 148, in the definition of “NHS trust”, for...
  - 247 In section 150(7)— (a) for paragraph (a) substitute—
  - 248 In section 160(4)— (a) in paragraph (a)(i) of the definition...
  - 249 In section 162(6), in paragraph (a)(i) of the definition of...
  - 250 In section 165— (a) in subsection (3)(b)(ii), for “section 5...
  - 251 In section 168— (a) in the definition of “health service...
  - 252 In section 194, for the definition of “the 1977 Act”...
  - 253 Criminal Justice Act 2003 (c. 44)
  - 254 In section 325(9), in the definition of “NHS trust” for...
  - 255 Finance Act 2004 (c. 12)
  - 256 In section 59(5), in paragraph (a) of the definition of...
  - 257 Health Protection Agency Act 2004 (c. 17)
  - 258 In section 4(5)— (a) for paragraph (a) substitute—
  - 259 In paragraph 2(2) of Schedule 1— (a) for “the National...
  - 260 Public Audit (Wales) Act 2004 (c. 23)
  - 261 In section 60— (a) in paragraph (c), for “section 11...
  - 262 Domestic Violence, Crime and Victims Act 2004 (c. 28)
  - 263 In section 9(4)(a)— (a) for “section 8 of the National...
  - 264 Children Act 2004 (c. 31)
  - 265 In section 12(4)(e), for “Part 1 of the National Health...
  - 266 In section 18(2)(e)— (a) for “section 31 of the Health...
  - 267 In section 29(4)(e), for “Part 1 of the National Health...
  - 268 Housing Act 2004 (c. 34)
  - 269 In paragraph 2(1)(f) of Schedule 14, for “section 4 of...

- 270 Civil Contingencies Act 2004 (c. 36)  
271 In Schedule 1— (a) in paragraph 5, for “section 5...  
272 Constitutional Reform Act 2005 (c. 4)  
273 In Schedule 7, in Part A of paragraph 4, at...  
274 In Schedule 14, in Part 3, in the entry relating...  
275 Income Tax (Trading and Other Income) Act 2005 (c. 5)  
276 In section 780(2)(a), for “paragraph 2 of Schedule 2 to...  
277 Mental Capacity Act 2005 (c. 9)  
278 In section 38(7)(a), for “section 128 of the National Health...  
279 Public Services Ombudsman (Wales) Act 2005 (c. 10)  
280 In section 41— (a) in the definition of “family health...  
281 Health Act 2006 (c. 28)  
282 In section 25(1)— (a) in the definition of “health care...  
283 In section 43— (a) in subsection (1), for “1977 Act”...  
284 In section 58(2)(c), for “section 95 of the 1977 Act”...  
285 For section 70(3) substitute— (3) Section 272(7) and (8) of...  
286 In section 71, in the definition of “NHS trust”, for...  
287 In section 72, in subsection (2) of section 67A of...  
288 In section 75(5), in the definition of “relevant directions”, after...  
289 In section 78(2), for “sections 21(2)(b) and 52(5)(b)” substitute  
“section...  
290 In section 82(1)— (a) omit the definition of “the 1977...  
291 In paragraph 30(b) of Schedule 8, for “section 28WA of...  
292 In paragraph 33(a) of that Schedule, for ““or 28Q” substitute...  
293 Omit paragraph 34 of that Schedule.  
294 In paragraph 37 of that Schedule, for “28WA” substitute “117”....  
295 In paragraph 40 of that Schedule, for ““subsection (2), or...  
296 In paragraph 41 of that Schedule, for “English NHS body...  
297 In paragraph 42(3) of that Schedule, for “4(1) of Schedule...  
298 In paragraph 43 of that Schedule, for “paragraph 3 or...  
299 In paragraph 44 of that Schedule— (a) in sub-paragraph (2),...  
300 In paragraph 45(2)(b) of that Schedule, for ““or 28Q” substitute...  
301 In paragraph 62 of that Schedule, for “4(2) of Schedule...  
302 Government of Wales Act 2006 (c. 32)  
303 In section 148(2)(g), for “National Health Service Act 1977”  
substitute...  
304 In Schedule 11, in paragraph 35(4), in Table 2, omit—...  
305 Commissioner for Older People (Wales) Act 2006 (c. 30)  
306 In section 27(1)— (a) in the definition of “family health...  
307 NHS Redress Act 2006 (c. 44)  
308 In section 1(6)— (a) in paragraph (d)—  
309 In section 1(7), for “Part 1 of the National Health...  
310 In section 1(11), for “the National Health Service Act 1977”...  
311 In section 11(3), for “Section 11(1) of the National Health...  
312 In section 18(1), in the definitions of “health service”, “illness”...

## SCHEDULE 2 — Transitional and saving provision

### Part 1 — GENERAL PROVISIONS

- 1 Continuity of the law
- 2 Effect of old transitional provisions and savings
- 3 (1) The repeal by this Act of an enactment previously...
- 4 Use of existing forms etc
- 5 Pre-commencement offences

## 6 Interpretation

## Part 2 — PARTICULAR SAVINGS

7 Section 6(6) of the Health Authorities Act 1995 (c. 17)

8 Article 2(c) of the National Assembly for Wales (Transfer of Functions)  
Order 1999 (S.I. 1999/672)

## 9 Definitions

10 In sections 80, 211 and 217 of the National Health...

11 (1) The definition of “local authority” in section 275 of...

12 Powers to make regulations exercisable jointly with the Treasury

13 Article 4 of the National Health Service (Pre-consolidation  
Amendments) Order 2006 (S.I. 2006/1407)14 Former functions of Health Authorities ceasing to be exercisable by  
Local Health Boards

15 If this paragraph applies— (a) section 50 of the National...

16 Provision made by virtue of the Local Health Boards (Functions)  
(Wales) Regulations 2003 (S.I. 2003/150 (W.20))17 “Relevant Assembly functions” under paragraph 30 of Schedule 11 to  
the Government of Wales Act 2006 (c. 32)18 References to the National Assembly for Wales in the National Health  
Service (Wales) Act 2006

19 Section 13(3), (4) and (10) of the Health Act 1999 (c. 8)

## SCHEDULE 3 — Transitory modifications

Part 1 — TRANSITORY MODIFICATIONS RELATING TO PRIMARY  
OPHTHALMIC SERVICES

1 (1) “The law relating to primary ophthalmic services” means sections...

## Part 2 — OTHER TRANSITORY MODIFICATIONS

2 Section 11 of the National Health Service Act 2006 (c. 41), and  
section 9 of the National Health Service (Wales) Act 2006 (c. 42)

3 (1) This paragraph applies if sub-paragraph (c) of paragraph 5...

4 Sections 126 and 275 of, and Schedule 13 to National Health Service  
Act 2006, and section 71, 72, 78, 80, 109, 190, 198 and 206 of the  
National Health Service (Wales) Act 20065 Section 128 of the National Health Service Act 2006 (c. 41), and  
section 82 of the National Health Service (Wales) Act 2006 (c. 42)6 Section 129 of the National Health Service Act 2006, and section 83 of  
the National Health Service (Wales) Act 20067 Section 132 of the National Health Service Act 2006, and section 86 of  
the National Health Service (Wales) Act 20068 Section 180 of the National Health Service Act 2006 and section 129 of  
the National Health Service (Wales) Act 20069 Schedule 20 to the National Health Service Act 2006 (c. 41) and  
Schedule 15 to the National Health Service (Wales) Act 200610 Modifications applicable until the end of the initial period under the  
Government of Wales Act 2006 (c. 32)

## SCHEDULE 4 — Repeals and revocations