

SCHEDULE 2

Article 3

Amendments Consequential on the Abolition of the Special Health Authorities

The National Health Service (General Ophthalmic Services) Regulations 1986

1.—(1) The National Health Service (General Ophthalmic Services) Regulations 1986(1) are amended as follows.

(2) In regulation 2(1)(interpretation)—

(a) in the definition of “the NHS Counter Fraud and Security Management Service” after “Order 2002” add “,which was replaced on 1st April 2006 by the NHS Business Services Authority”; and

(b) at the appropriate alphabetical place there is inserted—

““the NHS Business Services Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005;”.

(3) In the following provisions after “the NHS Counter Fraud and Security Management Service” insert “or the NHS Business Services Authority”—

(a) regulation 7A(1)(d) (grounds for refusal), and

(b) Schedule 1 (terms of service), in paragraphs 6A (4) (i) and (5A) (k).

(4) In the following provisions for “the NHS Counter Fraud and Security Management Service” substitute “the NHS Business Services Authority”—

(a) regulation 7(1B)(b)(application for inclusion in ophthalmic list and notification);

(b) regulation 7B(1)(h) (deferment of decision);

(c) regulation 7D(15)(h) (conditional inclusion); and

(d) regulation 9D(2)(h) (notifications by Primary Care Trust).

The National Health Service Trusts (Membership and Procedure) Regulations 1990

2. In regulation 11(5) of the National Health Service Trusts (Membership and Procedure) Regulations 1990(2) (disqualification for appointment of chairman and non-executive directors) paragraph (d) is omitted.

The Health Authorities (Membership and Procedure) Regulations 1996

3. In Schedule 2 to the Health Authorities (Membership and Procedure) Regulations 1996(3)(Special Health Authorities of which the Chairman and Members are not disqualified under regulation 10(1)(g)), “National Health Service Logistics Authority” and “Prescription Pricing Authority” are omitted.

(1) [S.I. 1986/975](#)

(2) [S.I. 1990/2024](#).

(3) [S.I. 1996/707](#) relevant amending instruments are [S.I. 1997/2991](#) and [S.I. 2000/603](#).

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The National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996

4. In regulation 5(6) of the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 (4)(arrangements by Health Authorities and Special Health Authorities for exercise of functions), the words “the Prescription Pricing Authority, the Dental Vocational Training Authority,” are omitted.

National Health Service (Indicative Amounts) Regulations 1997

5.—(1) The National Health Service (Indicative Amounts) Regulations 1997(5) are amended as follows.

(2) In regulation 1(2)(citation, commencement and interpretation),—

(a) the definition of “Prescription Pricing Authority” is omitted; and

(b) at the appropriate place there is inserted—

““the NHS Business Services Authority” means the NHS Business Services Authority(Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority(Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution)Order 2005”.

(3) In regulation 2(3) (basic price of drugs, medicines and listed appliances), for “the Prescription Pricing Authority” substitute “the NHS Business Services Authority”.

The Asylum Support Regulations 2000

6. In the Schedule to the Asylum Support Regulations 2000(6) (application form and notes) in the following places for “the Prescription Pricing Authority” each time that it occurs, substitute “the NHS Business Services Authority”—

(a) in Note 13 (warning and declaration); and

(b) in Note 14 (NHS help with health costs).

The Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002

7. In the Schedule to the Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002 (7)(consequential amendments to secondary legislation), paragraph 6 (Prescription Pricing Authority Constitution Order 1990), is omitted.

The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002

8. In regulation 10(3) of the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements)(England) Regulations 2002(8)(arrangements by Primary Care Trusts for exercise of functions), the words after “Commission” to the end are omitted.

(4) [S.I. 1996/708](#).

(5) [S.I. 1997/980](#).

(6) [S.I. 2000/704](#).

(7) [S.I. 2002/881](#).

(8) [S.I. 2002/2375](#).

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The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002.

9.—(1) The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002(**9**) are amended as follows.

(2) In Schedule 1 (amendments consequential on Part 1 of the National Health Service Reform and Health Care Professions Act 2002), paragraph 48 is omitted.

(3) In Schedule 7 (enactments where for “health authority” , “district health authority“ , “health authorities” or “health authority's” there is substituted “Primary Care Trust” , “Primary Care Trusts” or “Primary Care Trust's”), the entry relating to the Prescription Pricing Authority Constitution Order 1990 is omitted.

The National Health Service (Local Pharmaceutical Services etc). Regulations 2002

10. Regulation 29 of the National Health Service (Local Pharmaceutical Services etc). Regulations 2002(**10**) (amendment of the Prescription Pricing Authority Constitution Order 1990) is omitted.

The Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2003

11.—(1) The Schedule to the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2003(**11**) is amended as follows.

(2) In the following provisions for “the Counter Fraud and Security Management Service” substitute “the Counter Fraud and Security Management Services division of the NHS Business Services Authority”—

- (a) in paragraph (l) of the entry relating to section 42(2)(c); and
- (b) in paragraph (k) of the entry relating to section 378(1)(b) in relation to England and Wales.

(3) For the following provisions substitute “the Counter Fraud and Security Management Services division of the NHS Business Services Authority and is not below the grade of Agenda for Change pay band 8b”—

- (a) paragraph (i) of the entry relating to section 68(3)(c) ; and
- (b) paragraph (j) of the entry relating to section 378(2)(d) in relation to England and Wales.

The Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2003

12. In Schedule 1 to the Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2003(**12**) “Counter Fraud and Security Management Service”, “Dental Vocational Training Authority”, “NHS Logistics Authority” and “Prescription Pricing Authority” are omitted.

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003

13. In Part II of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003(**13**)(prescriptions for public authorities in Part II of Schedule 1 to the 2000 Act that are relevant public authorities for the purposes only of section 28

(9) [S.I. 2002/2469](#).
(10) [S.I. 2002/2861](#).
(11) [S.I.2003/172](#).
(12) [S.I. 2003/1324](#).
(13) [S.I. 2003/3171](#).

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of the 2000 Act), in column 2 of the entry of prescribed offices in relation to a Special Health Authority, for the entry “Senior Manager (Senior Manager Pay Range 14) in the Counter Fraud and Security Management Service” substitute “Senior Manager (not below the grade of Agenda for Change pay band 8b) in the Counter Fraud and Security Management Services division of the NHS Business Services Authority”.

The Regulation of Investigatory Powers (Communications Data) Order 2003

14. In Schedule 2 Part III to the Regulation of Investigatory Powers (Communications Data) Order 2003 (**14**) (individuals in further additional public authorities that may only acquire communications data falling within sections 21(4)(b) and (c) of the 2000 Act), in the section relating to NHS bodies—

- (a) in column (1) (additional public authorities specified for the purposes of section 25(1) of the 2000 Act), for “NHS Counter Fraud and Security Management Service” substitute “NHS Business Services Authority”; and
- (b) in column (2) (prescribed offices etc. (all authorisations/notices relating to communications data falling within sections 21(4)(b) and (c))), for “Senior Manager (Senior Manager Pay Range 14)”, substitute “Senior Manager (not below the grade of Agenda for Change pay band 8b) in the Counter Fraud and Security Management Services division of the NHS Business Services Authority”.

The National Health Service (Performers Lists) Regulations 2004

15.—(1) The National Health Service (Performers Lists) Regulations 2004 (**15**) are amended as follows—

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “the NHS Counter Fraud and Security Management Service” after “Order 2002” add “, which was replaced on 1st April 2006 by the NHS Business Services Authority”;
- (b) at the appropriate alphabetical place there is inserted—

““the NHS Business Services Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005”.

(3) In the following provisions after “the NHS Counter Fraud and Security Management Service” insert “ or the NHS Business Services Authority ”—

- (a) regulation 4 (application for inclusion in a performers list) in paragraphs (4)(j) and (5)(f);
- (b) regulation 6 (1)(c) (decisions and grounds for refusal); and
- (c) regulation 9(1)(k) (requirements with which a performer in a performers list must comply).

(4) In the following provisions for “the NHS Counter Fraud and Security Management Service” substitute “the NHS Business Services Authority”—

- (a) regulation 6 (3)(b) (decisions and grounds for refusal);
- (b) regulation 7(1) (h) (deferment of decision on application);
- (c) regulation 16(2)(h) (notification); and
- (d) regulation 20(1)(j) (disclosure of information).

(14) S.I. 2003/3172.

(15) S.I. 2004/585.

*The Health and Social Care (Community Health and Standards) Act 2003
(Supplementary and Consequential Provisions) (NHS Foundation Trusts) Order 2004*

16.—(1) The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provisions) (NHS Foundation Trusts) Order 2004(**16**) is amended as follows.

(2) In article 1(citation and commencement), paragraph 2(b) is omitted.

(3) In Schedule 1 (amendments supplementary and consequential on Part 1 of the Health and Social Care (Community Health and Standards) Act 2003), paragraph 45 (Counter Fraud and Security Management Service Regulations 2002), is omitted.

(4) In the following provisions the entry relating to the Counter Fraud and Security Management Service Regulations 2002 is omitted—

- (a) in the table in Schedule 5 (enactments where for “or NHS trust “there is substituted “NHS trusts or NHS Foundation trust”);
- (b) in the table in Schedule 12 (enactments where after “director” there is inserted “or governor”);and
- (c) in the table in Schedule 16 (enactments where there is inserted in the appropriate alphabetical position “Independent Regulator of NHS Foundation trusts” means the body corporate established by section 2 of the Health and Social Care (Community Health and Standards) Act 2003”).

*The General Medical Services and Personal Medical Services
Transitional and Consequential Provisions Order 2004*

17.—(1) The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004(**17**) is amended as follows.

(2) In article 90 paragraph (3)(a)(v)(saving and transitory provision in relation to regulations 1 to 11 of the Out of Hours Regulations), the definition of “the CFSMS” is omitted.

(3) In Schedule 1 (minor and consequential amendments),—

- (a) paragraph 6; and
- (b) paragraph 34

are omitted.

The Health Service Commissioner for England (Special Health Authorities) Order 2004

18. In the Schedule to the Health Service Commissioner for England (Special Health Authorities) Order 2004(**18**)(Special Health Authorities designated as subject to investigation), “National Health Service Logistics Authority” is omitted.

The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004

19. In Part 2 of the Schedule to the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004(**19**) (consequential amendments to secondary legislation), paragraph 49 (Prescription Pricing Order 1990) is omitted.

(16) [S.I. 2004/696](#).

(17) [S.I. 2004/865](#).

(18) [S.I. 2004/1119](#).

(19) [S.I. 2004/1771](#).

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The Parliamentary Commissioner Order 2005

20.—(1) The Parliamentary Commissioner Order 2005(**20**) is amended as follows.

(2) In Schedule 1 (Schedule substituted for Schedule 2 to the Parliamentary Commissioner Act 1967), “Dental Vocational Training Authority” is omitted.

(3) In Schedule 2 (Schedule substituted for Schedule 4 to the Parliamentary Commissioner Act 1967), “Dental Vocational Training Authority Appeal Body established under Regulation 5B of the National Health Service (General Dental Services) Regulations 1992” is omitted.

The Health Service Commissioner for England (Special Health Authorities) Order 2005

21. In the Schedule to the Health Service Commissioner for England (Special Health Authorities) Order 2005(**21**) (Special Health Authorities designated as subject to investigation), “Counter Fraud and Security Management Service” is omitted.

The National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services Amendment and Consequential Amendment) Regulations 2005

22.—(1) The National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services Amendment and Consequential Amendment) Regulations (**22**) are amended as follows.

(2) In regulation 2(1)(interpretation)—

(a) in the definition of “the NHS Counter Fraud and Security Management Service” after “Order 2002” add “,which was replaced on 1st April 2006 by the NHS Business Services Authority”; and

(b) at the appropriate alphabetical place there is inserted—

““the NHS Business Services Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority(Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution)Order 2005”.

(3) In the following provisions after “the NHS Counter Fraud and Security Management Service” insert “or the NHS Business Services Authority”—

(a) regulation 4 (application for inclusion in the supplementary list), in paragraphs (4) (j) and (5)(f);

(b) regulation 6(1)(d) (decisions and grounds for refusal); and

(c) regulation 9(1)(k) (requirements with which an ophthalmic medical practitioner or optician in the supplementary list must comply).

(4) In the following provisions for “the NHS Counter Fraud and Security Management Service” substitute “the NHS Business Services Authority”—

(a) regulation 6 (3)(b)(decisions and grounds for refusal);

(b) regulation 7(1) (h) (deferment of decision on application);

(c) regulation 16(2)(h)(notification); and

(d) regulation 20(1)(i) (disclosure of information).

(20) S.I. 2005/249.

(21) S.I. 2005/251.

(22) S.I. 2005/480.

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The Opticians Act 1989 (Amendment) Order 2005

23. In Schedule 1 to the Opticians Act 1989 (Amendment Order) 2005 (**23**) (minor and consequential amendments), paragraph 23 (the Prescription Pricing Constitution Order 1990), is omitted.