



# Health Act 1999

## 1999 CHAPTER 8

### PART I

#### THE NATIONAL HEALTH SERVICE

##### *Rectification of transitional arrangements*

#### **44 Power to rectify transitional provisions etc**

- (1) The Secretary of State may by order make such provision as he considers appropriate in consequence of the matters mentioned in subsection (2) (the “relevant defects”).
- (2) Those matters are—
  - (a) the omission from Part III of Schedule 2 to the Health Authorities Act 1995 (Transitional Provisions) Order 1996 (which determined the relevant Health Authority in relation to any Family Health Services Authority in England whose locality comprised or formed part of the area of more than one Health Authority) of an entry for Bromley Family Health Services Authority,
  - (b) the inclusion in Part III or IV of Schedule 1 to that order (which determined the relevant Health Authority in relation to any Family Health Services Authority whose locality comprised or formed part of the area of only one Health Authority) of an entry for any Family Health Services Authority in England or Wales whose locality comprised or formed part of the area of more than one Health Authority (and an entry for which should accordingly have been included in Part III or IV of Schedule 2 to that order),
  - (c) the omission from column 2 of the entry for any Family Health Services Authority in Part III or IV of Schedule 2 to that order (which together with column 3 of that entry specified the relevant Health Authorities in relation to that Family Health Services Authority) of any Health Authority whose area or any part of whose area forms part of the locality of the Family Health Services Authority and which was not included in column 3 of that entry,
  - (d) where—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the locality of a Family Health Services Authority and the area of a Health Authority overlap but do not coincide, and
  - (ii) the Family Health Services Authority had compiled a list of persons residing in its locality,
- the treatment, incorrectly, by a Health Authority of a person included in that list as residing, or as not residing, in their area.
- (3) Provision that may be made under subsection (1) includes, in particular—
- (a) provision amending the Health Authorities Act 1995 (Transitional Provisions) Order 1996,
  - (b) provision transferring, or adding, the name of any Part II practitioner to any Part II list in which he is (or, at the material time, was) not included because of any of the relevant defects,
  - (c) provision for treating anything done by or in relation to an acting authority or a person of any description identified by reference to an acting authority as having been done by or in relation to the proper authority or a person of that description identified by reference to the proper authority,
  - (d) provision for treating anything done by or in relation to an acting authority or a person of any description identified by reference to an acting authority as having been so done in the exercise by them or him of functions on behalf of the proper authority or a person of that description identified by reference to the proper authority.
- (4) Any provision made by an order under this section may be made with effect from any date after 31st March 1996 specified in the order.
- (5) Provision contained in an order under this section by virtue of section 62(4) may include provision conferring functions on the Secretary of State.
- (6) In subsection (3)(b)—
- “Part II practitioner” means a person who provides (or, at any time since 31st March 1996, has provided) general medical services, general dental services, general ophthalmic services or pharmaceutical services in accordance with arrangements made or treated as made (or which, but for any of the relevant defects, would have been made or treated as made) under Part II of the 1977 Act,
  - “Part II list” means a list kept by a Health Authority under section 29(2)(a), 36(1)(a), 39(a) or 42(2)(a) of that Act (lists of persons providing general medical, general dental, general ophthalmic or pharmaceutical services).
- (7) In subsection (3)(c) and (d), in relation to anything done by or in relation to a Health Authority or a person identified by reference to a Health Authority—
- “acting authority” means the Health Authority by or in relation to whom the thing was done or person was identified because of any of the relevant defects,
  - “proper authority” means the Health Authority by or in relation to whom the thing should have been done or by reference to whom the person should have been identified.