

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. 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) View outstanding changes

SCHEDULES

SCHEDULE 5

[^{F1}HEALTH AUTHORITIES AND SPECIAL HEALTH AUTHORITIES]

Textual Amendments

- F1** Sch. 5 heading substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with Sch. 2 para. 6)

PART III

SUPPLEMENTARY PROVISIONS

Corporate status

- 8 Each [^{F1}Strategic Health Authority, each]^{F2}Health Authority and each Special Health Authority] (hereinafter in this Schedule referred to severally as “an authority”) shall be a body corporate.

Textual Amendments

- F1** Words in Sch. 5 Pt. 3 para. 8 inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 34(3)(a)**; S.I. 2002/2478, **art. 3(1)(c)**
- F2** Words in Sch. 1 Pt. III para. 8 substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 60(a)** (with Sch. 2 para. 6)

Pay and allowances

- 9 (1) The Secretary of State may pay to the chairman of an authority [^{F3}and to any member of a relevant authority who is appointed by the Secretary of State ^{F4}. . .] . . . ^{F5} such remuneration as he may determine with the approval of [^{F6}the Treasury].
- (2) The Secretary of State may provide as he may determine with the approval of [^{F7}the Treasury] for the payment of a pension, allowance or gratuity to or in respect of the chairman of an authority . . . ^{F5}.
- (3) Where a person ceases to be chairman of an authority . . . ^{F5}, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to him a payment of such amount as the Secretary of State may determine with the approval of [^{F8}the Treasury].

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- (4) The Secretary of State may pay to a member of an authority, or of a committee or sub-committee of [^{F9}, or joint committee or joint sub-committee including,] an authority, such travelling and other allowances (including attendance allowance or compensation for the loss of remunerative time) as he may determine with the approval of [^{F10}the Treasury].
- (5) Allowances shall not be paid in pursuance of sub-paragraph (4) above except in connection with the exercise, in such circumstances as the Secretary of State may determine with the approval of [^{F10}the Treasury], of such functions as he may so determine.
- (6) Payments under this paragraph shall be made at such times, and in such manner and subject to such conditions, as the Secretary of State may determine with the approval of [^{F11}the Treasury].
- [^{F12}(7) In sub-paragraph (1) above “relevant authority” [^{F13}means—
- (a) a [^{F14}Strategic Health Authority or] Health Authority; or
 - (b) any Special Health Authority which is specified] in Schedule 1 to the Authorities for London Post-Graduate Teaching Hospitals (Establishment and Constitution) Order ^{M1}1982, in the Board of Governors of the Eastman Dental Hospital (Establishment and Constitution) Order ^{M2}1984 or in any other provision of an order under this Act which specifies an authority for the purposes of this sub-paragraph.]

Textual Amendments

- F3** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), ss. 1\(3\), 2, Sch. 1 para. 7](#)
- F4** Words in [Sch. 5 Pt. III para. 9\(1\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 5\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(b\)\(i\), Sch. 3 \(with Sch. 2 para. 6\)](#)
- F5** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\), ss. 5, 24, Sch. 3 para. 13, Sch. 8 Pt. I](#)
- F6** Words substituted by virtue of [S.I. 1981/1670, arts. 2\(2\), 3\(5\)](#)
- F7** Words substituted by virtue of [S.I. 1981/1670, arts. 2\(1\)\(c\), 3\(5\)](#)
- F8** Words substituted by virtue of [S.I. 1981/1670, arts. 2\(1\)\(d\), 3\(5\)](#)
- F9** Words in [Sch. 5 Pt. III para. 9\(4\)](#) inserted (1.9.1999 for E. and 1.12.1999 for W.) by [1999 c. 8, s. 65, Sch. 4 para. 39\(2\); S.I. 1999/2342, art. 2\(1\), Sch. 1; S.I. 1999/3184, art. 2\(2\), Sch. 2](#)
- F10** Words substituted by virtue of [S.I. 1981/1670, arts. 2\(1\)\(d\)\(2\), 3\(5\)](#)
- F11** Words substituted by virtue of [S.I. 1981/1670, arts 2\(1\)\(2\), 3\(5\)](#)
- F12** [Sch. 5 para. 9\(7\)](#) added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), ss. 1\(3\), 2, Sch. 1 para. 7\(2\)](#)
- F13** Words in [Sch. 5 Pt. III para. 9\(7\)](#) and sub-paras. (a)(b) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 Pt. I para. 60\(b\)\(ii\) \(with Sch. 2 para. 6\)](#)
- F14** Words in [Sch. 5 Pt. 3 para. 9\(7\)\(a\)](#) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 1\(3\), 42\(3\), Sch. 1 Pt. 1 para. 34\(3\)\(b\); S.I. 2002/2478, art. 3\(1\)\(c\)](#)

Modifications etc. (not altering text)

- C1** [Para. 9](#) modified by [Mental Health Act 1983 \(c. 20, SIF 85\), s. 121\(11\)](#)
- C2** [Sch. 5 para. 9\(1\)\(4\)](#): functions not to be exercised by a primary care trust (1.4.2000) by [S.I. 2000/695, reg. 4\(1\), Sch. 4](#)

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C3 Sch. 5 para. 9(1)(4): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

Marginal Citations

M1 S.I. 1982/314.

M2 S.I. 1984/188.

Staff

10 ^{F15}(1) Subject to and in accordance with regulations and such directions as may be given by the Secretary of State, an authority . . . ^{F16} may employ such officers as it may determine ^{F17}and pay its officers such remuneration and allowances, and employ them on such other terms and conditions,] as it may determine; and regulations and directions under] this sub-paragraph ^{F18}may make provision with respect to any matter connected with the employment by an authority of its officers, including in particular provision—]

- (a) with respect to the qualifications of persons who may be employed as officers of an authority;
- (b) requiring an authority to employ ^{F19}a chief officer and officers of such other descriptions as may be prescribed and to employ], for the purpose of performing prescribed functions of the authority or any other body, officers having prescribed qualifications or experience; and
- (c) as to the manner in which any officers of an authority are to be appointed.

^{F20}(1A) Regulations or directions under sub-paragraph (1) above may provide for approvals or determinations to have effect from a date specified in them ^{F21}and a direction under that sub-paragraph may relate to a particular officer or class of officer specified in the direction].

(1B) The date may be before or after the date of giving the approvals or making the determinations but may not be before if it would be to the detriment of the officers to whom the approvals or determinations relate.]

(2) Regulations may provide for the transfer of officers from one authority to another . . . ^{F22}, and for arrangements under which the services of an officer of an authority are placed at the disposal of another authority or a local authority.

^{F23}(2A) Where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an order under ^{F24}section 32 of the ^{M3}Dentists Act 1984] (interim suspension); or
- (b) by a direction or ^{F24}an order of the Health Committee under] that Act (health cases),

the suspension shall not terminate any contract of employment made between him and an authority but a person whose registration is suspended under that Part of that Act shall not perform any duties under a contract made between him and an authority which involves the practice of dentistry within the meaning of ^{F24}the ^{M4}Dentists Act 1984.]]

(3) Directions may be given—

- (a) by the Secretary of State to an authority to place services of any of its officers at the disposal of another authority,

^{F25}(b)

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(c) by the Secretary of State to any authority . . . ^{F26} to employ as an officer of the authority any person who is or was employed by another authority and is specified in the direction,

^{F25}(d)

^{F27} . . .

(4) Regulations made in pursuance of this paragraph shall not require that all consultants employed by an authority are to be so employed whole-time.

Textual Amendments

- F15** Words substituted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 14, Sch. 6 para. 3\(1\)](#)
- F16** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\), ss. 5, 24, Sch. 3 para. 14, Sch. 8 Pt. I](#)
- F17** Words in [Sch. 5 Pt. III para. 10\(1\)](#) substituted (1.10.2001 for E. and otherwise *prosp.*) by [2001 c. 15, ss. 6\(1\)\(a\), 70\(2\) \(with ss. 64\(9\), 65\(4\)\); S.I. 2001/3294, art. 2](#)
- F18** Words in [Sch. 5 Pt. III para. 10\(1\)](#) substituted (1.10.2001 for E. and otherwise *prosp.*) by [2001 c. 15, ss. 6\(1\)\(b\), 70\(2\) \(with ss. 64\(9\), 65\(4\)\); S.I. 2001/3294, art. 2](#)
- F19** Words in [Sch. 5 Pt. III para. 10\(1\)\(b\)](#) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 Pt. I para. 60\(c\)\(i\) \(with Sch. 2 para. 6\)](#)
- F20** [Para. 10\(1A\)\(1B\)](#) inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 14, Sch. 6 para. 3\(2\)](#)
- F21** Words added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), ss. 1\(3\), 2, Sch. 1 para. 8](#)
- F22** Words repealed by [S.I. 1985/39, art. 7\(22\)\(a\)\(i\)](#)
- F23** [Para. 10\(2A\)](#) inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 15\(b\)](#)
- F24** Words substituted by [Dentists Act 1984 \(c. 24, SIF 83:1\), s. 54\(1\), Sch. 5 paras. 8, 10](#)
- F25** [Sch. 5 Pt. III para. 10\(3\)\(b\)\(d\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 5\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(c\)\(ii\), Sch. 3 \(with Sch. 2 para. 6\)](#)
- F26** Words repealed by [S.I. 1985/39, art. 7\(22\)\(a\)\(ii\)](#)
- F27** Words in [Sch. 5 Pt. III para. 10\(3\)](#) omitted (1.9.1999 for E. and 1.12.1999 for W.) and repealed (1.4.2000) by [1999 c. 8, s. 65, Sch. 4 para. 39\(3\), Sch. 5; S.I. 1999/2342, art. 2\(1\), Sch. 1; S.I. 1999/3184, art. 2\(2\), Sch. 2; S.I. 2000/1041, art. 2\(d\), Sch.](#)

Marginal Citations

- M3** [1984 c. 24\(83:1\)](#).
- M4** [1984 c. 24\(83:1\)](#).

- 11 (1) It shall be the duty of the Secretary of State, before he makes regulations in pursuance of paragraph 10 above, to consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, ^{F28} . . . before he ^{F28} . . . gives directions to an authority in pursuance of sub-paragraph (3) of paragraph 10 above in respect of any officer of an authority—
- (a) to consult the officer about the directions; or
 - (b) to satisfy himself . . . that the authority of which he is an officer has consulted the officer about the placing or employment in question; or

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- (c) to consult, except in the case of a direction in pursuance of paragraph (c) ^{F28} . . . of paragraph 10(3), with respect to the directions such body as he ^{F28} . . . may recognise as representing the officer.
- (3) If the Secretary of State ^{F29} . . . —
- (a) considers it necessary to give directions in pursuance of paragraph (a) ^{F29} . . . of paragraph 10(3) for the purpose of dealing temporarily with an emergency, and
- (b) has previously consulted bodies recognised by him ^{F29} . . . as representing the relevant officers about the giving of directions for that purpose,
- the Secretary of State ^{F29} . . . shall be entitled to disregard sub-paragraph (2) above in relation to the directions.

Textual Amendments

F28 Words in [Sch. 5 Pt. III para. 11\(2\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 5\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(d\)\(i\), Sch. 3](#) (with [Sch. 2 para. 6](#))

F29 Words in [Sch. 5 Pt. III para. 11\(3\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 5\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(d\)\(ii\), Sch. 3](#) (with [Sch. 2 para. 6](#))

Miscellaneous

- 12 Provision may be made by regulations as to—
- (a) the appointment and tenure of office of the chairman [^{F30}vice-chairman] and members of an authority [^{F31}and any members of a committee or sub-committee of [^{F32}, or joint committee or joint sub-committee including,] an authority who are not members of the authority];
- [^{F33}(aa) the circumstances in which a member of an authority who is (or is to be regarded as) an officer of the authority may be suspended from performing his functions as a member]
- (b) the appointment [^{F34}and constitution] of ^{F35} . . . committees and sub-committees [^{F36}(and joint committees and joint sub-committees) of (or including) an authority (including any such committees] consisting wholly or partly of persons who are not members of the authority in question); and
- (c) the procedure of an authority, and of such committees and sub-committees as are mentioned in sub-paragraph (b) above.

Textual Amendments

F30 Word inserted by [S.I. 1985/39, art. 7\(22\)\(b\)](#)

F31 Words added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), ss. 1\(3\), 2, Sch. 1 para. 9\(a\)](#)

F32 Words in [Sch. 5 Pt. III para. 12\(a\)](#) inserted (1.9.1999 for E. and 1.12.1999 for W.) by [1999 c. 8, s. 65, Sch. 4 para. 39\(4\)\(a\); S.I. 1999/2342, art. 2\(1\), Sch. 1; S.I. 1999/3184, art. 2\(2\), Sch. 2](#)

F33 [Sch. 5 para. 12\(aa\)](#) inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), ss. 1\(3\), 2, Sch. 1 para. 9\(b\)](#)

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- F34** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 9(c)**
- F35** Words in Sch. 5 Pt. III para. 12(b) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), Sch. 1 Pt. I para. 60(e), **Sch. 3** (with Sch. 2 para. 6)
- F36** Words in Sch. 5 Pt. III para. 12(b) substituted (1.9.1999 for E., and 1.12.1999 for W.) by 1999 c. 8, s. 65, **Sch. 4 para. 39(4)(b)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**

[^{F37}12A Regulations made by virtue of this Schedule [^{F38}may make provision (including provision modifying this Schedule)] to deal with cases where the post of chief officer or any other officer of an authority is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.]

Textual Amendments

- F37** Sch. 5 para. 12A inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 10**
- F38** Words in Sch. 5 Pt. III para. 12A substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 60(f)** (with Sch. 2 para. 6)

- 13 An authority may pay subscriptions, of such amounts as the Secretary of State may approve, to the funds of such bodies as he may approve.
- 14 The proceedings of an authority shall not be invalidated by any vacancy in its membership, or by any defect in a member's appointment.
- 15 [^{F39}(1) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by an authority of any function exercisable by them by virtue of section 16 or 16D above are enforceable by or (as the case may be) against that authority (and no other health service body).

(1A) This paragraph does not apply in relation to the joint exercise of any functions by an authority with another body under section 16(2)(c) or (3)(b) above.]

[^{F40}(2) An authority shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the discovery or production of documents.

This sub-paragraph shall not prejudice any right of the Crown to withhold or procure the withholding from production of any document on the ground that its disclosure would be contrary to the public interest.]

^{F41}(3)

Textual Amendments

- F39** Sch. 5 Pt. III para. 15(1)(1A) substituted (1.9.1999 for E. and 1.12.1999 for W.) for Sch. 15 Pt. III para. 15(1) by 1999 c. 8, s. 65, **Sch. 4 para. 39(5)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**
- F40** Sch. 5 para. 15(2) repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**
- F41** Sch. 5 Pt. III para. 15(3) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), Sch. 1 Pt. I para. 60(g), **Sch. 3** (with Sch. 2 para. 6)

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- 16 Provision may be made by regulations with respect to the recording of information by an authority, and the furnishing of information by an authority to the Secretary of State or another authority.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2003 c. 43 Sch. 7 para. 3\(7\)](#)
- Act repealed by [2006 c. 43 Sch. 4](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(4) inserted by [2003 c. 43 Sch. 11 para. 8](#)
- s. 3(4)(a) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(a\)](#)
- s. 3(4)(b) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 3(4)(b) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(b\)](#)
- s. 8(9)(10) added by [2006 c. 28 s. 74\(1\)](#)
- s. 11(4A)(4B) inserted by [2006 c. 28 s. 74\(2\)\(a\)](#)
- s. 16B(4) inserted by [2003 c. 43 s. 182\(1\)](#)
- s. 16BC(4) inserted by [2003 c. 43 s. 182\(2\)](#)
- s. 16CA and heading inserted by [2003 c. 43 s. 170](#)
- s. 16CB inserted by [2003 c. 43 s. 171\(1\)](#)
- s. 16CC inserted by [2003 c. 43 s. 174](#)
- s. 16CD16CE inserted by [2006 c. 28 s. 37](#)
- s. 19A(2)(aa) inserted by [2003 c. 43 Sch. 9 para. 9](#)
- s. 20A inserted by [2003 c. 4 s. 1\(1\)](#)
- s. 21(4) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 9](#)
- s. 22(1A)(e) inserted by [2003 c. 43 Sch. 4 para. 25](#)
- s. 28D(1)(b)-(bc) substituted for s. 28D(1)(b)(c) by [2003 c. 43 s. 177\(2\)](#)
- s. 28D(1)(bc)(i) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 28D(1)(bc)(iii) words substituted by [S.I. 2004/957 Sch. para. 3](#)
- s. 28D(1A) inserted by [2003 c. 43 s. 177\(3\)](#)
- s. 28E(3)(ca) inserted by [2003 c. 43 s. 177\(7\)](#)
- s. 28E(3A)(3B) inserted by [2003 c. 43 s. 177\(8\)](#)
- s. 28E(3C) inserted by [2003 c. 43 s. 177\(9\)](#)
- s. 28E(3D) inserted by [2003 c. 43 s. 177\(10\)](#)
- s. 28E(3E)(3F) inserted by [2003 c. 43 s. 177\(11\)](#)
- s. 28K-28P and heading inserted by [2003 c. 43 s. 172\(1\)](#)
- s. 28M(4) words substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 16](#)
- s. 28Q-28W and heading(s) inserted by [2003 c. 43 s. 175\(1\)](#)
- s. 28W(5) applied by [S.I. 2004/478 reg. 100\(3\)](#)
- s. 28W(5) applied by [S.I. 2004/478 Sch. 6 para. 100\(3\)](#)
- s. 28X applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 4](#)
- s. 28X inserted by [2003 c. 43 s. 179\(1\)](#)
- s. 28X heading words substituted by [2006 c. 28 s. 39\(5\)](#)
- s. 28X(1A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(a\)](#)
- s. 28X(2A) inserted by [2006 c. 28 s. 39\(2\)](#)
- s. 28X(3)(b) words substituted by [2006 c. 28 s. 39\(3\)](#)
- s. 28X(3)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(b\)](#)
- s. 28X(6A) inserted by [2006 c. 28 s. 39\(4\)](#)
- s. 28Y inserted by [2003 c. 43 s. 180](#)
- s. 28Y(1) applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 5](#)
- s. 28Y(1)(a) substituted by [2006 c. 28 s. 40\(2\)](#)
- s. 28Y(1)(b) words substituted by [2006 c. 28 s. 40\(3\)](#)
- s. 28Y(1)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 18](#)
- s. 28WA-28WF and cross-heading inserted by [2006 c. 28 s. 38](#)
- s. 29-34A repealed by [2003 c. 43 s. 175\(2\)Sch. 14 Pt. 4](#)

- s. 34A inserted by [1997 c. 46 s. 25\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 25(1) repealed (1.4.2004) without ever being in force by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1) (4), Sch. 14 Pt. 4 Note; S.I. 2004/288, art. 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345))
- s. 35(3)-(3B) substituted for s. 35(3) by [S.I. 2005/2011 Sch. 6 para. 1\(2\)\(a\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- s. 42(2A) inserted by [2001 c. 15 s. 40\(3\)](#)
- s. 42(2B)(2C) inserted by [2006 c. 28 s. 35](#)
- s. 42A42B inserted by [2006 c. 28 s. 34\(1\)](#)
- s. 43(4)(5) added by [1997 c. 19 Sch. para. 6](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 19 repealed (30.3.2007) by S.I. 2007/289, art. 1(2)(3), Sch. 1 para. 6; commencing date as notified in The Gazette, published 23.3.2007)
- s. 43A inserted by [1984 c. 48 s. 7\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(1) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43A43B substituted by [1999 c. 8 s. 10\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1))
- s. 43A43B substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 19](#)
- s. 43A(3) repealed by [1997 c. 46 Sch. 2 para. 77](#)[Sch. 3 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 77 repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43B added by [1984 c. 48 s. 7\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(3) repealed to the extent that it inserts section 43B of the National Health Service Act 1977 (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without that amendment ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 44(3A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 20\(c\)](#)
- s. 45A45B inserted by [2003 c. 43 Sch. 11 para. 23](#)
- s. 45A(3) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(3)(a) word repealed by [2006 c. 28 Sch. 8 para. 17\(2\)](#)[Sch. 9](#)
- s. 45A(3)(aa) inserted by [2006 c. 28 Sch. 8 para. 17\(2\)](#)
- s. 45A(4) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(4)(a) substituted by [2006 c. 28 Sch. 8 para. 17\(3\)](#)
- s. 45A(11) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45C inserted by [2006 c. 28 s. 41](#)
- s. 46-46C substituted for s. 46 by [1999 c. 8 s. 40\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed by 2001 c. 15, ss. 67, 70(2), Sch. 6 Pt. 1 (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the National Health Service Act 2006 (c. 41) (as to which see s. 227 of that 2006 Act) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), arts. 1(1), 2, Sch. 1 Pt. 2 para. 8(c))
- s. 54(1)(c) and word(s) inserted by [2003 c. 43 Sch. 11 para. 26\(2\)\(c\)](#)
- s. 54(1)(c) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) and word(s) inserted by [2003 c. 43 Sch. 11 para. 27\(2\)](#)
- s. 72(5)(d) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(i\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(ii\)](#)

- s. 77(4) inserted by [2003 c. 43 Sch. 11 para. 28](#)
- s. 78A inserted by [1997 c. 46 s. 26\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26(1) repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1))
- s. 79(5)(b) modified by [2003 c. 43 s. 183\(4\)](#)
- s. 96(4) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 27](#)
- s. 96A(12) inserted by [2003 c. 43 Sch. 4 para. 37](#)
- s. 98(1A)-(1C) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(2\)](#)
- s. 98(1A) substituted by [S.I. 2004/1714 Sch. 2 para. 1\(2\)](#)
- s. 98(1A)(e) inserted by [S.I. 2006/960 Sch. 2 para. 1\(2\)](#)
- s. 98(1C) words inserted by [S.I. 2004/1714 Sch. 2 para. 1\(4\)](#)
- s. 98(1C) words substituted by [S.I. 2006/960 Sch. 2 para. 1\(4\)](#)
- s. 98(1D) inserted by [2004 c. 23 Sch. 2 para. 2](#)
- s. 98(1BA)(1BB) inserted by [S.I. 2004/1714 Sch. 2 para. 1\(3\)](#)
- s. 98(1BC) inserted by [S.I. 2006/960 Sch. 2 para. 1\(3\)](#)
- s. 98(4A) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(4\)](#)
- s. 98(7)-(10) inserted by [S.I. 2005/1074 art. 2\(2\)](#)
- s. 103(4)(5) inserted by [2001 c. 15 Sch. 5 para. 5\(12\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(12)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 124A(3)(aa) inserted by [2002 c. 38 Sch. 3 para. 20](#)
- s. 126(1A) inserted by [2003 c. 43 s. 183\(3\)\(b\)](#)
- s. 126(4A) inserted by [2001 c. 15 Sch. 5 para. 5\(13\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(13)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 126(4A) inserted by [2003 c. 4 s. 1\(2\)](#)
- Sch. 5 para. 12B inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 39\(c\)](#)
- Sch. 5 para. 10(2A)-(2C) substituted for Sch. 5 para. 10(2A) by [S.I. 2005/2011 Sch. 6 para. 1\(4\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- Sch. 5A para. 20(1A) inserted by [2006 c. 28 s. 74\(3\)](#)
- Sch. 5B para. 19(1A) inserted by [2006 c. 28 s. 74\(4\)](#)
- Sch. 7A inserted by [2003 c. 4 s. 1\(3\)Sch. 1](#)
- Sch. 7A para. 3(1)(fa) inserted by [2003 c. 43 Sch. 11 para. 40\(2\)\(a\)](#)
- Sch. 7A para. 3(1)(g) words repealed by [2003 c. 43 Sch. 11 para. 40\(2\)\(b\)Sch. 14 Pt. 4](#)
- Sch. 7A para. 3(2) words substituted by [2003 c. 43 Sch. 11 para. 40\(3\)](#)
- Sch. 9A para. 10(a)(aa) substituted for s. Sch. 9A para. 10(a) by [2003 c. 43 Sch. 11 para. 42\(4\)\(b\)](#)
- Sch. 9A para. 6(d)(i)(ii) substituted for words in para. 6(d) by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 40\(b\)](#)
- Sch. 11 para. 5A inserted by [S.I. 2004/3363 art. 7](#)
- Sch. 12 para. 2A(6) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 42\(g\)](#)
- Sch. 12 para. 2B amendment to earlier affecting provision 2006 c. 28, s. 41(3) by [S.I. 2006/1407 Sch. 1 Pt. 2 para. 15](#) (The earlier affecting provision cited is incorrect. The correct provision should be s. 42(3).)
- Sch. 12 para. 2B inserted by [2006 c. 28 s. 42\(3\)](#)
- Sch. 12 para. 2A(1)(b)(ba) substituted for Sch. 12 para. 2A(1)(b) by [2006 c. 28 s. 42\(2\)\(a\)](#)
- Sch. 12A para. 7(4) inserted by [2001 c. 15 Sch. 5 para. 5\(17\)\(c\)](#)
- Sch. 12B inserted by [2006 c. 28 s. 56\(2\)Sch. 3](#)
- Sch. 12ZA inserted by [2003 c. 43 s. 183\(2\)](#)

Commencement Orders yet to be applied to the National Health Service Act 1977

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/53 art. 2-4 commences (2001 c. 15)
- S.I. 2003/713 art. 2 commences (2001 c. 15)
- S.I. 2003/833 art. 23 commences (2002 c. 17)
- S.I. 2003/2245 art. 2 commences (2001 c. 15)
- S.I. 2003/2246 art. 2 commences (2002 c. 17)
- S.I. 2003/2660 art. 2-4 commences (2003 c. 4)
- S.I. 2003/3064 art. 2 commences (2003 c. 4)
- S.I. 2003/3083 art. 2 commences (2002 c. 17)
- S.I. 2003/3346 art. 2-5 commences (2003 c. 43)
- S.I. 2004/103 art. 2-4 commences (2001 c. 15)
- S.I. 2004/287 art. 23 commences (1997 c. 46)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/289 art. 2 commences (1998 c. 8)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2004/1859 art. 2-6 commences (1999 c. 8)
- S.I. 2004/2626 art. 2 commences (2003 c. 43)
- S.I. 2005/457 art. 2 commences (2003 c. 43)
- S.I. 2005/558 art. 2Sch. 1 commences (2004 c. 23)
- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.I. 2005/2213 art. 23 commences (2002 c. 38)
- S.I. 2005/2800 art. 3-5 commences (2005 c. 10)
- S.I. 2005/2897 art. 2 commences (2002 c. 38)
- S.I. 2005/2925 art. 24-11 commences (2003 c. 43)
- S.I. 2005/2926 art. 23 commences (1997 c. 46)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/481 art. 23 commences (2001 c. 15)
- S.I. 2006/1014 art. 2Sch. 12 commences (2005 c. 4)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 3681213 commences (1997 c. 46)
- S.I. 2006/2603 art. 2-5 commences (2006 c. 28)
- S.I. 2006/3125 art. 2-4 commences (2006 c. 28)
- S.I. 2007/204 art. 2-4 commences (2006 c. 28)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)