



National Health Service Act 1977

1977 CHAPTER 49

PART II

GENERAL MEDICAL, GENERAL DENTAL, GENERAL OPHTHALMIC, AND PHARMACEUTICAL SERVICES

[^{F1} Provisions as to disqualification of practitioners]

[^{F1}49M Appeals

- (1) A practitioner may appeal to the FHSAA against a decision of a [^{F2}Primary Care Trust or] Health Authority mentioned in subsection (2) by giving notice in writing to the FHSAA within the period of 28 days beginning with the date on which the [^{F2}Primary Care Trust or] Health Authority gave him notice of the decision.
- (2) The [^{F2}Primary Care Trust or] Health Authority decisions in question are—
 - (a) to remove the practitioner from a list (under section 49F or 49G(3) or under subsection (5)(b) of this section),
 - (b) to remove him contingently (under section 49G),
 - (c) to impose any particular condition under section 49G, or to vary any condition or to impose any different condition under that section,
 - (d) to vary his terms of service (under section 49G(4)),
 - (e) any decision on a review of a contingent removal under section 49L.
- (3) The appeal shall be by way of redetermination of the [^{F3}decision of the Primary Care Trust or of the Health Authority] .
- (4) On an appeal, the FHSAA may make any decision which the [^{F2}Primary Care Trust or] Health Authority could have made.
- (5) If the FHSAA decides to remove the practitioner contingently—
 - (a) the [^{F2}Primary Care Trust or] Health Authority and the practitioner may each apply to the FHSAA for the conditions imposed on the practitioner to be

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- varied, for different conditions to be imposed, or for the contingent removal to be revoked, and
- (b) the [^{F2}Primary Care Trust or] Health Authority may remove him from their list if they determine that he has failed to comply with a condition.
- (6) The [^{F2}Primary Care Trust or] Health Authority shall not remove a person from a list, or impose a contingent removal—
- (a) until the expiry of the period of 28 days referred to in subsection (1), or
- (b) if the practitioner appeals within that period, until the FHSAA has disposed of the appeal.
- (7) Regulations may provide for payments by [^{F4}Primary Care Trusts and] Health Authorities to practitioners who are removed from lists pursuant to decisions of the FHSAA under this section, but whose appeals against those decisions are successful.]

Textual Amendments

- F1** S. 49M inserted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 25, 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(2), Sch. 1 Pt. II; S.I. 2002/1475, art. 2(1)
- F2** Words in s. 49M inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 24(a); S.I. 2002/2478, art. 3(1)(d)
- F3** Words in s. 49M(3) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 24(b); S.I. 2002/2478, art. 3(1)(d)
- F4** Words in s. 49M(7) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 24(c); S.I. 2002/2478, art. 3(1)(d)

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Changes and effects yet to be applied to :

- s. 49M(7) words inserted by [2003 c. 43 s. 179\(2\)](#)

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. 77Sch. 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)