

Status: Point in time view as at 07/06/2005.

Changes to legislation: National Health Service and Community Care Act 1990, Cross Heading: The National Health Service Act 1977 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

The National Health Service Act 1977

- 18 (1) ^{F1}
- (2) At the end of section 43 of that Act (persons authorised to provide pharmaceutical services) there shall be added the following subsection—
- “⁽³⁾ No arrangements for the provision of pharmaceutical services falling within section 41(d) above shall be made with persons other than those who are registered pharmacists or are of a prescribed description.”
- (3) In section 63 of that Act (hospital accommodation on part payment) after subsection (1) there shall be inserted the following subsection—
- “(1C) References in subsection (1) above to a health service hospital do not include references to a hospital vested in an NHS trust.”
- (4) At the end of section 65 of that Act (accommodation and services for private patients) there shall be added the following subsection—
- “(4) References in the preceding provisions of this section to a health service hospital do not include references to a hospital vested in an NHS trust.”
- (5) In section 83A of that Act (remission and repayment of charges and payment of travelling expenses) in subsection (1)—
- (a) in paragraph (b) ^{F2} . . . at the end there shall be added “and”, and
- (b) after paragraph (b) there shall be inserted the following paragraph—
- “(c) for the reimbursement by a District Health Authority to an NHS trust and, in such cases as may be prescribed to another District Health Authority, of payments made by virtue of exercising the functions conferred under paragraph (b) above”.
- (6) ^{F3}
- (7) In section 85 of that Act (default powers)—
- (a) in subsection (1), ^{F4} . . . in the words following paragraph (g) after the words “this Act” there shall be inserted “or Part I of the National Health Service and Community Care Act 1990”;
- (b) in subsection (2), for the words from the beginning to “body shall” there shall be substituted “The members of the body in default shall”;
- ^{F4}(c)

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(8) In section 86 of that Act (emergency powers) after the words “this Act”, in the first place where they occur, there shall be inserted “or Part I of the National Health Service and Community Care Act 1990” and after the words “this Act”, in the second place where they occur, there shall be inserted “or that Part”.

(9) At the end of section 103 of that Act (special arrangement as to payment of remuneration) there shall be inserted the following subsection—

“(3) If the Secretary of State by order so provides with respect to remuneration in respect of such pharmaceutical services as may be specified in the order,—

- (a) an NHS trust determined in accordance with the order shall have the function of paying sums so determined to the Family Health Services Authority which, under Part II of this Act, has the function of paying that remuneration; and
- (b) nothing in subsection (2) above shall apply with respect to that remuneration.”

^{F5}(10)

^{F5}(11)

(12) In section 122 of that Act (recovery of charges), in subsection (1) after the words “this Act”, in the second place where they occur, there shall be inserted “or Part I of the National Health Service and Community Care Act 1990”.

(13) ^{F6}

(14) In Schedule 8 to that Act (local social services authorities’ functions)—

- (a) in paragraph 1 (care of mothers) after the word “mothers” there shall be inserted “(other than for the provision of residential accommodation for them)”;
- (b) in paragraph 2 (prevention, care and after-care)—
 - (i) sub-paragraphs (1)(a) and (4) (which make provision respectively for the provision by authorities of residential accommodation and for regulations to be made conferring powers of inspection of certain premises provided under that paragraph) shall cease to have effect; and
 - (ii) after sub-paragraph (4A) there shall be inserted—

“(4AA) No authority is authorised or may be required under this paragraph to provide residential accommodation for any person.”

Textual Amendments

- F1** Sch. 9 para. 18(1) repealed (1.7.2002 for W. and 1.4.2006 for E.) by 2001 c. 15, s. 67, **Sch. 6 Pt. 2** (with ss. 64(9), 65(4)); S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1; S.I. 2006/481, **art. 3**
- F2** Words in Sch. 9 para. 18(5)(a) repealed (1.4.2004) by Health and Social Care (Community Health and Standards Act 2003 (c. 43), ss. 196, 199(1)(b), **Sch. 14 Pt. 1**; S.I. 2004/759, **art. 12**
- F3** Sch. 9 para. 18(6) repealed (7.6.2005) by Inquiries Act 2005 (c. 12), ss. 49(2), 51(1), **Sch. 3** (with ss. 44, 50); S.I. 2005/1432, **art. 2**
- F4** Sch. 9 para. 18(1)(b)(7)(c)(13)(a) and words in sub-para. (7)(a) repealed (1.4.1996) by 1995 c. 17, s. 5(1) (2), **Sch. 3** (with Sch. 2 para. 6)

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- F5** Sch. 9 para. 18(10)(11) repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), **Sch. 3** (with s. 3(4)).
F6 Sch. 9 para. 18(13) repealed (20.10.2003 for W. and 1.12.2003 for E.) by Health (Wales) Act 2003 (c. 4), ss. 7(2), 10(2), Sch. 4; S.I. 2003/2660, **art. 2(1)(iii)**; S.I. 2003/3064, **art. 2(1)(iii)**

Commencement Information

- I1** Sch. 9 para. 18 wholly in force at 1.4.1993; Sch. 9 para. 18 not in force at Royal Assent see s. 67(2); Sch. 9 para. 18(1)(b)(3)-(13) in force at 5.7.1990 and Sch. 9 para. 18(1)(a)(c)(2) in force at 17.9.1990 by S.I. 1990/1329; Sch. 9 para. 18(14) in force at 1.4.1993 by S.I. 1992/2975, art. 2(2), **Sch.**

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