



# Health Act 1999

## 1999 CHAPTER 8

### PART III

#### MISCELLANEOUS AND SUPPLEMENTARY

##### **Modifications etc. (not altering text)**

**C1** Pt. III applied to Isles of Scilly (with modifications) (14.3.2001) by [S.I. 2001/448](#), art. 2

#### *Miscellaneous*

#### **60** [<sup>F1</sup>Regulation of health professions, social workers, other care workers etc.]

(1) Her Majesty may by Order in Council make provision—

- (a) modifying the regulation of any profession to which subsection (2) applies, so far as appears to Her to be necessary or expedient for the purpose of securing or improving the regulation of the profession or the services which the profession provides or to which it contributes,
- (b) regulating any other profession which appears to Her to be concerned (wholly or partly) with the physical or mental health of individuals and to require regulation in pursuance of this section.
- [<sup>F2</sup>(ba) regulating the social work profession in England,
- (bb) modifying the regulation of the social work profession in England, so far as appears to Her to be necessary or expedient for the purpose of securing or improving the regulation of the profession or the services which it provides or to which it contributes,]
- [<sup>F3</sup>(bc) regulating social care workers in England who appear to Her to require regulation in pursuance of this section,
- (bd) modifying the regulation of social care workers in England, so far as appears to Her to be necessary or expedient for the purpose of securing or improving their regulation or the services which they provide or to which they contribute,]

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

- [<sup>F4</sup>(c) modifying the functions, powers or duties of [<sup>F5</sup>the Professional Standards Authority for Health and Social Care],
- (d) modifying the list of regulatory bodies (in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002) in relation to which that [<sup>F6</sup>Authority] performs its functions,
- (e) modifying, as respects any such regulatory body, the range of functions of that body in relation to which the [<sup>F6</sup>Authority] performs its functions.]
- [<sup>F7</sup>(ea) modifying the functions, powers or duties of the Health and Care Professions Council that relate to the education and training of persons who are or wish to become approved mental health professionals,]
- <sup>F8</sup>(f) .....
- (2) The professions referred to in subsection (1)(a) are—
- (a) the professions regulated by <sup>F9</sup>. . . the <sup>M1</sup>Medical Act 1983, the <sup>M2</sup>Dentists Act 1984, the <sup>M3</sup>Opticians Act 1989, the <sup>M4</sup>Osteopaths Act 1993 and the <sup>M5</sup>Chiropractors Act 1994,
- [<sup>F10</sup>(aa) the professions regulated by [<sup>F11</sup>the Pharmacy Order 2010] and the Pharmacy (Northern Ireland) Order 1976,]
- (b) the professions regulated by [<sup>F12</sup>the Nursing and Midwifery Order 2001],
- (c) the professions regulated by [<sup>F13</sup>the Health and Social Work Professions Order 2001][<sup>F14</sup>(other than the social work profession in England)],
- [<sup>F15</sup>(ca) the profession regulated by so much of the Hearing Aid Council Act 1968 as relates to dispensers of hearing aids,]
- (d) any other profession regulated by an Order in Council under this section [<sup>F14</sup>(other than the social work profession in England)] .
- [<sup>F16</sup>(2ZA) In subsections (1) and (2), “the social work profession in England” means the profession engaged in social work in England; and for the purposes of this section, “social work in England” means social work which is required in connection with any health, education or social services provided in England.]
- [<sup>F17</sup>(2ZB) In subsection (1)(bc) and (bd), “social care workers in England” means persons who are engaged in social care work in England.
- (2ZC) For that purpose, “social care work in England” means work (other than social work in England) that is of any of the following descriptions—
- (a) employment at a children's home, care home or residential family centre in England,
- (b) management of a home or centre of a kind mentioned in paragraph (a),
- (c) employment for the purposes of a domiciliary care agency, fostering agency, voluntary adoption agency or adoption support agency, in so far as the agency provides services to persons in England,
- (d) management of an agency of a kind mentioned in paragraph (c),
- (e) work for the purposes of the social services functions of a local authority whose area is in England,
- (f) the provision in England of services similar to services which may or must be provided by a local authority in the exercise of its social services functions,
- (g) the provision of personal care for persons in England,
- (h) employment (in an undertaking other than an establishment or agency) which consists of or includes supplying, or providing services for the purpose of supplying, persons to provide personal care for persons in England,

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

- (i) management of an undertaking of the kind mentioned in paragraph (h),
- (j) employment in connection with the discharge of functions of the Secretary of State under section 80 of the Children Act 1989 (inspection of children's homes),
- (k) employment as a member of staff of the Office for Standards in Education, Children's Services and Skills who inspects premises under—
  - (i) section 87 of the Children Act 1989 (welfare of children accommodated in independent schools and colleges),
  - (ii) section 31 of the Care Standards Act 2000 (inspections by persons authorised by registration authority), or
  - (iii) section 139 of the Education and Inspections Act 2006 (inspection by Chief Inspector),
- (l) employment as a member of staff of the Care Quality Commission who, under Part 1 of the Health and Social Care Act 2008, inspects premises used for or in connection with the provision of social care (within the meaning of that Part),
- (m) management of staff mentioned in paragraph (k) or (l),
- (n) employment at a day centre in England,
- (o) participation in a course approved by the Health and Care Professions Council under article 15 of the Health and Social Work Professions Order 2001 for persons wishing to engage in the social work profession in England.]

[<sup>F18</sup>(2ZD) An expression used in subsection (2ZC) and in section 55 of the Care Standards Act 2000 has the same meaning in that subsection as it has in that section.]

[<sup>F19</sup>(2ZE) The exercise of functions of an approved mental health professional by a member of a profession to which subsection (2) applies is not to be regarded as social work of the kind engaged in by the social work profession in England.]

[<sup>F20</sup>(2ZF) In this section, “approved mental health professional” has the meaning given in section 114 of the Mental Health Act 1983.]

[<sup>F21</sup>(2A) Her Majesty may also by Order in Council make provision relating to, or connected with, the functions of the relevant regulatory body in relation to—

- (a) the registration of premises under Part 4 of the Medicines Act 1968 (pharmacies),
- (b) the regulation of the use of premises for the purposes of a retail pharmacy business, within the meaning of the Medicines Act 1968,
- (c) compliance with the provisions of that Act [<sup>F22</sup>or the Human Medicines Regulations 2012],
- (d) compliance with the provisions of the Poisons Act 1972 or the Poisons (Northern Ireland) Order 1976 by persons admitted to practice and persons carrying on a retail pharmacy business, and
- (e) the grant of authorisations under section 28 of the Regulation of Investigatory Powers Act 2000 (authorisation of directed surveillance).

(2B) In subsection (2A) “the relevant regulatory body” means the body (or main body) responsible for the regulation of the professions referred to in subsection (2)(aa).]

(3) The Professions Supplementary to Medicine Act 1960 and the Nurses, Midwives and Health Visitors Act 1997 are to cease to have effect.

(4) Schedule 3 (which makes further provision about Orders under this section) is to have effect.

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

### Textual Amendments

- F1** S. 60 title substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(10)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F2** S. 60(1)(ba)(bb) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(2)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F3** S. 60(1)(bc)(bd) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(3)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F4** S. 60(1)(c)-(e) inserted (1.4.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **s. 26(9)**; S.I. 2002/2202, **art. 2(3)(b)**
- F5** Words in s. 60(1)(c) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 60(a)**; S.I. 2012/2657, art. 2(3)
- F6** Words in s. 60(1)(d)(e) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 60(b)**; S.I. 2012/2657, art. 2(3)
- F7** S. 60(1)(ea) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 210**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F8** S. 60(1)(f) omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 72(2)**; S.I. 2012/1319, art. 2(3)
- F9** Words in s. 60(2)(a) omitted (1.1.2009) and repealed (prosp.) by virtue of Health and Social Care Act 2008 (c. 14), **ss. 111, 166, 170(3)**, **Sch. 8 para. 1(3)(a)**, **Sch. 15 Pt. 2**; S.I. 2008/3244, **art. 3(a)(c)(i)**
- F10** S. 60(2)(aa) inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 111, 170(3)**, **Sch. 8 para. 1(3)(b)**; S.I. 2008/3244, **art. 3(a)(c)(i)**
- F11** Words in s. 60(2)(aa) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), arts. 1(5), 68, **Sch. 4 para. 7**; S.I. 2010/1621, **art. 2(1)**, Sch.
- F12** Words in s. 60(2)(b) substituted by The Nursing and Midwifery Order 2001 (S.I. 2002/253), art. 54(3), **Sch. 5 para. 16(a)** (with savings in art. 3(18) and transitional provisions in art. 54(1), Sch. 2) (the amendment coming into force in accordance with art. 1(2)(3) of the amending S.I.)
- F13** Words in s. 60(2)(c) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 213(7)(i)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F14** Words in s. 60(2)(c)(d) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(4)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F15** S. 60(2)(ca) inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 111, 170(3)**, **Sch. 8 para. 1(3)(c)**; S.I. 2008/3244, **art. 3(a)(c)(i)**
- F16** S. 60(2ZA) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(5)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F17** S. 60(2ZB)(2ZC) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(6)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F18** S. 60(2ZD) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(7)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F19** S. 60(2ZE) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(8)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F20** S. 60(2ZF) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 209(9)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F21** S. 60(2A)(2B) inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 111, 170(3)**, **Sch. 8 para. 1(4)**; S.I. 2008/3244, **art. 3(a)(c)(i)**
- F22** Words in s. 60(2A)(c) inserted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), **reg. 1(2)**, **Sch. 34 para. 43** (with Sch. 32)

### Commencement Information

- I1** S. 60 wholly in force at 1.8.2004; s. 60 not in force at Royal Assent, see s. 67(1); s. 60(3) in force for certain purposes at 1.7.1999, see s. 67(3); s. 60(1)(2)(4) in force at 15.3.2000 by S.I. 2000/779, art. 2(1) (subject to art. 2(2)); s. 60(3) in force for certain further purposes at 11.5.2001 by S.I. 2001/1985,

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

art. 2(2); s. 60(3) in force for certain further purposes at 1.4.2002 by S.I. 2002/1167, arts. 2-5; s. 60(3) in force for certain further purposes at 9.7.2003 by S.I. 2003/1689. {art. 2}; s. 60(3) in force so far as not already in force at 1.8.2004 by S.I. 2004/1859, art. 3

#### Marginal Citations

- M1 1983 c.54.
- M2 1984 c.24.
- M3 1989 c.44.
- M4 1993 c.21.
- M5 1994 c.17.

### [<sup>F23</sup>60A Standard of proof in fitness to practise proceedings

(1) The standard of proof applicable to any proceedings to which this subsection applies is that applicable to civil proceedings.

(2) Subsection (1) applies to any proceedings before—

<sup>F24</sup>(a) .....

(b) a committee of a regulatory body, a regulatory body itself or any officer of a regulatory body,

which relate to [<sup>F25</sup>a matter specified in subsection (2A)].

[ The matters are—

<sup>F26</sup>(2A) (a) a person's fitness to practise a profession to which section 60(2) applies;

(b) a person's fitness to practise the social work profession in England (within the meaning given by section 60);

(c) a person's suitability to remain registered as a social care worker in England (within the meaning given by that section).]

(3) In subsection (2) “regulatory body” means the body (or main body) responsible for the regulation of a profession to which section 60(2) applies [<sup>F27</sup>or the social work profession in England (within the meaning given in section 60(2ZA))].

(4) An Order in Council under section 60 may not—

(a) amend this section, or

(b) make any provision that is inconsistent with subsection (1).]

#### Textual Amendments

**F23** S. 60A inserted (3.11.2008 for specified purposes) by Health and Social Care Act 2008 (c. 14), ss. 112, 170(3); S.I. 2008/2717, art. 2

**F24** S. 60A(2)(a) and following word omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 15 para. 72(5); S.I. 2012/1319, art. 2(3)

**F25** Words in s. 60A(2) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), ss. 209(11), 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)

**F26** S. 60A(2A) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), ss. 209(12), 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)

**F27** Words in s. 60A(3) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), ss. 209(13), 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

## 61 English and Scottish border provisions.

- (1) Her Majesty may by Order in Council provide for any functions to which subsection (2) applies which are specified in the Order, so far as exercisable in respect of the provision of services to persons in English border areas, to be exercisable (instead of any corresponding function to which subsection (4) applies) in respect of the provision of the services in question to persons in Scottish border areas who are specified in the Order.
- (2) This subsection applies to any functions under [<sup>F28</sup>the National Health Service Act 2006, or the National Health Service (Wales) Act 2006]<sup>F29</sup>... which are exercisable by the Secretary of State<sup>F30</sup>, the National Health Service Commissioning Board] or any [<sup>F31</sup>clinical commissioning group]<sup>F32</sup>... <sup>F33</sup> .
- (3) Her Majesty may by Order in Council provide for any functions to which subsection (4) applies which are specified in the Order, so far as exercisable in respect of the provision of services to persons in Scottish border areas, to be exercisable (instead of any corresponding function to which subsection (2) applies) in respect of the provision of the services in question to persons in English border areas who are specified in the Order.
- (4) This subsection applies to any functions under the 1978 Act, or Part I of the National Health Service (Primary Care) Act 1997, which are exercisable by the Scottish Ministers or any Health Board or NHS trust established under the 1978 Act.
- (5) In this section—
  - “English border area” means the area of any [<sup>F34</sup>clinical commissioning group]<sup>F35</sup>... adjacent to Scotland,
  - “Scottish border area” means the area of any Health Board adjacent to England.

### Textual Amendments

- F28** Words in s. 61(2) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 196** (with Sch. 3 Pt. 1)
- F29** Words in s. 61(2) repealed (1.4.2006) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, **Sch. 14 Pt. 4**; S.I. 2005/2925, arts. 1(3), **11(2)(p)**
- F30** Words in s. 61(2) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 92(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F31** Words in s. 61(2) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 92(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F32** Words in s. 61(2) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 92(a)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F33** Words in s. 61(2) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 92(a)(iv)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F34** Words in s. 61(5) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 92(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F35** Words in s. 61(5) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 92(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

## Supplementary

### 62 Regulations and orders.

- (1) Any power to make regulations or an order under this Act is exercisable by statutory instrument [F36F37 . . . ].
- [F38](2) Directions under section 20 or 28 or Schedule 2, or by virtue of section 38(1)(b), are to be given by an instrument in writing.]
- (3) F39 . . . . .
- [F40](4) Any power under this Act to make Orders in Council or orders—
  - (a) may be exercised either in relation to all cases to which the power extends, or in relation to all cases subject to specified exceptions, or in relation to any specified cases or classes of case,
  - (b) may be exercised so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes of this Act,
    - (iii) any such provision either unconditionally or subject to any specified condition, and
  - (c) may, in particular, be exercised so as to make different provision for different areas.
- (4A) Any such power includes power—
  - (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments) as the person exercising the power considers to be expedient, and
  - (b) to provide for a person to exercise a discretion in dealing with any matter.]
- (5) F41 . . . . .
- (6) Subject to the following subsections, a statutory instrument containing subordinate legislation under this Act is to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Subsection (6) does not apply to—
  - (a) an order under section 63 which contains only provision for or in connection with the transfer of any property, rights or liabilities, or
  - (b) an order under section 67.
- [F42](8) No order is to be made under section 37(10) unless a draft has been laid before, and approved by resolution of, each House of Parliament.]
- (9) No recommendation is to be made to Her Majesty to make an Order in Council under section 60 unless a draft has been laid before, and approved by resolution of, each House of Parliament.

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

- (10) But if any provision made by an Order in Council under that section would, if it were included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament [<sup>F43</sup>and is not merely incidental to, or consequential on, provision that (if so included) would be outside that competence], no recommendation is to be made to Her Majesty to make the Order unless a draft—
- (a) has been laid before, and approved by resolution of, each House of Parliament, and
  - (b) has been laid before, and approved by resolution of, the Scottish Parliament.
- (11) No recommendation is to be made to Her Majesty to make an Order in Council under section 61 unless a draft—
- (a) has been laid before, and approved by resolution of, each House of Parliament, and
  - (b) has been laid before, and approved by resolution of, the Scottish Parliament.

#### Textual Amendments

- F36** Words in s. 62(1) inserted (1.8.2001 for E. and 1.11.2004 for W.) by 2001 c. 15, ss. 48(3), 70(2) (with ss. 64(a), 65(4)); S.I. 2001/2804, art. 2(1)(a); S.I. 2004/1754, **art. 2(2)(a)**
- F37** Words in s. 62(1) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)
- F38** S. 62(2) repealed by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 6, **Sch. 4** (with Sch. 2 Pt. 1), the repeal coming into force for certain purposes at 1.3.2007 and otherwise in accordance with s. 8(2)(7) of the repealing Act
- F39** S. 62(3) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)
- F40** S. 62(4)(4A) substituted (1.1.2009) for s. 62(4) by Health and Social Care Act 2008 (c. 14), ss. 127, 170(3), **Sch. 10 para. 11**; S.I. 2008/3244, **art. 3(b)(d)**
- F41** S. 62(5) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)
- F42** S. 62(8) repealed by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 6, **Sch. 4** (with Sch. 2 Pt. 1), the repeal coming into force in accordance with s. 8(2)(8) of the repealing Act
- F43** Words in s. 62(10) inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), ss. 111, 170(3), **Sch. 8 para. 2**; S.I. 2008/3244, **art. 3(a)(c)(i)**

### 63 Supplementary and consequential provision etc.

- (1) The Secretary of State may by order make—
- (a) such supplementary, incidental or consequential provision, or
  - (b) such transitory, transitional or saving provision,
- as he considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.
- (2) The provision which may be made under subsection (1) includes provision amending or repealing any enactment, instrument or document.

#### Modifications etc. (not altering text)

- C2** S. 63: transfer of certain functions (1.7.1999) by S.I. 1999/672, **art. 2, Sch. 1** (as inserted (30.6.1999) by 1999 c. 8, ss. **66(4)(5)(c)**, 67(4))



*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

- C3** S. 63 modified (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 4, 8(2), [Sch. 2 para. 1\(6\)\(b\)](#) (with [Sch. 3 Pt. 1](#))

## 64 Interpretation.

In this Act—

F44

“the 1978 Act” means the <sup>M6</sup>National Health Service (Scotland) Act 1978,

F45

F46

“enactment” includes an enactment whenever passed or made,

“NHS trust” has the same meaning—

(a) <sup>F47</sup>

(b) in Part II of this Act as in the 1978 Act.

### Textual Amendments

- F44** S. 64: definition of “the 1977 Act” repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#))
- F45** S. 64: definition of “the 1990 Act” repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#))
- F46** S. 64: definition of “Commission” repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, [Sch. 14 Pt. 2](#); S.I. 2004/759, [art. 13\(2\)\(g\)](#)
- F47** S. 64: para. (a) in definition of “NHS Trust” repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#))

### Marginal Citations

- M6** 1978 c.29.

### *Final provisions*

## 65 Amendments and repeals.

- (1) Schedule 4 (amendments of enactments) is to have effect.
- (2) The repeals set out in Schedule 5 (which include the repeal of an enactment which is spent) are to have effect.

### Commencement Information

- I2** S. 65 partly in force; s. 65(2) in force at 1.7.1999 for certain purposes, see s. 67(1)(3); s. 65 in force for further purposes as follows: for E. at 1.9.1999 by S.I. 1999/2342, [art. 2\(1\)](#), [Sch. 1](#); for E. at 1.10.1999 by S.I. 1999/2540, [art. 2\(1\)\(a\)](#), [Sch. 1](#); for S. at 1.10.1999 by S.S.I 1999/90, [art. 2\(1\)\(a\)](#), [Sch. 1](#); for E. at 1.11.1999 by S.I. 1999/2793, [art. 2\(1\)\(a\)](#), [Sch. 1](#); for E.W. at 1.11.1999 by S.I. 1999/2793, [art. 2\(1\)\(b\)](#), [Sch. 2](#); at 1.11.1999 by S.I. 1999/2793, [art. 2\(1\)\(d\)](#); for W. at 1.11.1999 by S.I. 1999/3184, [art. 2\(1\)](#), [Sch. 1](#); for W. at 1.12.1999 by S.I. 1999/3184, [art. 2\(2\)](#), [Sch. 2](#); for E. at 4.1.2000 by S.I. 1999/2342, [art. \(2\)\(3\)\(a\)](#), [Sch. 2](#); for E.W. at 4.1.2000 by S.I. 1999/2342, [art. 2\(3\)\(b\)](#); for E. at 4.1.2000 by S.I. 1999/2540, [art. 2\(2\)](#); for E. at 1.4.2000 by S.I. 1999/2342, [art. 2\(4\)\(a\)](#), [Sch. 3](#); for E.W. at 1.4.2000 by S.I. 1999/2342, [art. 2\(4\)\(b\)](#); for E.W. at 1.4.2000 by S.I. 1999/2793, [art. 2\(3\)\(a\)\(c\)](#), [Sch.](#)

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

3; for W. at 1.4.2000 by S.I. 2000/1026, art. 2(1), Sch.; for E.W. at 1.4.2000 by S.I. 2000/1041, art. 2(c); for W. at 1.12.2000 by S.I. 2000/2991, art. 2(1), Sch. 1; for W. at 1.1.2001 by S.I. 2000/2991, art. 2(2), Sch. 2; for E.W. at 9.2.2001 by S.I. 2001/270, art. 2(b); for S. at 31.1.2004 and 4.3.2004 by S.S.I. 2004/32, art. 2(1)(b)(2)(b); for E. at 1.8.2004 by S.I. 2004/1859, arts. 4, 6

## 66 Devolution.

- (1) For the purposes of the <sup>M7</sup>Scotland Act 1998, any provision of this Act which extends to Scotland is to be taken to be a pre-commencement enactment within the meaning of that Act; but this subsection does not apply to section 22.
- (2) The power of a Minister of the Crown under section 67 to appoint a day for any of the following provisions to come into force in relation to Wales—
  - (a) sections 1 to 8 and 10 to 18 and Schedule 1,
  - (b) sections 26 to 32,
  - (c) section 65(1) and Schedule 4, so far as concerns the following provisions of that Schedule: paragraphs 1 to 16, 23 to 26, 27(a), 28 to 35, 37, 38 (except sub-paragraph (2)(b) and (d)), 39, 40, 71, 72, 74, 75, 76(b), 77 to 80, 81 (except sub-paragraph (2)(b)), 83, 84, 85 (except sub-paragraph (2)(a)) and 87 to 90,
 is exercisable instead by the National Assembly for Wales.
- (3) In Schedule 5 to the <sup>M8</sup>Government of Wales Act 1998 (bodies and offices covered by section 74), after paragraph 12 there is inserted—

“12A The Commission for Health Improvement.”

- (4) The National Assembly for Wales (Transfer of Functions) Order 1999 is amended as follows; and those amendments are to have effect as if made by an Order in Council under section 22 of the <sup>M9</sup>Government of Wales Act 1998 (transfer of Ministerial functions).
- (5) In Schedule 1—
  - (a) in the entry for the 1977 Act, after paragraph (c) there is inserted—
 

“(cc) section 43C;  
<sup>F48</sup> .....
  - (b) at the end of the entry for the 1990 Act, there is inserted—
 

“The references above to paragraph 1 of Schedule 3 are references to that paragraph before the amendments made by section 17 of the <sup>M10</sup>Health Act 1999.

The Treasury consent requirement under paragraph 8 of that Schedule (inserted by Schedule 4 to the Health Act 1999), so far as relating to the matters referred to in paragraph (b) of that paragraph, shall continue in effect.”
  - (c) after the entry for the <sup>M11</sup>National Minimum Wage Act 1998 there is inserted—
 

“In the Health Act 1999—

    - (a) Part I and Schedule 4, except sections 20(1), 22 and 33 to 38 and Schedule 2 (other than paragraph 2);

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

- (b) section 63, so far as it relates to any of the provisions which, by virtue of section 66(2), may be brought into force by the Assembly”.

(6) <sup>F49</sup> .....

#### Subordinate Legislation Made

- P1** S. 66(2) power partly exercised (27.3.2000): 1.4.2000 appointed for specified provisions by S.I. 2000/1026, art. 2(1), **Sch.** (with art. 2(2))  
S. 66(2) power partly exercised (7.11.2000): different dates appointed for specified provisions by S.I. 2000/2991, art. 2, **Sch. 1, Sch. 2**

#### Textual Amendments

- F48** Words in s. 66(5) repealed by 2001 c. 15, ss. 67, 70(2), Sch. 5 Pt. 1 para. 12(3), 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)**
- F49** S. 66(6) repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, **Sch. 14 Pt. 2**; S.I. 2004/759, **art. 13(2)(g)**

#### Commencement Information

- I3** S. 66 wholly in force at 1.7.1999; s. 66(1)(3)-(6) in force at Royal Assent and s. 66(2) in force at 1.7.1999 see s. 67(1)(4).

#### Marginal Citations

- M7** 1998 c.46.  
**M8** 1998 c.38.  
**M9** S.I. 1999/672.  
**M10** 1999 c.8.  
**M11** 1998 c.39.

## 67 Commencement.

- (1) The preceding provisions of this Act (including the Schedules) are to come into force on such day as the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different purposes.
- (3) Subsection (1) does not apply to the repeal of section 10 of the <sup>M12</sup>Professions Supplementary to Medicine Act 1960 (power to extend or restrict application of Act), which comes into force on 1st July 1999 or, if later, on the day on which this Act is passed.
- (4) Subsection (1) does not apply to section 66, of which—
  - (a) subsections (1) and (3) to (6) come into force on the day on which this Act is passed,
  - (b) subsection (2) comes into force on 1st July 1999 or, if later, the day on which this Act is passed.

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Part III. (See end of Document for details)*

### Subordinate Legislation Made

- P2** S. 67(1) power partly exercised as follows:
- different dates appointed for specified provisions by S.I. 1999/2177, **art. 2(2)(3)**;
  - different dates appointed for specified provisions by S.I. 1999/2342, **art. 2, Schs. 1-3**;
  - different dates appointed for specified purposes by S.I. 1999/2540, **art. 2(1)(2), Sch. 1**;
  - 1.10.1999 appointed for specified provisions by S.S.I. 1999/90, **art. 2, Sch. 1, 2**;
  - 14.10.1999 appointed for specified provisions by S.S.I. 1999/115, **art. 2**;
  - different dates appointed for specified provisions by S.I. 1999/2793, **art. 2, Schs. 1-3**;
  - different dates appointed for specified provisions by S.I. 1999/3184, **art. 2, Schs. 1, 2**;
  - 1.3.2000 appointed for specified provisions by S.S.I. 2000/38, **art. 2**;
  - 15.3.2000 appointed for specified provisions by S.I. 2000/779, **art. 2(1)**;
  - 1.4.2000 appointed for specified provisions by S.I. 2000/1041, **art. 2, Sch.**;
  - 9.2.2001 appointed for specified provisions by S.I. 2001/270, **art. 2**;
  - 11.5.2001 appointed for specified provisions by S.I. 2001/1985, **art. 2**;
  - 1.4.2002 appointed for specified provisions by S.I. 2002/1167, **art. 2**
  - 9.7.2003 for specified provision by {S.I. 2003/1689}, **art. 2**;
  - 1.4.2004 for specified provision by {S.I. 2004/289}, **art. 2**;
  - 31.1.2004 and 4.3.2004 for specified provisions by {S.S.I. 2004/32}, **art. 2**;
  - 1.8.2004 for specified provisions by {S.I. 2004/1859}, **arts. 2-6**;
  - 1.3.2007 for specified provisions by {S.I. 2006/1407};
  - 3.4.2007 for specified provisions by {S.I. 2007/1179}, **art. 2**

### Marginal Citations

- M12** 1960 c.66.

## 68 Extent.

- (1) Subject to the following provisions—
  - (a) <sup>F50</sup> .....
  - (b) Part II extends only to Scotland, and
  - (c) this Part extends to Northern Ireland (as well as to England and Wales and Scotland).
- (2) The amendment or repeal of an enactment, or a power to amend or repeal an enactment, which extends to any part of the United Kingdom extends also to that part.
- (3) Sections 22 and 25 extend to Scotland and Northern Ireland.
- (4) <sup>F51</sup> .....
- (5) The Secretary of State may by order provide that so much of this Act as extends to England and Wales is to apply to the Isles of Scilly with such modifications (if any) as are specified in the order; but otherwise this Act does not extend there.

### Textual Amendments

- F50** S. 68(1)(a) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)
- F51** S. 68(4) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

---

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects  
for the Health Act 1999, Part III. (See end of Document for details)*

---

**69 Short title.**

This Act may be cited as the Health Act 1999.

**Status:**

Point in time view as at 01/04/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Health Act 1999, Part III.