



# Health Act 1999

## 1999 CHAPTER 8

### PART III

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary*

#### **62 Regulations and orders.**

- (1) Any power to make regulations or an order under this Act is exercisable by statutory instrument [<sup>F1F2</sup> . . . ].
- [<sup>F3</sup>(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) <sup>F4</sup> . . . . .
- (4) Subsections [<sup>F5</sup>(7) and (8) of section 272 of the National Health Service Act 2006, and subsections (9) and (10) of section 203 of the National Health Service (Wales) Act 2006](supplementary provisions about subordinate legislation) apply in relation to any power conferred by this Act to make Orders in Council, orders or regulations <sup>F6</sup> . . . as they apply in relation to the powers which may be exercised as mentioned in subsection (4)(a) and (b) of that section.
- (5) <sup>F7</sup> . . . . .
- (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.

*Status: Point in time view as at 01/03/2007.*

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- [<sup>F8</sup>(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.
- (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, 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

- F1** 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)**
- F2** 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)
- F3** 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
- F4** 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)
- F5** Words in s. 62(4) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 197** (with Sch. 3 Pt. 1)
- F6** Words in s. 62(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)
- F7** 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)
- F8** 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

### 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.

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

- C1** 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))
- C2** 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—

**F9**

.....  
“the 1978 Act” means the <sup>M1</sup>National Health Service (Scotland) Act 1978,

**F10**

**F11**

.....  
“enactment” includes an enactment whenever passed or made,

“NHS trust” has the same meaning—

(a) <sup>F12</sup> .....

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

**Textual Amendments**

- F9** 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)
- F10** 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)
- F11** 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)**
- F12** 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**

- M1** 1978 c.29.

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**Changes to legislation:**

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