Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

National Health Service Reform and Health Care Professions Act 2002

2002 CHAPTER 17

An Act to amend the law about the national health service; to establish and make provision in connection with a Commission for Patient and Public Involvement in Health; to make provision in relation to arrangements for joint working between NHS bodies and the prison service, and between NHS bodies and local authorities in Wales; to make provision in connection with the regulation of health care professions; and for connected purposes. [25th June 2002]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act extended in part (Isles of Scilly) (with modifications) (8.2.2003) by The National Health Service Reform and Health Care Professions Act 2002 (Isles of Scilly) Order 2003 (S.I. 2003/50), **arts. 1**, 2

PART 1

NATIONAL HEALTH SERVICE, ETC

NHS bodies and their functions: England

[F1]1 English Health Authorities: change of name

. . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F1 S. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

2 Primary Care Trusts

[F2](1) . . . . . .

[F2](2) . . . . . .

[F2](3) . . . . . .

[F2](4) . . . . . .

(5) Schedule 2 (which contains amendments of the 1977 Act and of other enactments to reallocate functions of Health Authorities to Primary Care Trusts and to make certain connected amendments) is to have effect.

Textual Amendments

F2 S. 2(1)-(4) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Commencement Information

I1 S. 2 wholly in force at 1.10.2002; s. 2 not in force at Royal Assent, see s. 42(3); s. 2 in force for certain purposes for E. at 2.9.2002 by S.I. 2002/2202, **art. 3(b)** and in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, **art. 3(1)(a)**

[F3]3 Directions: distribution of functions

. . . . . .

Textual Amendments

F3 S. 3 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

4 Personal medical services, personal dental services and local pharmaceutical services

[F4](1) . . . . . .

[F5](2) . . . . . .

(3) Schedule 3 (which contains amendments of the National Health Service (Primary Care) Act 1997 and of other enactments related to the provisions of this section and sections 1 to 3) is to have effect.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F4 S. 4(1) repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 13 (with art. 4)

F5 S. 4(2) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F6]5 Local Representative Committees

. . . . . .

Textual Amendments

F6 S. 5 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

NHS bodies and their functions: Wales

[F7]6 Local Health Boards

. . . . . .

Textual Amendments

F7 Ss. 6-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Financial arrangements: England and Wales

[F7]7 Funding of Strategic Health Authorities and Health Authorities

. . . . . .

Textual Amendments

F7 Ss. 6-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F7]8 Funding of Primary Care Trusts

. . . . . .

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Textual Amendments

F7 Ss. 6-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F7]9 Funding of Local Health Boards

. . . . . .

Textual Amendments

F7 Ss. 6-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F7]10 Expenditure of NHS bodies

. . . . . .

Textual Amendments

F7 Ss. 6-10 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Quality

PROSPECTIVE

[F8]11 Duty of quality

. . . . . .

Textual Amendments

F8 Ss. 11-14 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

[F8]12 Further functions of the Commission for Health Improvement

. . . . . .

Textual Amendments

F8 Ss. 11-14 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
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[F8]13 Commission for Health Improvement: inspections and investigations

. . . . . .

Textual Amendments

F8 Ss. 11-14 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

[F8]14 Commission for Health Improvement: constitution

. . . . . .

Textual Amendments

F8 Ss. 11-14 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

Patient and public involvement

[F9]15 Establishment of Patients' Forums

. . . . . .

Textual Amendments

F9 Ss. 15-18 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F9]16 Additional functions of PCT Patients' Forums

. . . . . .

Textual Amendments

F9 Ss. 15-18 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F9]17 Entry and inspection of premises

. . . . . .

Textual Amendments

F9 Ss. 15-18 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

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[F9]18 Annual reports

. . . . . .

Textual Amendments

F9 Ss. 15-18 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

19 Supplementary

[F10](1) . . . . . .

[F10](2) . . . . . .

[F10](3) . . . . . .

[F10](4) . . . . . .

[F10](5) . . . . . .

[F11](6) . . . . . .

[F12](7) . . . . . .

Textual Amendments

F10 S. 19(1)-(5) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F11 S. 19(6) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 18 Pt. 18**; S.I. 2008/461, art. 2(3), Sch.

F12 S. 19(7) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 18 Pt. 18**; S.I. 2008/461, art. 2(3), Sch.

Commencement Information

I2 S. 19 partly in force; s. 19 in force for certain purposes at Royal Assent, see s. 42(3)

I3 S. 19 in force at 1.9.2003 in so far as not already in force by S.I. 2003/2246, **art. 2(a)**

[F13]20 The Commission for Patient and Public Involvement in Health

. . . . . .

Textual Amendments

F13 S. 20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F14]21 Overview and scrutiny committees

. . . . . .

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Textual Amendments

F14 S. 21 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

22 Abolition of Community Health Councils in England

[F15](1) . . . . . .

[F15](2) . . . . . .

[F15](3) . . . . . .

(4) The National Assembly for Wales has as respects Wales the same power under that paragraph as it would have if no such body had been established.

(5) The Secretary of State may by order make provision—

(a) as to the transfer to a person falling within subsection (6), on or after the abolition of a Community Health Council by subsection (1), of any of the rights or liabilities of a person as a member or former member of the Council,

(b) as to the transfer to a person falling within subsection (6) or to the National Assembly for Wales, on or after the abolition of ACHCEW, of any of the property held, rights enjoyed or liabilities incurred in respect of the functions of ACHCEW by a person as a member or former member of a Community Health Council which was a member of ACHCEW.

(6) The following fall within this subsection—

(a) the Secretary of State,

(b) **[**[F16]a Strategic Health Authority**]** ,

(c) a Special Health Authority,

(d) an NHS trust,

(e) a Primary Care Trust.

(7) Before exercising the power conferred by subsection (5)(b) the Secretary of State must consult the National Assembly for Wales.

[F17](8) . . . . . .

[F18](9) . . . . . .

Textual Amendments

F15 S. 22(1)-(3) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F16 Words in s. 22(6)(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 226** (with Sch. 3 Pt. 1)

F17 S. 22(8) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F18 S. 22(9) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Commencement Information

I4 S. 22 partly in force; s. 22 in force for certain purposes at Royal Assent, see s. 42(3)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
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I5 S. 22 in force at 1.12.2003 in so far as not already in force by S.I. 2003/3083, **art. 2**

Joint working

[F19]23 Joint working with the prison service

. . . . . .

Textual Amendments

F19 S. 23 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F20]24 Health and well-being strategies in Wales

. . . . . .

Textual Amendments

F20 S. 24 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

PART 2

[[F21]HEALTH AND SOCIAL CARE PROFESSIONS ETC.]

Textual Amendments

F21 Pt. 2 title substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 222(5)**, 306(4); S.I. 2012/2657, art. 2(3)

[[F22]The Professional Standards Authority for Health and Social Care]

Textual Amendments

F22 S. 25 crossheading substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 222(4)**, 306(4); S.I. 2012/2657, art. 2(3)

25 [[F23]The Professional Standards Authority for Health and Social Care]

(1) There shall be a body corporate known as [[F24]the Professional Standards Authority for Health and Social Care] (in this group of sections referred to as [[F25]"the Authority"]).

(2) The general functions of the [[F26]Authority] are—

(a) to promote the interests of [[F27]users of health care, users of social care in England, users of social work services in England] and other members of the public in relation to the performance of their functions by the bodies

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mentioned in subsection (3) (in this group of sections referred to as "regulatory bodies"), and by their committees and officers,

(b) to promote best practice in the performance of those functions,

(c) to formulate principles relating to good professional self-regulation, and to encourage regulatory bodies to conform to them, and

(d) to promote co-operation between regulatory bodies; and between them, or any of them, and other bodies performing corresponding functions.

[[F28](2A) The main objective of the **[**[F26]Authority**]** in exercising its functions under subsection (2)(b) to (d) is to promote the health, safety and well-being of **[**[F29]users of health care, users of social care in England, users of social work services in England**]** and other members of the public.**]**

(3) The bodies referred to in subsection (2)(a) are—

(a) the General Medical Council,

(b) the General Dental Council,

(c) the General Optical Council,

(d) the General Osteopathic Council,

(e) the General Chiropractic Council,

[[F30](f) the General Pharmaceutical Council,**]**

(g) subject to section 26(6), the Pharmaceutical Society of Northern Ireland,

[[F31](ga) the Nursing and Midwifery Council,

(gb) **[**[F32]the Health and Care Professions Council**]** , and**]**

[[F33](j) any other regulatory body (within the meaning of Schedule 3 to the 1999 Act) established by an Order in Council under section 60 of that Act.**]**

[[F34](3A) A reference in an enactment to a body mentioned in subsection (3) is not (unless there is express provision to the contrary) to be read as including a reference to the Health and Care Professions Council, or a regulatory body within subsection (3)(j), so far as it has functions relating to—

(a) the social work profession in England, or

(b) social care workers in England.

(3B) For the purposes of subsection (3A)—

"enactment" means an enactment contained in—

(a) an Act, an Act of the Scottish Parliament or an Act or Measure of the National Assembly for Wales (whether passed before or after the commencement of this subsection), or

(b) subordinate legislation (within the meaning of the Interpretation Act 1978), an instrument made under an Act of the Scottish Parliament, an Act or Measure of the National Assembly for Wales or Northern Ireland legislation (whether made before or after that commencement), and

"the social work profession in England" and "social care workers in England" have the meaning given in section 60 of the 1999 Act.**]**

(4) Schedule 7 (which makes further provision about the **[**[F35]Authority**]**) is to have effect.

(5) "This group of sections" means this section and sections **[**[F36]26**][**[F36]25A**]** to 29, and includes Schedule 7.

(6) In this group of sections, references to regulation, in relation to a profession, are to be construed in accordance with paragraph 11(2) [F37]... of Schedule 3 to the 1999 Act.

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Textual Amendments

F23 S. 25 title substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 222(3)**, 306(4); S.I. 2012/2657, art. 2(3)

F24 Words in s. 25(1) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 222(2)(a)**, 306(4); S.I. 2012/2657, art. 2(3)

F25 Words in s. 25(1) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 222(2)(b)**, 306(4); S.I. 2012/2657, art. 2(3)

F26 Words in s. 25(2)(2A) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(a)**; S.I. 2012/2657, art. 2(3)

F27 Words in s. 25(2)(a) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(1)**, 306(4); S.I. 2012/1319, art. 2(4)

F28 S. 25(2A) inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 113(3)**, 170(3)(4); S.I. 2008/3244, art. 2(a)

F29 Words in s. 25(2A) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(2)**, 306(4); S.I. 2012/1319, art. 2(4)

F30 S. 25(3)(f) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 10(2)**; S.I. 2010/1621, art. 2(1), Sch.

F31 S. 25(3)(ga)(gb) substituted (1.1.2009) for s. 25(3)(h)(i) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 10 para. 17(2)**; S.I. 2008/3244, art. 2(i)(xii)

F32 Words in s. 25(3)(gb) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 56(b)**; S.I. 2012/1319, art. 2(4)

F33 S. 25(3)(j) substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 10 para. 17(3)**; S.I. 2008/3244, art. 2(i)(xii)

F34 S. 25(3A)(3B) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 220(6)**, 306(4); S.I. 2012/1319, art. 2(4)

F35 Word in s. 25(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(a)**; S.I. 2012/2657, art. 2(3)

F36 Word in s. 25(5) substituted (27.3.2012 for specified purposes, 16.3.2015 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 224(2)**, 306(1)(d)(4); S.I. 2015/409, art. 2

F37 Words in s. 25(6) repealed (1.1.2009) by virtue of Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 10 para. 17(4)**, Sch. 15 Pt. 2; S.I. 2008/3244, art. 2(j)(i)(xii)

Commencement Information

I6 S. 25 wholly in force at 1.4.2003; s. 25 not in force at Royal Assent, see s. 42(3); s. 25 in force for certain purposes at 27.8.2002 and for certain further purposes at 1.12.2002 and in force at 1.4.2003 insofar as not already in force by S.I. 2002/2202, **art. 2**

[F38 25A Funding of the Authority

(1) The Privy Council must by regulations require each regulatory body to pay the Authority periodic fees of such amount as the Privy Council determines in respect of such of the Authority's functions in relation to that body as are specified in the regulations.

(2) A reference in this section to the Authority's functions does not include a reference to its functions under sections 25G to 25I and 26A.

(3) The regulations must, in particular, provide for the method of determining the amount of a fee under the regulations.

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(4) Before determining the amount of a fee under the regulations, the Privy Council must request the Authority to make a proposal as to the amount of funding that it considers it requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations.

(5) The Authority must—
- (a) comply with a request under subsection (4), but
- (b) before doing so, consult the regulatory bodies.

(6) Having received a proposal under subsection (5), the Privy Council may consult the regulatory bodies.

(7) Having taken into account such representations as it receives from consultees, the Privy Council must—
- (a) make a proposal as to the amount of funding that it considers the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations, and
- (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that each regulatory body would be required to pay.

(8) The Privy Council must—
- (a) consult the Authority about the proposal under subsection (7)(a) and the determinations under subsection (7)(b), and
- (b) consult each regulatory body about the determination under subsection (7)(b) of the amount it would be required to pay.

(9) Having taken into account such representations as it receives from consultees, the Privy Council must—
- (a) determine the amount of funding that the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations, and
- (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that each regulatory body is to be required to pay.

(10) Regulations under this section requiring payment of a fee may make provision—
- (a) requiring the fee to be paid within such period as is specified;
- (b) requiring interest at such rate as is specified to be paid if the fee is not paid within the period specified under paragraph (a);
- (c) for the recovery of unpaid fees or interest.

(11) The regulations may enable the Privy Council to redetermine the amount of a fee provided for under the regulations, on a request by the Authority or a regulatory body or on its own initiative.

(12) Before making regulations under this section, the Privy Council must consult—
- (a) the Authority,
- (b) the regulatory bodies, and
- (c) such other persons as it considers appropriate.**]**

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Textual Amendments

F38 S. 25A inserted (27.3.2012 for specified purposes, 16.3.2015 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 224(1)**, 306(1)(d)(4); S.I. 2015/409, art. 2

[F39 25C Appointments to regulatory bodies

(1) The Privy Council and a regulatory body may make arrangements for the regulatory body or other persons to assist the Privy Council in connection with its exercise of any of its appointment functions in relation to the regulatory body.

(2) The Privy Council and the Authority may make arrangements for the Authority to assist the Privy Council in connection with—
- (a) its exercise of any of its appointment functions in relation to a regulatory body;
- (b) its exercise of its function under paragraph 4 of Schedule 7.

(3) The Privy Council may make arrangements with any other person to assist it in connection with—
- (a) its exercise of any of its appointment functions in relation to a regulatory body;
- (b) its exercise of its function under paragraph 4 of Schedule 7.

(4) The Scottish Ministers and the Authority may make arrangements for the Authority to assist them in connection with their exercise of their function under that paragraph.

(5) The Welsh Ministers and the Authority may make arrangements for the Authority to assist them in connection with their exercise of their function under that paragraph.

(6) The Department of Health, Social Services and Public Safety in Northern Ireland may make arrangements for the Authority to assist the Department in connection with its exercise of its function under that paragraph.

(7) In this section, "regulatory body" does not include the Pharmaceutical Society of Northern Ireland.

(8) In this section, "appointment functions" means—
- (a) in relation to the General Medical Council, the function under paragraph 1A(2) of Schedule 1 to the Medical Act 1983 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (appointment of members and chair and determination of terms of office),
- (b) in relation to the General Dental Council, the function under paragraph 1A(2) of Schedule 1 to the Dentists Act 1984 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
- (c) in relation to the General Optical Council, the function under paragraph 1A(2) of Schedule 1 to the Opticians Act 1989 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
- (d) in relation to the General Osteopathic Council, the function under paragraph 1A(2) of the Schedule to the Osteopaths Act 1993 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),

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(e) in relation to the General Chiropractic Council, the function under paragraph 1A(2) of Schedule 1 to the Chiropractors Act 1994 and such functions as the Privy Council has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),

(f) in relation to the General Pharmaceutical Council, the function under paragraph 1(2) of Schedule 1 to the Pharmacy Order 2010 (S.I. 2010/231) and such functions as the Privy Council from time to time has by virtue of paragraph 2(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),

(g) in relation to the Nursing and Midwifery Council, the function under paragraph 1A(2) of Schedule 1 to the Nursing and Midwifery Order 2001 (S.I. 2002/253) and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council), and

(h) in relation to the Health and Care Professions Council, the function under paragraph 1(2) of Schedule 1 to the Health and Social Work Professions Order 2001 (S.I. 2002/254) and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council).

(9) A reference to assisting in connection with the exercise of a function does not include a reference to exercising the function.**]**

Textual Amendments

F39 S. 25C inserted (1.7.2012) by Health and Social Care Act 2012 (c. 7), **ss. 227**, 306(4); S.I. 2012/1319, art. 2(3) (with art. 3)

[[F40]25D Power of regulatory bodies to establish voluntary registers

(1) A regulatory body may establish and maintain a voluntary register of persons who are (and, where the body thinks appropriate, persons who have been)—

(a) unregulated health professionals;

(b) unregulated health care workers;

(c) unregulated social care workers in England;

(d) participating in studies that come within subsection (2) or (3).

(2) Studies come within this subsection if they are studies for the purpose of becoming a member of—

(a) a profession to which section 60(2) of the Health Act 1999 applies, or

(b) the social work profession in England.

(3) Studies come within this subsection if they are studies for the purpose of becoming—

(a) an unregulated health professional,

(b) an unregulated health care worker, or

(c) an unregulated social care worker in England.

(4) A regulatory body may establish and maintain a register under subsection (1)(a), (b) or (c) of only such persons as are (or have been) engaged in work that supports, or otherwise relates to, work engaged in by members of a profession which the body

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regulates; but this subsection does not apply to the Health and Care Professions Council.

(5) A regulatory body may establish and maintain a register under subsection (1)(d) of only such persons as are (or have been) participating in studies for the purpose of—

(a) in the case of studies coming within subsection (2), becoming a member of a profession which the body regulates,

(b) in the case of studies coming within subsection (3)(a), becoming a member of a profession for which the body maintains a voluntary register, or

(c) in the case of studies coming within subsection (3)(b) or (c), engaging in work in respect of which the body maintains a voluntary register.

(6) The General Pharmaceutical Council may establish and maintain a register under subsection (1) of only such persons as are (or have been) engaged in work or participating in studies in England, Wales or Scotland.

(7) The Pharmaceutical Society of Northern Ireland may establish and maintain a register under subsection (1) of only such persons as are (or have been) engaged in work, or are participating in studies, in Northern Ireland.

(8) A regulatory body may establish and maintain a register under subsection (1) jointly with one or more other regulatory bodies.

(9) Where regulatory bodies establish and maintain a register in reliance on subsection (8) —

(a) subsections (4) and (5) apply to each body (but subsection (4) does not apply to the Health and Care Professions Council),

(b) subsection (6) applies to the General Pharmaceutical Council if it is one of the bodies, and

(c) subsection (7) applies to the Pharmaceutical Society of Northern Ireland if it is one of the bodies.

(10) But subsections (6) and (7) do not apply where the bodies concerned are or include the General Pharmaceutical Council and the Pharmaceutical Society of Northern Ireland.

(11) Accordingly, in those circumstances, the General Pharmaceutical Council and the Pharmaceutical Society of Northern Ireland may jointly establish and maintain a register of persons who are (and, where they consider appropriate, have been) engaged in work or participating in studies anywhere in the United Kingdom.

(12) A request to be registered, or to continue to be registered, in a register established under subsection (1) must be accompanied by a fee of such amount as the regulatory body (or bodies) concerned may determine.

Textual Amendments

F40 Ss. 25D-25F inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 228**, 306(4); S.I. 2012/2657, art. 2(3)

25E Section 25D: interpretation

(1) This section applies for the purposes of section 25D.

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(2) "Voluntary register" means a register of persons in which a person is not required by an enactment to be registered in order to be entitled to—
  (a) use a title,
  (b) practise as a member of a profession,
  (c) engage in work that involves the provision of health care,
  (d) engage in work of a description given in section 60(2ZC) of the Health Act 1999 (social care work in England), or
  (e) participate in studies that come within section 25D(2) or (3).

(3) Where an enactment imposes a requirement of that kind which applies to part only of the United Kingdom, a register is to be regarded as a voluntary register in so far as it applies to any part of the United Kingdom to which the requirement does not apply.

(4) The reference in subsection (2) to an enactment does not include a reference to an enactment in so far as it imposes a requirement of that kind which applies—
  (a) only to work or practice of a particular kind, and
  (b) only when work or practice of that kind is engaged in for particular purposes.

(5) In subsections (2) to (4), "enactment" means an enactment contained in, or in an instrument made under—
  (a) an Act of Parliament,
  (b) an Act of the Scottish Parliament,
  (c) an Act or Measure of the National Assembly for Wales, or
  (d) Northern Ireland legislation.

(6) "Unregulated health professional" means a member of a profession—
  (a) which is concerned with the physical or mental health of individuals, but
  (b) to which section 60(2) of the Health Act 1999 does not apply.

(7) "Unregulated health care worker" means a person engaged in work which—
  (a) involves the provision of health care, but
  (b) is not work which may be engaged in only by members of a profession.

(8) In subsections (2) and (7), "health care" includes—
  (a) all forms of health care for individuals, whether relating to physical or mental health, and
  (b) procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.

(9) "Unregulated social care worker in England" means a person engaged in social care work in England within the meaning of section 60 of the Health Act 1999.

(10) But a person is not to be regarded as being (or having been) engaged in work as an unregulated social care worker merely because the person is (or has been) participating in a course of the description given in subsection (2ZC)(o) of that section (social work courses).

(11) "The social work profession in England" has the meaning given in that section.

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Textual Amendments

F40 Ss. 25D-25F inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 228**, 306(4); S.I. 2012/2657, art. 2(3)

25F Establishment of voluntary register: impact assessment

(1) Before establishing a register under section 25D, a regulatory body—

(a) must make an assessment of the likely impact of doing so, and

(b) must consult such persons as it considers appropriate.

(2) In performing the duty under subsection (1)(a), the body must have regard to such guidance relating to the preparation of impact assessments as it considers appropriate.

(3) An assessment under this section must, in particular, include an assessment of the likely impact of establishing the register on—

(a) persons who would be eligible for inclusion in the register;

(b) persons who employ persons who would be eligible for inclusion in the register;

(c) users of health care, users of social care in England and users of social work services in England.

(4) A regulatory body must publish any assessment it makes under this section.

(5) In deciding whether to establish a register under section 25D, a regulatory body must have regard to the assessment it made under this section in relation to the register.**]**

Textual Amendments

F40 Ss. 25D-25F inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 228**, 306(4); S.I. 2012/2657, art. 2(3)

[F41 25G Power of the Authority to accredit voluntary registers

(1) Where a regulatory body or other person maintains a voluntary register, the Authority may, on an application by the body or other person, take such steps as it considers appropriate for the purpose of establishing whether the register meets such criteria as the Authority may from time to time set ("accreditation criteria").

(2) Accreditation criteria may, in particular, relate to—

(a) the provision to the Authority of information in connection with the establishment, operation or maintenance of register;

(b) publication of the names of persons included in the register or who have been removed from the register (whether voluntarily or otherwise);

(c) the establishment or operation of a procedure for appeals from decisions relating to inclusion in or removal from the register.

(3) If the Authority is satisfied that a voluntary register meets the accreditation criteria, it may accredit the register.

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(4) The Authority may carry out periodic reviews of the operation of registers accredited under this section for the purpose of establishing whether they continue to meet the accreditation criteria.

(5) If, on a review under subsection (4), the Authority is satisfied that a voluntary register no longer meets the accreditation criteria, the Authority may remove or suspend, or impose conditions on, the accreditation of the register.

(6) The Authority may refuse to accredit a register, or to continue to accredit a register, unless the person who maintains the register pays a fee of such amount as the Authority may determine.

(7) The Authority must publish such accreditation criteria as it sets.

(8) The Authority may publish a list of registers accredited under this section.

(9) "Voluntary register" has the meaning given in section 25E.

Textual Amendments

F41 Ss. 25G-25I inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(1)**, 306(4); S.I. 2012/2657, art. 2(3)

25H Accreditation of voluntary register: impact assessment

(1) Before accrediting a register under section 25G, the Authority—
  (a) must make an assessment of the likely impact of doing so, and
  (b) must consult such persons as it considers appropriate.

(2) For that purpose, the Authority must have regard to such guidance relating to the preparation of impact assessments as it considers appropriate.

(3) An assessment under this section must, in particular, include an assessment of the likely impact of accrediting the register on—
  (a) persons who are, or are eligible to be, included in the register;
  (b) persons who employ persons who are, or are eligible to be, included in the register;
  (c) users of health care, users of social care in England and users of social work services in England.

(4) For the purposes of subsection (3), the Authority may request the person who maintains the register to provide it with such information as it specifies; and if the person refuses to comply with the request, the Authority may refuse to accredit the register.

(5) The Authority may publish any assessment it makes under this section.

(6) In deciding whether to accredit a register under section 25G, the Authority must have regard to its assessment under this section in relation to the register.

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Textual Amendments

F41 Ss. 25G-25I inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(1)**, 306(4); S.I. 2012/2657, art. 2(3)

25I Functions of the Authority in relation to accredited voluntary registers

(1) The Authority has the following functions—

(a) to promote the interests of users of health care, users of social care in England, users of social work services in England and other members of the public in relation to the performance of voluntary registration functions,

(b) to promote best practice in the performance of voluntary registration functions, and

(c) to formulate principles of good governance in the performance of voluntary registration functions and to encourage persons who maintain or operate accredited voluntary registers to conform to those principles.

(2) In this section—

(a) a reference to the performance of voluntary registration functions is a reference to the maintenance or operation of an accredited voluntary register, and

(b) "accredited voluntary register" means a register accredited under section 25G".**]**

Textual Amendments

F41 Ss. 25G-25I inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(1)**, 306(4); S.I. 2012/2657, art. 2(3)

26 Powers and duties of the [F42Authority] : general

(1) Except as mentioned in subsections (3) to (6), the **[**F43Authority**]** may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.

(2) The **[**F43Authority**]** may, for example, do any of the following—

(a) investigate, and report on, the performance by each regulatory body of its functions,

(b) where a regulatory body performs functions corresponding to those of another body (including another regulatory body), investigate and report on how the performance of such functions by the bodies in question compares,

(c) recommend to a regulatory body changes to the way in which it performs any of its functions.

[F44(2A) A reference in subsection (2) to a regulatory body includes a reference to a person other than a regulatory body who has voluntary registration functions; and for that purpose, the only functions that person has are the person's voluntary registration functions.**]**

(3) The **[**F43Authority**]** may not do anything in relation to the case of any individual in relation to whom—

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(a) there are, are to be, or have been proceedings before a committee of a regulatory body, or the regulatory body itself or any officer of the body, or

(b) an allegation has been made to the regulatory body, or one of its committees or officers, which could result in such proceedings.

[[F45](3A) A reference in subsection (3) to a regulatory body includes a reference to a person other than a regulatory body in so far as that person has voluntary registration functions.**]**

[[F46](4) Subsection (3) does not prevent the **[**[F43]Authority**]** from—

(a) taking action under section 28,

(b) where section 29 applies, taking action under that section after the regulatory body's proceedings have ended, or

(c) investigating particular cases with a view to making general reports on the performance by the regulatory body of its functions or making general recommendations to the regulatory body affecting future cases.**]**

[[F47](4A) For the purposes of paragraph (c) of subsection (4), the reference in that subsection to subsection (3) includes a reference to subsection (3) as construed in accordance with subsection (3A).**]**

[F48](5) . . . . . .

(6) **[**[F49]The Authority**]** may not do anything in relation to the functions of the Pharmaceutical Society of Northern Ireland (or its Council, or an officer or committee of the Society) unless those functions are—

(a) conferred on the Society (or its Council, or an officer or committee of the Society) by or by virtue of any provision of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)), other than Article 3(3)(e) (the benevolent functions),

(b) conferred as mentioned in paragraph (a) by, or by virtue of, an Order in Council under section 60 of the 1999 Act or an order under section 56 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3) (which makes provision corresponding to section 60 of the 1999 Act), or

(c) otherwise conferred as mentioned in paragraph (a) and relate to the regulation of the profession regulated by the Pharmacy (Northern Ireland) Order 1976.

[F50](7) . . . . . .

[F51](8) . . . . . .

(9) In section 60(1) of the 1999 Act (regulation of health care and associated professions), after paragraph (b) there is inserted—

"(c) modifying the functions, powers or duties of the Council for the Regulation of Health Care Professionals,

(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 Council performs its functions,

(e) modifying, as respects any such regulatory body, the range of functions of that body in relation to which the Council performs its functions."

(10) In Schedule 3 to the 1999 Act (which makes further provision about orders under section 60 of that Act), in paragraph 7, after sub-paragraph (3) there is inserted—

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"(4) An Order may not confer any additional powers of direction over the Council for the Regulation of Health Care Professionals."

(11) In subsections (3) and (4), "proceedings", in relation to a regulatory body, or one of its committees or officers, includes a process of decision-making by which a decision could be made affecting the registration of the individual in question.

[F52](12) . . . . . .

[[F53](13) In this section, "voluntary registration functions" is to be construed in accordance with section 25I.**]**

Textual Amendments

F42 Word in s. 26 title substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(i)**; S.I. 2012/2657, art. 2(3)

F43 Word in s. 26(1)(2)(3)(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(b)**; S.I. 2012/2657, art. 2(3)

F44 S. 26(2A) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(2)**, 306(4); S.I. 2012/2657, art. 2(3)

F45 S. 26(3A) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(3)**, 306(4); S.I. 2012/2657, art. 2(3)

F46 S. 26(4) substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 115**, 170(3)(4); S.I. 2008/3244, art. 2(c)

F47 S. 26(4A) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(4)**, 306(4); S.I. 2012/2657, art. 2(3)

F48 S. 26(5) omitted (27.9.2010) by virtue of The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 10(3)**; S.I. 2010/1621, art. 2(1), Sch.

F49 Words in s. 26(6) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 63**; S.I. 2012/2657, art. 2(3)

F50 S. 26(7) repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), ss. 116(2), 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(c)(j)

F51 S. 26(8) repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), ss. 116(2), 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(c)(j)

F52 S. 26(12) omitted (1.12.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 64**; S.I. 2012/2657, art. 2(3)

F53 S. 26(13) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(5)**, 306(4); S.I. 2012/2657, art. 2(3)

[[F54]26A Powers of Secretary of State and devolved administrations

(1) The Secretary of State, the Welsh Ministers, the Scottish Ministers or the relevant Northern Ireland department may request the **[**[F55]Authority**]** for advice on any matter connected with a profession appearing to the person making the request to be a health care profession; and the **[**[F55]Authority**]** must comply with such a request.

[F56](1A) **[** The Secretary of State may request the Authority for advice on any matter connected with the social work profession, or social care workers, in England; and the Authority must comply with such a request.**]**

[F57](1B) **[** The Secretary of State may request the Authority for advice on any matter connected with accreditation of registers under section 25G; and the Authority must comply with such a request.

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(1C) The Welsh Ministers, the Scottish Ministers or the relevant Northern Ireland department may request the Authority for advice on any matter connected with accreditation of registers under section 25G other than accreditation of registers referred to in subsection (1D); and the Authority must comply with such a request.

(1D) The registers are registers of persons who are or have been—

(a) unregulated social care workers in England,

(b) participating in studies for the purpose of becoming a member of the social work profession in England;

(c) participating in studies for the purpose of becoming an unregulated social care worker in England.

(1E) In subsection (1D), "the social work profession in England" and "unregulated social care worker in England" each have the meaning given in section 25E.**]**

(2) The Secretary of State, the Welsh Ministers, the Scottish Ministers or the relevant Northern Ireland department may require the **[**[F55]Authority**]** to investigate and report on a particular matter in respect of which the **[**[F58]Authority's**]** functions are exercisable.

(3) In this section**[**[F59]—

"health care profession" means a profession (whether or not regulated by or by virtue of any enactment) which is concerned (wholly or partly) with the physical or mental health of individuals; and

"the relevant Northern Ireland department" means the Department of Health, Social Services and Public Safety in Northern Ireland Public Safety in Northern Ireland.**]]**

Textual Amendments

F54 S. 26A inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 116(1)**, 170(3)(4); S.I. 2008/3244, art. 2(c)

F55 Words in s. 26A(1)(2) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(c)**; S.I. 2012/2657, art. 2(3)

F56 S. 26A(1A) inserted (1.10.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(3)**, 306(4); S.I. 2012/1831, art. 2(2) (with art. 8)

F57 Ss. 26A(1B)-(1E) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(6)**, 306(4); S.I. 2012/2657, art. 2(3)

F58 Word in s. 26A(2) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 65**; S.I. 2012/2657, art. 2(3)

F59 Words in s. 26A(3) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(5)**, 306(4); S.I. 2012/1319, art. 2(4)

[[F60]**26B Duty to inform and consult the public**

(1) For the purpose of ensuring that members of the public are informed about the **[**[F61]Authority**]** and the exercise by it of its functions, the **[**[F61]Authority**]** must publish or provide in such manner as it thinks fit information about the **[**[F61]Authority**]** and the exercise of its functions.

[F62]**[** (1A) The references in subsection (1) to the Authority's functions do not include a reference to its accreditation functions.

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(1B) For the purpose of ensuring that members of the public are informed about the exercise by the Authority of its accreditation functions, the Authority may publish or provide in such manner as it thinks fit information about the exercise of those functions.

(1C) For the purposes of this section, the Authority's accreditation functions are—

(a) its functions under sections 25G to 25I,

(b) its functions under section 26 that relate to the performance of voluntary registration functions (within the meaning given by section 25I), and

(c) its function under section 26A(1B).**]**

(2) Nothing in subsection (1) **[**[F63]or (1B)**]** authorises or requires the publication or provision of information if the publication or provision of that information—

(a) is prohibited by any enactment, or

(b) would constitute or be punishable as a contempt of court.

(3) In subsection (2) "enactment" has the same meaning as in Part 2 of the Health and Social Care Act 2008.

(4) The **[**[F64]Authority**]** must from time to time seek the views of—

(a) members of the public, and

(b) bodies which appear to the **[**[F64]Authority**]** to represent the interests of **[**[F65]users of health care, users of social care in England or users of social work services in England**]** ,

on matters relevant to the exercise by it of its functions **[**[F66](other than its accreditation functions)**]** .**]**

Textual Amendments

F60 S. 26B inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 117**, 170(3)(4); S.I. 2008/3244, art. 2(c)

F61 Words in s. 26B(1) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(d)**; S.I. 2012/2657, art. 2(3)

F62 Ss. 26B(1A)-(1C) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(7)**, 306(4); S.I. 2012/2657, art. 2(3)

F63 Words in s. 26B(2) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(8)**, 306(4); S.I. 2012/2657, art. 2(3)

F64 Words in s. 26B(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(d)**; S.I. 2012/2657, art. 2(3)

F65 Words in s. 26B(4)(b) substituted (1.10.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(6)**, 306(4); S.I. 2012/1831, art. 2(2)

F66 Words in s. 26B(4) inserted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 229(9)**, 306(4); S.I. 2012/2657, art. 2(3)

27 Regulatory bodies and the [F67]Authority]

(1) Each regulatory body must in the exercise of its functions co-operate with the **[**[F68]Authority**]** .

(2) If the **[**[F68]Authority**]** considers that it would be desirable to do so for the protection of members of the public, it may give directions requiring a regulatory body to make

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rules (under any power the body has to do so) to achieve an effect which must be specified in the directions.

(3) **[**[F69]The Authority**]** may give such directions only in relation to rules which must be approved by the Privy Council (whether by order or not) or by the Department of Health, Social Services and Public Safety in Northern Ireland before coming into force.

(4) The **[**[F70]Authority**]** must send a copy of any such directions to the relevant authority.

(5) The relevant authority is the Secretary of State or, if the regulatory body in question is the Pharmaceutical Society of Northern Ireland, the Department of Health, Social Services and Public Safety there.

(6) The directions do not come into force until the date specified in an order made by the relevant authority.

(7) The Secretary of State must lay before both Houses of Parliament, or (as the case may be) the Department of Health, Social Services and Public Safety must lay before the Northern Ireland Assembly, a draft of an order—
   (a) setting out any directions he or it receives pursuant to subsection (4), and
   (b) specifying the date on which the directions are to come into force.

(8) Subsections (4) to (7) apply also to—
   (a) directions varying earlier directions, and
   (b) directions revoking earlier directions, and given after—
      (i) both Houses of Parliament have resolved to approve the draft order specifying the date on which the earlier directions are to come into force, or (as the case may be)
      (ii) the Northern Ireland Assembly has done so.

(9) Subsections (4) and (5) apply also to directions—
   (a) revoking earlier directions, but
   (b) which do not fall within subsection (8)(b),

   but subsections (6) and (7) do not apply to such directions.

(10) If the **[**[F71]Authority**]** gives directions which fall within subsection (9), the earlier directions which those directions revoke shall be treated as if subsections (6) and (7) had never applied to them, and as never in force.

(11) A regulatory body must comply with directions given under subsection (2) which have come into force and have not been revoked.

(12) A regulatory body is not to be taken to have failed to comply with such directions merely because a court determines that the rules made pursuant to the directions are to be construed in such a way that the effect referred to in subsection (2) is not achieved.

(13) The Secretary of State shall make provision in regulations as to the procedure to be followed in relation to the giving of directions under subsection (2).

(14) The regulations must, in particular, make provision requiring the **[**[F72]Authority**]** to consult a regulatory body before giving directions relating to it under subsection (2).

(15) In this section—
   (a) "making" rules includes amending or revoking rules, and

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(b) "rules" includes regulations, byelaws and schemes.

Textual Amendments

F67 Word in s. 27 title substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(i)**; S.I. 2012/2657, art. 2(3)

F68 Words in s. 27(1)(2) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(e)**; S.I. 2012/2657, art. 2(3)

F69 Words in s. 27(3) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 63**; S.I. 2012/2657, art. 2(3)

F70 Word in s. 27(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(e)**; S.I. 2012/2657, art. 2(3)

F71 Word in s. 27(10) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(e)**; S.I. 2012/2657, art. 2(3)

F72 Word in s. 27(14) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(e)**; S.I. 2012/2657, art. 2(3)

Commencement Information

I7 S. 27 wholly in force at 1.4.2003; s. 27 in force for certain purposes at Royal Assent, see s. 42(3); s. 27 in force at 1.4.2003 by S.I. 2002/2202, **art. 2(3)(c)**

28 Complaints about regulatory bodies

(1) The Secretary of State may make provision in regulations about the investigation by the **[**[F73]Authority**]** of complaints made to it about the way in which a regulatory body has exercised any of its functions.

(2) The regulations may, in particular, make provision as to—

(a) who (or what description of person) is entitled to complain,

(b) the nature of complaints which the **[**[F74]Authority**]** must (or need not) investigate,

(c) matters which are excluded from investigation,

(d) requirements to be complied with by a person who makes a complaint,

(e) the procedure to be followed by the **[**[F75]Authority**]** in investigating complaints,

(f) the making of recommendations or reports by the **[**[F75]Authority**]** following investigations,

(g) the confidentiality, or disclosure, of any information supplied to the **[**[F75]Authority**]** or acquired by it in connection with an investigation,

(h) the use which the **[**[F75]Authority**]** may make of any such information,

(i) the making of payments to any persons in connection with investigations,

(j) privilege in relation to any matter published by the **[**[F76]Authority**]** in the exercise of its functions under the regulations.

(3) The regulations may also make provision—

(a) empowering the **[**[F77]Authority**]** to require persons to attend before it,

(b) empowering the **[**[F77]Authority**]** to require persons to give evidence or produce documents to it,

(c) about the admissibility of evidence,

(d) enabling the **[**[F78]Authority**]** to administer oaths.

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(4) No person shall be required by or by virtue of regulations under this section to give any evidence or produce any document or other material to the **[**[F79]Authority**]** which he could not be compelled to give or produce in civil proceedings before the High Court or, in Scotland, the Court of Session.

Textual Amendments

F73 Word in s. 28(1) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(f)**; S.I. 2012/2657, art. 2(3)

F74 Word in s. 28(2)(b) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(f)**; S.I. 2012/2657, art. 2(3)

F75 Words in s. 28(2)(e)(f)(g)(h) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(f)**; S.I. 2012/2657, art. 2(3)

F76 Word in s. 28(2)(j) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(f)**; S.I. 2012/2657, art. 2(3)

F77 Words in s. 28(3)(a)(b) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(f)**; S.I. 2012/2657, art. 2(3)

F78 Word in s. 28(3)(d) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(f)**; S.I. 2012/2657, art. 2(3)

F79 Word in s. 28(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(f)**; S.I. 2012/2657, art. 2(3)

Commencement Information

I8 S. 28 partly in force; s. 28 in force for certain purposes at Royal Assent, see s. 42(3)

29 Reference of disciplinary cases by [[F80]Authority] to court

(1) This section applies to—

[[F81](a) a direction of the Fitness to Practise Committee of the General Pharmaceutical Council under article 54 of the Pharmacy Order 2010 (consideration by the Fitness to Practise Committee) or under section 80 of the Medicines Act 1968 (power to disqualify and direct removal from register),**]**

(b) a direction of the Statutory Committee of the Pharmaceutical Society of Northern Ireland under Article 20 of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)) (control of registrations by Statutory Committee) or section 80 of the Medicines Act 1968,

[[F82](c) a direction by a Fitness to Practise Panel of the General Medical Council under section 35D of the Medical Act 1983 (c. 54) that the fitness to practise of a medical practitioner was impaired [F83]...,**]**

[[F84](e) a direction by the Professional Conduct Committee, the Professional Performance Committee or the Health Committee of the General Dental Council under any of sections 27B, 27C, 36P or 36Q of the Dentists Act 1984 following a determination that a person's fitness to practise as a dentist or as a member of a profession complementary to dentistry, or class of members of such a profession, is impaired [F85]...,**]**

[[F86](f) a direction by the Fitness to Practise Committee of the General Optical Council under section 13F(2) of the Opticians Act 1989 (powers of Fitness to Practise Committee)[F87]...;**]**

[[F88](g) any step taken—

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(i) by the Professional Conduct Committee of the General Osteopathic Council under section 22 of the Osteopaths Act 1993 (which relates to action to be taken in cases of allegations referred to the Professional Conduct Committee), or

(ii) by the Health Committee of the General Osteopathic Council under section 23 of that Act (which relates to action to be taken in cases of allegations referred to the Health Committee),**]**

[[F89](h) any step taken—

(i) by the Professional Conduct Committee of the General Chiropractic Council under section 22 of the Chiropractors Act 1994 (which relates to action to be taken in cases of allegations referred to the Professional Conduct Committee), or

(ii) by the Health Committee of the General Chiropractic Council under section 23 of that Act (which relates to action to be taken in cases of allegations referred to the Health Committee),**]**

(i) any corresponding measure taken in relation to a nurse **[**[F90]or midwife under the Nursing and Midwifery Order 2001**]** ,

[[F91](j) any corresponding measure taken in relation to a member of a profession regulated by **[**[F92]the Health and Social Work Professions Order 2001**]** , under that Order.**]**

(2) This section also applies to—

(a) a final decision of the relevant committee not to take any disciplinary measure under the provision referred to in whichever of paragraphs (a) to (h) of subsection (1) applies,

(b) any corresponding decision taken in relation to a nurse **[**[F93]or midwife under the Nursing and Midwifery Order 2001**]** , or to any such person as is mentioned in subsection (1)(j) and

(c) a decision of the relevant regulatory body, or one of its committees or officers, to restore a person to the register following his removal from it in accordance with any of the measures referred to in paragraphs (a) to (j) of subsection (1).

(3) The things to which this section applies are referred to below as "relevant decisions".

(4) If the **[**[F94]Authority**]** considers that—

(a) a relevant decision falling within subsection (1) has been unduly lenient, whether as to any finding of professional misconduct or fitness to practise on the part of the practitioner concerned (or lack of such a finding), or as to any penalty imposed, or both, or

(b) a relevant decision falling within subsection (2) should not have been made,

and that it would be desirable for the protection of members of the public for the **[**[F94]Authority**]** to take action under this section, the **[**[F94]Authority**]** may refer the case to the relevant court.

[[F95](5) In subsection (4) **[**[F96](subject to subsection (5A))**]** , the "relevant court" —

(a) in the case of a person who (in accordance with the rules applying to the body making the relevant decision) was, or was required to be, notified of the relevant decision at an address in Scotland, means the Court of Session,

(b) in the case of a person who (in accordance with the rules applying to the body making the relevant decision) was, or was required to be, notified of the relevant decision at an address in Northern Ireland, means the High Court of Justice in Northern Ireland, and

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(c) in the case of any other person, means the High Court of Justice in England and Wales.**]**

[[F97](5A) In the case of a social worker in England, the "relevant court" means the High Court of Justice in England and Wales.**]**

(6) **[**[F98]The Authority**]** may not so refer a case after the end of the period of **[**[F99]40 days beginning with the day which is the last day on which the practitioner concerned can appeal against the relevant decision**]** .

(7) If the **[**[F100]Authority**]** does so refer a case—

(a) the case is to be treated by the court to which it has been referred as an appeal by the **[**[F100]Authority**]** against the relevant decision (even though the **[**[F100]Authority**]** was not a party to the proceedings resulting in the relevant decision), and

(b) the body which made the relevant decision is to be a respondent.

(8) The court may—

(a) dismiss the appeal,

(b) allow the appeal and quash the relevant decision,

(c) substitute for the relevant decision any other decision which could have been made by the committee or other person concerned, or

(d) remit the case to the committee or other person concerned to dispose of the case in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.

Textual Amendments

F80 Word in s. 29 title substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(i)**; S.I. 2012/2657, art. 2(3)

F81 S. 29(1)(a) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 10(4)**; S.I. 2010/1621, art. 2(1), Sch.

F82 S. 29(1)(c) substituted for s. 29(1)(c)(d) (1.11.2004 as notified in the London Gazette dated 8.10.2004) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), art. 1(2)(3), **Sch. 1 para. 13** (with Sch. 2)

F83 Words in s. 29(1)(c) omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 73(1)(a)**; S.I. 2012/1319, art. 2(3)

F84 S. 29(1)(e) substituted (coming into force in accordance with art. 1(4)-(7) (see 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) of the amending S.I.) by The Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), **Sch. 6 para. 4** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

F85 Words in s. 29(1)(e) repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), ss. 118(2)(c), 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(e)(j)

F86 S. 29(1)(f) substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by The Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848), **Sch. 1 para. 13** (with Sch. 2)

F87 Words in s. 29(1)(f) omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 73(1)(b)**; S.I. 2012/1319, art. 2(3)

F88 S. 29(1)(g) substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 118(2)(e)**, 170(3)(4); S.I. 2008/3244, art. 2(e)

F89 S. 29(1)(h) substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 118(2)(f)**, 170(3)(4); S.I. 2008/3244, art. 2(e)

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F90 Words in s. 29(1)(i) substituted (1.8.2004) by The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771), art. 1(1), **Sch. para. 1(a)**

F91 S. 29(1)(j) substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 118(2)(g)**, 170(3)(4); S.I. 2008/3244, art. 2(e)

F92 Words in s. 29(1)(j) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 213(7)(j)**, 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)

F93 Words in s. 29(2)(b) substituted (1.8.2004) by The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771), art. 1(1), **Sch. para. 1(b)**

F94 Words in s. 29(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(g)**; S.I. 2012/2657, art. 2(3)

F95 S. 29(5) substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 118(3)**, 170(3)(4); S.I. 2008/3244, art. 2(f)

F96 Words in s. 29(5) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(9)**, 306(4); S.I. 2012/1319, art. 2(4)

F97 S. 29(5A) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(10)**, 306(4); S.I. 2012/1319, art. 2(4)

F98 Words in s. 29(6) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 63**; S.I. 2012/2657, art. 2(3)

F99 Words in s. 29(6) substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 118(4)**, 170(3)(4); S.I. 2008/3244, art. 2(f)

F100 Words in s. 29(7) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(g)**; S.I. 2012/2657, art. 2(3)

Modifications etc. (not altering text)

C2 S. 29(1)(c) modified (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 118(5)**, 170(3)(4); S.I. 2008/3244, art. 2(f)

C3 S. 29(1)(f) modified (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 118(6)**, 170(3)(4); S.I. 2008/3244, art. 2(f)

Appeals

30 Medical practitioners

(1) The Medical Act 1983 (c. 54) is amended as follows.

(2) In section 40 (appeals)—

(a) in subsection (1), paragraph (c) is omitted,

(b) after subsection (1), there is inserted—

"(1A) A decision of the General Council under section 39 above giving a direction for erasure is also an appealable decision for the purposes of this section.",

(c) for subsection (3) there is substituted—

"(3) A person in respect of whom an appealable decision falling within subsection (1) has been taken may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 36(6), 36A(7), or 37(6) above, or section 41(7) or 45(7) below, appeal against the decision to the relevant court.

(3A) In subsection (3), "the relevant court"—

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(a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session,

(b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland, and

(c) in the case of any other person (including one appealing against a decision falling within subsection (1)(e)), means the High Court of Justice in England and Wales.

(3B) A person in respect of whom an appealable decision falling within subsection (1A) above has been taken may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 39(2), appeal against the decision to a county court or, in Scotland, the sheriff in whose sheriffdom the address in the register is situated.",

(d) subsections (4) to (6), (9) and (10) are omitted, and

(e) for subsections (7) and (8) there is substituted—

"(7) On an appeal under this section from the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee, the court may—

(a) dismiss the appeal,

(b) allow the appeal and quash the direction or variation appealed against,

(c) substitute for the direction or variation appealed against any other direction or variation which could have been given or made by the committee concerned, or

(d) remit the case to the committee concerned to dispose of the case in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.

(8) On an appeal under this section from the General Council, the court (or the sheriff) may—

(a) dismiss the appeal,

(b) allow the appeal and quash the direction appealed against, or

(c) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),

and may make such order as to costs (or in Scotland, expenses) as it (or he) thinks fit."

(3) In Schedule 4 (proceedings before Professional Conduct, Health and Preliminary Proceedings Committees)—

(a) in paragraph 3(b), the words "to Her Majesty in Council" are omitted and for "the Judicial Committee" there is substituted " the court (or the sheriff) ",

(b) in paragraph 10(1)—

(i) for "section 37 of this Act and" there is substituted " section 37 of this Act, ",

(ii) after "or 37 of this Act", there is inserted " and a direction for erasure given by the General Council under section 39 of this Act ", and

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(iii) in paragraph (a), for the words "mentioned in subsection (3) of that section" there is substituted " specified in that section ",

(c) paragraph 10(2) is omitted, and

(d) in paragraph 10(3)—

(i) "or (2)" is omitted,

(ii) "or that sub-paragraph as applied by sub-paragraph (2) above" is omitted,

(iii) for "mentioned in section 40(3)" there is substituted " specified in section 40 ", and

(iv) for "mentioned in the said section 40(3)" there is substituted " specified in section 40 of this Act ".

31 Dentists

(1) The Dentists Act 1984 (c. 24) is amended as follows.

(2) In section 29 (appeals)—

(a) in subsection (1), for the words from "to Her" to the end there is substituted " against that determination or direction to the relevant court. ",

(b) after subsection (1) there is inserted—

"(1A) In subsection (1), "the relevant court"—

(a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session,

(b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland, and

(c) in the case of any other person, means the High Court of Justice in England and Wales.",

(c) subsection (2) is omitted, and

(d) for subsection (3) there is substituted—

"(3) On an appeal under this section, the court may—

(a) dismiss the appeal,

(b) allow the appeal and quash the determination or direction appealed against,

(c) (in the case of an appeal against a determination under section 27 above or a direction under section 28 above) substitute for the determination or direction appealed against any other determination or direction which could have been made or given by the Professional Conduct Committee or (as the case may be) the Health Committee, or

(d) remit the case to the Professional Conduct Committee, the Health Committee or the Continuing Professional Development Committee to dispose of the case under section 27 or 28 above or Schedule 3A to this Act in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit."

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Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(3) In section 44 (withdrawal of privilege from body corporate)—

(a) in subsection (4)—

(i) after "days" there is inserted " from service ", and

(ii) for the words from "in accordance" to "Majesty in Council" there is substituted " appeal to the relevant court ", and

(b) after subsection (4) there is inserted—

"(4A) In subsection (4), "the relevant court"—

(a) where the registered office of the body corporate is in Northern Ireland, means the High Court of Justice in Northern Ireland,

(b) where the registered office of the body corporate is in Scotland, means the Court of Session,

(c) where the registered office of the body corporate is in any other place, means the High Court of Justice in England and Wales."

(4) In section 51, the words from "(other" to "appeals)" are omitted.

(5) In section 34A (professional training and development requirements), in subsection (7)(b), for "to Her Majesty in Council" there is substituted " under section 29 above to the relevant court ".

(6) Subsection (5) has effect—

(a) upon the coming into force of this section, if that happens after the coming into force of article 8 of the Dentists Act 1984 (Amendment) Order 2001 (S.I. 2001/3926) ("the Dentists Order") so far as that article effects the insertion into the Dentists Act 1984 (c. 24) of the new section 34A(7)(b),

(b) otherwise, immediately after the coming into force to that extent of that article.

(7) If this section comes into force before article 10(3) of the Dentists Order—

(a) paragraphs (b), (c) and (d) of article 10(3) of that Order are revoked upon the coming into force of this section, and

(b) until the coming into force of the remainder of article 10(3) of that Order, section 29 of the Dentists Act 1984 (c. 24) (as amended by this section) is to be read with the modifications set out in subsection (8).

(8) The modifications are that section 29 is to be read as if—

(a) in each of paragraphs (a) and (b) of subsection (1A), the words "(or if he were registered would be)" were omitted,

(b) in paragraph (c) of subsection (3), the words "(in the case of an appeal against a determination under section 27 above or a direction under section 28 above)" were omitted, and

(c) in paragraph (d) of subsection (3)—

(i) for the words ", the Health Committee or the Continuing Professional Development Committee" there were substituted " or the Health Committee ", and

(ii) the words "or Schedule 3A to this Act" were omitted.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

32 Opticians

(1) Section 23 of the Opticians Act 1989 (c. 44) (appeals in disciplinary and other cases) is amended as follows.

(2) For subsection (1) there is substituted—

"(1) An individual or body corporate who is notified under subsection (11) of section 17—

(a) that a disciplinary order has been made against him under that section; or

(b) that a direction has been given in respect of him under subsection (9) of that section,

may, before the end of the period of 28 days beginning with the date on which notification was served, appeal against that order or direction to the relevant court.

(1A) In subsection (1), "the relevant court"—

(a) in the case of an individual whose address in the register is in Scotland, or a body corporate whose registered office is in Scotland, means the Court of Session,

(b) in the case of an individual whose address in the register is in Northern Ireland, or a body corporate whose registered office is in Northern Ireland, means the High Court of Justice in Northern Ireland, and

(c) in the case of any other individual or body corporate, means the High Court of Justice in England and Wales.

(1B) An individual or body corporate who is notified under subsection (3) of section 19 above that a direction has been given in respect of him under that section may, before the end of the period of 28 days beginning with the date on which notification was served, appeal against that direction to a county court or, in Scotland, the sheriff in whose sheriffdom the address in the register or (as the case may be) the registered office is situated.

(1C) On an appeal under this section, the court (or the sheriff) may—

(a) dismiss the appeal,

(b) allow the appeal and quash the order or direction appealed against,

(c) substitute for the order or direction appealed against any other order or direction which could have been made by the Disciplinary Committee, or

(d) remit the case to the Disciplinary Committee to dispose of the case in accordance with the directions of the court (or the sheriff),

and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit."

(3) In subsection (2), for "any such appeal", where it first appears, there is substituted " any appeal under this section ".

33 Osteopaths

(1) The Osteopaths Act 1993 (c. 21) is amended as follows.

(2) In section 10 (fraud or error in relation to registration)—

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(a) in subsection (7), for "Her Majesty in Council" there is substituted " a county court or, in the case of a person whose address in the register is in Scotland, the sheriff in whose sheriffdom the address is situated ",

(b) for subsection (8) there is substituted—

"(8) Any such appeal must be brought before the end of the period of 28 days beginning with the date on which notification of the order was served under subsection (6).",

(c) subsection (10) is omitted, and

(d) for subsection (11) there is substituted—

"(11) On an appeal under this section, the court (or the sheriff) may—

(a) dismiss the appeal,

(b) allow the appeal and quash the order appealed against, or

(c) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),

and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit."

(3) In section 22 (consideration of allegations by the Professional Conduct Committee), in each of subsections (6) and (8), for "recommendation under section 31(8)(c)" there is substituted " decision of a court on an appeal under section 31 ".

(4) In section 23 (consideration of allegations by the Health Committee), in each of subsections (4), (5) and (6), for "recommendation under section 31(8)(c)" there is substituted " decision of a court on an appeal under section 31 ".

(5) In section 29 (appeals against decisions of the Registrar), for subsections (4) to (6) there is substituted—

"(4) A person aggrieved by the decision of the General Council on an appeal under this section may appeal to a county court or, in the case of a person whose address in the register is (or if he were registered would be) in Scotland, the sheriff in whose sheriffdom the address is situated.

(4A) On an appeal under subsection (4) above, the court (or the sheriff) may—

(a) dismiss the appeal,

(b) allow the appeal and quash the decision appealed against,

(c) substitute for the decision appealed against any other decision which could have been made by the Registrar, or

(d) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),

and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit."

(6) In section 31 (appeals against decisions of the Professional Conduct Committee and appeal tribunals)—

(a) in subsection (1), for the words from "sent to him" to the end there is substituted " served on him, appeal against it to the relevant court. ",

(b) after subsection (1) there is inserted—

"(1A) In subsection (1), "the relevant court"—

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session,

(b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland, and

(c) in the case of any other person, means the High Court of Justice in England and Wales.",

(c) subsections (3) to (5) and (7) are omitted, and

(d) for subsection (8) there is substituted—

"(8) On an appeal under this section, the court may—

(a) dismiss the appeal,

(b) allow the appeal and quash the decision appealed against,

(c) substitute for the decision appealed against any other decision which could have been made by the Professional Conduct Committee or (as the case may be) Health Committee, or

(d) remit the case to the Committee or appeal tribunal concerned to dispose of the case in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit."

(7) In section 35 (rules), subsection (3) is omitted.

34 Chiropractors

(1) The Chiropractors Act 1994 (c. 17) is amended as follows.

(2) In section 10 (fraud or error in relation to registration)—

(a) in subsection (7), for "Her Majesty in Council" there is substituted " a county court or, in the case of a person whose address in the register is in Scotland, the sheriff in whose sheriffdom the address is situated ",

(b) for subsection (8) there is substituted—

"(8) Any such appeal must be brought before the end of the period of 28 days beginning with the date on which notification of the order was served under subsection (6).",

(c) subsection (10) is omitted, and

(d) for subsection (11) there is substituted—

"(11) On an appeal under this section, the court (or the sheriff) may—

(a) dismiss the appeal,

(b) allow the appeal and quash the order appealed against, or

(c) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),

and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit."

(3) In section 22 (consideration of allegations by the Professional Conduct Committee), in each of subsections (7) and (9), for "recommendation under section 31(8)(c)" there is substituted " decision of a court on an appeal under section 31 ".

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(4) In section 23 (consideration of allegations by the Health Committee), in each of subsections (4), (5) and (6), for "recommendation under section 31(8)(c)" there is substituted " decision of a court on an appeal under section 31 ".

(5) In section 29 (appeals against decisions of the Registrar), for subsections (4) to (6) there is substituted—

"(4) A person aggrieved by the decision of the General Council on an appeal under this section may appeal to a county court or, in the case of a person whose address in the register is (or if he were registered would be) in Scotland, the sheriff in whose sheriffdom the address is situated.

(4A) On an appeal under subsection (4) above, the court (or the sheriff) may—

(a) dismiss the appeal,

(b) allow the appeal and quash the decision appealed against,

(c) substitute for the decision appealed against any other decision which could have been made by the Registrar, or

(d) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),

and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit."

(6) In section 31 (appeals against decisions of the Professional Conduct Committee and appeal tribunals)—

(a) in subsection (1), for the words from "sent to him" to the end there is substituted " served on him, appeal against it to the relevant court. ",

(b) after subsection (1) there is inserted—

"(1A) In subsection (1), "the relevant court"—

(a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session,

(b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland, and

(c) in the case of any other person, means the High Court of Justice in England and Wales.",

(c) subsections (3) to (5) and (7) are omitted, and

(d) for subsection (8) there is substituted—

"(8) On an appeal under this section, the court may—

(a) dismiss the appeal,

(b) allow the appeal and quash the decision appealed against,

(c) substitute for the decision appealed against any other decision which could have been made by the Professional Conduct Committee or (as the case may be) Health Committee, or

(d) remit the case to the Committee or appeal tribunal concerned to dispose of the case in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit."

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(7) In section 35 (rules), subsection (3) is omitted.

The pharmacy profession

35 Regulation of the profession of pharmacy

In Schedule 3 to the 1999 Act (which makes provision in relation to orders under section 60 of that Act regulating health care and associated professions), in paragraph 2, for sub-paragraphs (2) and (3) there is substituted—

"(2) But (subject to paragraph 12) an order may not amend the Medicines Act 1968 except in connection with the regulation of the profession regulated by the Pharmacy Act 1954."

PART 3

MISCELLANEOUS

F101 36 Amendments of health service legislation in connection with consolidation

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Textual Amendments

F101 S. 36 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

37 Minor and consequential amendments and repeals

(1) The minor and consequential amendments specified in Schedule 8 are to have effect.

(2) The enactments specified in Schedule 9 are repealed to the extent specified.

Commencement Information

I9 S. 37 partly in force; s. 37 not in force at Royal Assent, see s. 42(3); s. 37(1) in force for specified purposes for E.W. at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** and in force for specified purposes for E. at 1.10.2002 by S.I. 2002/2478, **art. 3(2)(b)**; s. 37 in force for specified purposes for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**; s. 37(1) in force for specified purposes for E. at 1.1.2003 by S.I. 2002/3190, **art. 2(2)(c)**; s. 37(2) in force for specified purposes for E.W. at 1.1.2003 by S.I. 2002/3190, **art. 2(2)(d)**; s. 37 in force for specified purposes at 1.4.2003 by S.I. 2003/833, art. 3(b)(c) (with art. 4)

I10 S. 37(1) in force at 11.7.2003 for specified purposes for E.W. by S.I. 2003/1580, **art. 2(2)(b)**

I11 S. 37(1) in force at 1.9.2003 for specified purposes by S.I. 2003/2246, **art. 2(b)**

I12 S. 37(2) in force at 11.7.2003 for specified purposes for E.W. by S.I. 2003/1580, **art. 2(2)(c)**

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

38 Regulations and orders

(1) Any power under this Act to make any order or regulations is (except in the case of orders under section 22(5)) exercisable by statutory instrument or, in the case of an order made by the Department of Health, Social Services and Public Safety in Northern Ireland under section 27, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(2) A statutory instrument containing any order or regulations made by the Secretary of State under this Act, other than regulations under section 28 or an order under section 27 [F102]... 42(3), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing regulations under section 28 [F103]... or an order of the Secretary of State under section 27, shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

[[F104](3A) A statutory instrument containing regulations made by the Privy Council under section 25A shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3B) Regulations made by the Privy Council under section 25A that include provision which would, if included in an Act of the Scottish Parliament, fall within the legislative competence of that Parliament shall be subject to the negative procedure in that Parliament (in addition to the statutory instrument containing the regulations being subject to annulment under subsection (3A)).

(3C) Sections 28 and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) shall apply in relation to regulations of the description given in subsection (3B) as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) that is subject to the negative procedure, but as if references to a Scottish statutory instrument were references to a statutory instrument.

(3D) Section 32 of that Act (laying) shall apply in relation to the laying of a statutory instrument containing regulations of the description given in subsection (3B) before the Scottish Parliament as it applies in relation to the laying of a Scottish statutory instrument (within the meaning of Part 2 of that Act) before that Parliament.**]**

(4) No order shall be made by the Department of Health, Social Services and Public Safety in Northern Ireland under section 27 unless a draft of the order has been laid before, and approved by resolution of, the Northern Ireland Assembly.

[[F105](4A) The quorum for the exercise by the Privy Council of the power under section 25A, 27 or 28 or paragraph 6 of Schedule 7 is two; and anything done by the Privy Council under either of those sections or that paragraph is sufficiently signified by an instrument signed by the Clerk of the Council.**]**

(5) Any power under this Act to make any order or regulations may be exercised—

(a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case,

(b) 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),

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Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(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.

(6) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.

(7) 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 authority making the order or regulations considers to be expedient, and

(b) to provide for a person to exercise a discretion in dealing with any matter.

(8) Subsections (5) to (7) do not apply to orders under section 27.

(9) Subject to subsection (8), nothing in this Act shall be read as affecting the generality of subsection (7).

(10) Directions given in pursuance of any provision of this Act are, except where otherwise stated, to be given by instrument in writing.

(11) Any power sconferred by this Act to give directions **[**[F106]by instrument in writing**]** includes power to vary or revoke them by subsequent directions.

Textual Amendments

F102 Words in s. 38(2) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

F103 Words in s. 38(3) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

F104 S. 38(3A)-(3D) inserted (27.3.2012 for specified purposes) by Health and Social Care Act 2012 (c. 7), **ss. 224(3)**, 306(1)(d)(4)

F105 S. 38(4A) inserted (27.3.2012 for specified purposes, 1.8.2012 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 230(5)**, 306(1)(d)(4); S.I. 2012/1319, art. 2(4)

F106 Words in s. 38(11) omitted (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), **Sch. 1 para. 9** (with art. 4)

39 Supplementary and consequential provision etc

(1) The Secretary of State may by regulations 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, or 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, including an enactment contained in an Act passed in the same session as this Act.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(3) The power to make regulations under this section is also exercisable by the National Assembly for Wales, in relation to provision dealing with matters with respect to which functions are exercisable by the Assembly.

(4) Nothing in this Act shall be read as affecting the generality of subsection (1).

Modifications etc. (not altering text)

C4 S. 39 modified (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 2 para. 1(6)(d)** (with Sch. 3 Pt. 1)

40 Wales

(1) In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), any reference to an Act which is amended by this Act is (as from the time when the Act is so amended) to be treated as referring to the Act as so amended.

(2) Subsection (1) does not affect the power to make further Orders varying or omitting any such reference.

41 Financial provisions

There shall be paid out of money provided by Parliament—

(a) any expenditure incurred by the Secretary of State in consequence of this Act, and

(b) any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.

42 Short title, interpretation, commencement and extent

(1) This Act may be cited as the National Health Service Reform and Health Care Professions Act 2002.

(2) In this Act—

F107 …

"the 1999 Act" means the Health Act 1999 (c. 8),

F107 …

(3) This Act, apart from—

(a) this section and sections 38 to 41, and

(b) any other provision of this Act so far as it confers any power to make an order or regulations under this Act,

shall come into force on such day as the appropriate authority may by order appoint, and different days may be appointed for different provisions and for different purposes.

(4) In subsection (3), the "appropriate authority" is—

(a) in relation to sections 1 to 5, 7, 8, 15 to 22, Part 2, and section 36, the Secretary of State,

(b) in relation to sections 11 to 14, the Secretary of State after consulting the National Assembly for Wales,

(c) in relation to sections 6, 9 and 24, the National Assembly for Wales,

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
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(d) in relation to sections 10 and 23—
  (i) the Secretary of State, in relation to England, and
  (ii) the National Assembly for Wales, in relation to Wales,

(e) in relation to section 37—
  (i) the Secretary of State, as respects any amendment or repeal consequential on provisions falling within paragraph (a),
  (ii) the Secretary of State, after consulting the National Assembly for Wales, as respects any amendment or repeal consequential on provisions falling within paragraph (b),
  (iii) the National Assembly for Wales, as respects any amendment or repeal consequential on provisions falling within paragraph (c),
  (iv) otherwise, the Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales.

(5) Subject to subsection (6), this Act extends to the whole of the United Kingdom, except for Part 1, which extends to England and Wales only.

(6) The extent of any amendment or repeal made by this Act is the same as that of the enactment amended or repealed.

(7) **[**[F108]Subsection (6) does not apply to the amendment of the Police Act 1997 (c. 50) made by paragraph 64 of Schedule 2, which extends to England and Wales only.**]**

(8) 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.

Subordinate Legislation Made

P1 S. 42(3) power partly exercised: different dates appointed for specified provisions and purposes by S.I. 2002/2202, **arts. 2**, 3; 1.10.2002 appointed for specified provisions and purposes by S.I. 2002/2478, **arts. 3**, 5 (with arts. 2(2), 3(3), 4)
S. 42(3)(4)(c)(d)(e)(iii)(iv) power partly exercised: 10.10.2002 appointed for specified provisions and purposes by S.I. 2002/2532, art. 2, **Sch.**
S. 42(3) power partly exercised: 1.1.2003 appointed for specified provisions and purposes by S.I. 2002/3190, **art. 2**; 1.4.2003 appointed for specified provisions and purposes by S.I. 2003/833, **arts. 2**, 3 (with art. 4)

Textual Amendments

F107 Words in s. 42(2) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F108 S. 42(7) repealed (E.W.) (6.4.2006) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 11**; S.I. 2006/751, art. 2(d)(iv)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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 1

Section 1(3)

ENGLISH HEALTH AUTHORITIES: CHANGE OF NAME

[F109]PART 1

AMENDMENTS OF 1977 ACT

Textual Amendments

F109 Sch. 1 Pt. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

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Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

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PART 2

AMENDMENTS OF OTHER ACTS

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

36 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (which makes provision about payments to make up civil remuneration), in paragraph 15—

(a) in the entry in the first column, before "a Health Authority" there is inserted " a Strategic Health Authority, ", and

(b) in the entry in the second column, before "Health Authority" there is inserted " Strategic Health Authority, ".

The Hospital Complaints Procedure Act 1985 (c. 42)

F110 37 . . . . . .

Textual Amendments

F110 Sch. 1 para. 37 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

38 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as provided in this paragraph.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(2) In section 7 (persons discharged from hospital), in subsection (9), in paragraph (a) of the definition of "the managers", after "means the" there is inserted " Strategic Health Authority, ".

(3) In section 16 (interpretation), after the definition of "statutory services" there is inserted—

""Strategic Health Authority" means a Strategic Health Authority established under section 8 of the 1977 Act;".

The National Health Service and Community Care Act 1990 (c. 19)

39 The National Health Service and Community Care Act 1990 is amended as follows.

F111 40 . . . . . .

Textual Amendments

F111 Sch. 1 paras. 40-43 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F111 41 . . . . . .

Textual Amendments

F111 Sch. 1 paras. 40-43 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F111 42 . . . . . .

Textual Amendments

F111 Sch. 1 paras. 40-43 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F111 43 . . . . . .

Textual Amendments

F111 Sch. 1 paras. 40-43 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

44 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after "means a" there is inserted " Strategic Health Authority, ".

45 In section 60 (removal of Crown immunities), in subsection (7)(a), at the beginning there is inserted " a Strategic Health Authority or ".

F112 46 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F112 Sch. 1 para. 46 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The Health Service Commissioners Act 1993 (c. 46)

47 In section 2 of the Health Service Commissioners Act 1993 (bodies subject to investigation), in subsection (1), for paragraph (a) there is substituted—

"(a) Strategic Health Authorities,".

The 1999 Act

48 The 1999 Act is amended as follows.

F113 49 . . . . . .

Textual Amendments

F113 Sch. 1 para. 49 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

F114 50 . . . . . .

Textual Amendments

F114 Sch. 1 para. 50 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

F115 51 . . . . . .

Textual Amendments

F115 Sch. 1 paras. 51-53 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F115 52 . . . . . .

Textual Amendments

F115 Sch. 1 paras. 51-53 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F115 53 . . . . . .

Textual Amendments

F115 Sch. 1 paras. 51-53 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

54 In section 61 (English and Scottish border provisions), in subsection (2), for "Health Authority" there is substituted " Strategic Health Authority ".

The Health and Social Care Act 2001 (c. 15)

F116 55 . . . . . .

Textual Amendments

F116 Sch. 1 para. 55 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

SCHEDULE 2

Section 2(5)

REALLOCATION OF FUNCTIONS OF HEALTH AUTHORITIES TO PRIMARY CARE TRUSTS

PART 1

AMENDMENTS OF 1977 ACT

F117 1 . . . . . .

Textual Amendments

F117 Sch. 2 para. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F118 2 . . . . . .

Textual Amendments

F118 Sch. 2 para. 2 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F119 3 . . . . . .

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

F119 4 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

F119 5 . . . . . .

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

F119 6 . . . . . .

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

F119 7 . . . . . .

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

F119 8 . . . . . .

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

F119 9 . . . . . .

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

F119 10 . . . . . .

Textual Amendments

F119 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

11 In section 38 (arrangements for general ophthalmic services), in subsection (1), after "duty" there is inserted " of every Primary Care Trust and ".

F120 12 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 13 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F120]14 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F120]15 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F120]16 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F120]17 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F120]18 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F120]19 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F120]20 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 21 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 22 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 23 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 24 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 25 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 26 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 27 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 28 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 29 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 30 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 31 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 32 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 33 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 34 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 35 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 36 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F120 37 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 12-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

PART 2

AMENDMENTS OF OTHER ACTS

The National Assistance Act 1948 (c. 29)

38 In section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C), after "consent of such" there is inserted " Primary Care Trust or ".

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

39 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (which makes provision about payments to make up civil remuneration), in paragraph 16, in the entry in the second column, before "Health Authority" there is inserted " Primary Care Trust, ".

The Health Services and Public Health Act 1968 (c. 46)

40 (1) The Health Services and Public Health Act 1968 is amended as provided in this paragraph.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(2) In section 63 (provision of instruction for certain persons), in subsection (2)(b), before "Health Authority" there is inserted " Primary Care Trust or ".

(3) In section 64 (financial assistance to certain voluntary organisations), in subsection (3)(b), before "Health Authority" there is inserted " Primary Care Trust or ".

The Health and Safety at Work etc Act 1974 (c. 37)

41 In section 60 of the Health and Safety at Work etc Act 1974 (which makes supplementary provision in relation to the employment medical advisory service), in subsection (1), after "that each" there is inserted " Primary Care Trust and ".

The Mental Health Act 1983 (c. 20)

42 The Mental Health Act 1983 is amended as follows.

[F121]43 . . . . . .

Textual Amendments

F121 Sch. 2 paras. 43-45 repealed (3.11.2008) by Mental Health Act 2007 (c. 12), s. 56(1), **Sch. 11 Pt. 5**; S.I. 2008/1210, art. 2(d)

[F121]44 . . . . . .

Textual Amendments

F121 Sch. 2 paras. 43-45 repealed (3.11.2008) by Mental Health Act 2007 (c. 12), s. 56(1), **Sch. 11 Pt. 5**; S.I. 2008/1210, art. 2(d)

[F121]45 . . . . . .

Textual Amendments

F121 Sch. 2 paras. 43-45 repealed (3.11.2008) by Mental Health Act 2007 (c. 12), s. 56(1), **Sch. 11 Pt. 5**; S.I. 2008/1210, art. 2(d)

46 In section 39 (information as to hospitals), in subsection (1), before "Health Authority", in each place where it occurs, there is inserted " Primary Care Trust or ".

47 **[**[F122]In section 117 (after-care), in each of subsections (2), (2A) and (3), before "Health Authority", in each place where it occurs, there is inserted " Primary Care Trust or ".**]**

Textual Amendments

F122 Sch. 2 para. 47 omitted (27.3.2012 for specified purposes) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 40(8)**, 306(1)(d)(4)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

48 In section 140 (notification of hospitals having arrangements for reception of urgent cases)—

(a) after "duty of" there is inserted " every Primary Care Trust and of ",

(b) for "Health Authority's area" there is substituted " area of the Primary Care Trust or Health Authority ", and

(c) after "available to the" there is inserted " Primary Care Trust or ".

49 In section 145 (interpretation), in paragraph (a) of the definition of "the managers", before "Health Authority" there is inserted " Primary Care Trust, ".

The Public Health (Control of Disease) Act 1984 (c. 22)

50 (1) The Public Health (Control of Disease) Act 1984 is amended as provided in this paragraph.

(2) In section 11 (cases of notifiable disease and food poisoning to be reported), before "Health Authority", in each place where it occurs, there is inserted " Primary Care Trust or ".

(3) In section 12 (fees for certificates under section 11), in subsection (1), after "that a" there is inserted " Primary Care Trust or ".

(4) In section 39 (keeper of common lodging-house to notify case of infectious disease), in subsection (3), after "to the" there is inserted " Primary Care Trust or ".

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

51 In section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (persons discharged from hospital), in subsection (9), for paragraph (a) of the definition of "health authority" there is substituted—

"(a) in relation to England, means a Primary Care Trust,

(aa) in relation to Wales, means a Health Authority, and".

The Children Act 1989 (c. 41)

52 In Schedule 2 to the Children Act 1989 (local authority support for children and families), in paragraph 1A(3)(a), for "and" there is substituted " or ".

The National Health Service and Community Care Act 1990 (c. 19)

53 The National Health Service and Community Care Act 1990 is amended as follows.

F123 54 . . . . . .

Textual Amendments

F123 Sch. 2 para. 54 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

55 (1) In section 18 (indicative amounts for doctors' practices)—

(a) in subsection (1)—

(i) after "financial year," there is inserted " every Primary Care Trust and ", and

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Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(ii) before "Health Authority", in the second and third places it occurs, there is inserted " Primary Care Trust or ",

(b) before "Health Authority", in each other place where it occurs except in subsection (7), there is inserted " Primary Care Trust or ", and

(c) in subsection (7), for "Health Authority" there is substituted " Primary Care Trust ".

(2) This paragraph shall cease to have effect on the coming into force of paragraph 80 of Schedule 4 to the 1999 Act (which repeals section 18 of the National Health Service and Community Care Act 1990).

56 In section 47 (assessment of needs for community care services), in subsection (3) —

(a) before "Health Authority", where it first occurs, there is inserted " Primary Care Trust or ", and

(b) before "Health Authority", in each other place where it occurs, there is inserted " Primary Care Trust, ".

57 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after "Strategic Health Authority," (inserted by paragraph 44 of Schedule 1 to this Act) there is inserted " Primary Care Trust, ".

F124 58 . . . . . .

Textual Amendments

F124 Sch. 2 para. 58 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The Access to Health Records Act 1990 (c. 23)

59 (1) The Access to Health Records Act 1990 is amended as provided in this paragraph.

(2) In section 1 (definitions of certain terms), in subsection (2)(a)(ii), before "Health Authority" there is inserted " Primary Care Trust, ".

(3) In section 7 (duty of health service bodies etc to take advice), before "Health Authority", in each place where it occurs, there is inserted " Primary Care Trust, ".

The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

60 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), before "Health Authority" there is inserted " Primary Care Trust or ".

The Health Service Commissioners Act 1993 (c. 46)

61 (1) The Health Service Commissioners Act 1993 is amended as provided in this paragraph.

(2) In section 2 (bodies subject to investigation)—

(a) in subsection (1), in paragraph (da), "established for areas in England" is omitted, and

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Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(b) in subsection (2), in paragraph (a), "whose areas are in Wales" is omitted.

(3) In section 6 (which provides for certain action by Health Authorities, etc not to be investigated), in each of subsections (3) and (5), after "taken by a" there is inserted " Primary Care Trust or ".

The Health Authorities Act 1995 (c. 17)

62 In Schedule 2 to the Health Authorities Act 1995 (transitional provisions and savings), in paragraph 2, before "Health Authority", in each place where it occurs, there is inserted " Primary Care Trust, ".

The Employment Rights Act 1996 (c. 18)

63 In section 43K of the Employment Rights Act 1996 (extended meaning of "worker" for Part 4A of that Act), in subsection (1)(c)(i), before "Health Authority" there is inserted " Primary Care Trust or ".

The Police Act 1997 (c. 50)

64 **[**[F125]In section 115 of the Police Act 1997 (enhanced criminal record certificates), in subsection (6E), before "Health Authority", in both places, there is inserted " Primary Care Trust or ".**]**

Textual Amendments

F125 Sch. 2 para. 64 repealed (6.4.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 7(f)

The School Standards and Framework Act 1998 (c. 31)

65 In Schedule 9 to the School Standards and Framework Act 1998 (which provides for the constitution of school governing bodies), in paragraph 10 (community special schools), in sub-paragraph (5)(a), after "by the" there is inserted " Primary Care Trust or ".

The Government of Wales Act 1998 (c. 38)

66 (1) The Government of Wales Act 1998 is amended as provided in this paragraph.

(2) In Schedule 5 (bodies and offices covered by section 74), in paragraph 20, "for an area in, or consisting of, Wales" is omitted.

(3) In Schedule 17 (audit, etc, of Welsh public bodies), in paragraph 12, "for an area in, or consisting of, Wales" is omitted.

The 1999 Act

[F126]67 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F126 Sch. 2 para. 67 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F127]68 . . . . . .

Textual Amendments

F127 Sch. 2 para. 68 repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), **Sch. 2** (with art. 4)

[F128]69 . . . . . .

Textual Amendments

F128 Sch. 2 para. 69 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The Care Standards Act 2000 (c. 14)

70 In section 20 of the Care Standards Act 2000 (urgent procedure for cancellation, etc of registration of establishment or agency), in subsection (6)(b), before "Health Authority" there is inserted " Primary Care Trust or ".

The Health and Social Care Act 2001 (c. 15)

71 The Health and Social Care Act 2001 is amended as follows.

[F129]72 . . . . . .

Textual Amendments

F129 Sch. 2 para. 72 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345)

[F130]73 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F130]74 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 75 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 76 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 77 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 78 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 79 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 80 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 81 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F130 82 . . . . . .

Textual Amendments

F130 Sch. 2 paras. 73-82 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

SCHEDULE 3

Section 4(3)

AMENDMENTS RELATING TO PERSONAL MEDICAL SERVICES AND PERSONAL DENTAL SERVICES

PART 1

AMENDMENTS OF THE NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

F131 1 . . . . . .

Textual Amendments

F131 Sch. 3 para. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F132 2 . . . . . .

Textual Amendments

F132 Sch. 3 paras. 2-6 repealed (1.4.2004 for the repeal of Sch. 3 paras. 5, 6 except for W., 1.4.2004 for W. for the repeal of Sch. 3 paras. 5, 6, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 3 para. 2(1)(3) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 13 (with art. 4)

F132 3 . . . . . .

Textual Amendments

F132 Sch. 3 paras. 2-6 repealed (1.4.2004 for the repeal of Sch. 3 paras. 5, 6 except for W., 1.4.2004 for W. for the repeal of Sch. 3 paras. 5, 6, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

of Sch. 3 para. 2(1)(3) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 13 (with art. 4)

F132 4 . . . . . .

Textual Amendments

F132 Sch. 3 paras. 2-6 repealed (1.4.2004 for the repeal of Sch. 3 paras. 5, 6 except for W., 1.4.2004 for W. for the repeal of Sch. 3 paras. 5, 6, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 3 para. 2(1)(3) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 13 (with art. 4)

F132 5 . . . . . .

Textual Amendments

F132 Sch. 3 paras. 2-6 repealed (1.4.2004 for the repeal of Sch. 3 paras. 5, 6 except for W., 1.4.2004 for W. for the repeal of Sch. 3 paras. 5, 6, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 3 para. 2(1)(3) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 13 (with art. 4)

F132 6 . . . . . .

Textual Amendments

F132 Sch. 3 paras. 2-6 repealed (1.4.2004 for the repeal of Sch. 3 paras. 5, 6 except for W., 1.4.2004 for W. for the repeal of Sch. 3 paras. 5, 6, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 3 para. 2(1)(3) for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m); S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 13 (with art. 4)

F133 7 . . . . . .

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Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F133 Sch. 3 para. 7 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F134 8 . . . . . .

Textual Amendments

F134 Sch. 3 para. 8 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F135 9 . . . . . .

Textual Amendments

F135 Sch. 3 para. 9 omitted (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), **Sch. 1 para. 10** (with art. 4)

F136 10 . . . . . .

Textual Amendments

F136 Sch. 3 para. 10 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345)

PART 2

AMENDMENTS OF OTHER ACTS

The 1977 Act

F137 11 . . . . . .

Textual Amendments

F137 Sch. 3 para. 11 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The National Health Service (Scotland) Act 1978 (c. 29)

12 In the National Health Service (Scotland) Act 1978, in section 17C (personal medical or dental services)—

(a) in subsection (5), in each of paragraphs (a) and (b), before "Health Authority" there is inserted " Strategic Health Authority or by a ", and

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(b) in subsection (6), for the definition of "Health Authority" there is substituted—

""Strategic Health Authority" and "Health Authority" have the same meaning as in the National Health Service Act 1977;".

The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

13 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), after "by a" there is inserted " Strategic Health Authority, ".

The 1999 Act

F138 14 . . . . . .

Textual Amendments

F138 Sch. 3 para. 14 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The Health and Social Care Act 2001 (c. 15)

15 **[**F139 The Health and Social Care Act 2001 is amended as follows.**]**

Textual Amendments

F139 Sch. 3 paras. 15-17 repealed (1.4.2006 for E., 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2005/2925, art. 11; S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

16 **[**F139 (1) Section 26(1) (which inserts a new section 28DA into the 1977 Act) is amended as provided in this paragraph.

(2) In the new section 28DA (lists of persons who may perform personal medical services or personal dental services)—

(a) in subsection (1), after "publication" there is inserted " by each Primary Care Trust and ",

(b) in subsection (3)—

(i) in each of paragraphs (a), (b), (c), (e), (g) and (k), before "Health Authority" there is inserted " Primary Care Trust or ", and

(ii) in paragraph (j), after "of" there is inserted " Primary Care Trusts and ",

(c) in subsection (4), in each of paragraphs (a), (b) and (d), before "Health Authority" there is inserted " Primary Care Trust or ",

(d) in subsection (8)—

(i) before "Health Authority", in both places, there is inserted " Primary Care Trust or ", and

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(ii) in paragraph (c), for "Health Authority's decision" there is substituted " decision of the Primary Care Trust or of the Health Authority ",

(e) in subsection (9)—

(i) before "Health Authority" there is inserted " Primary Care Trust or ", and

(ii) for "Health Authority's decision" there is substituted " decision of the Primary Care Trust or of the Health Authority ", and

(f) in subsection (10), for "Health Authority's decision" there is substituted " decision of the Primary Care Trust or of the Health Authority ".**]**

Textual Amendments

F139 Sch. 3 paras. 15-17 repealed (1.4.2006 for E., 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2005/2925, art. 11; S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

17 **[**[F139]In Schedule 1 (exempt information relating to health services), in paragraph 11, after "request to a" there is inserted " Strategic Health Authority or ".**]**

Textual Amendments

F139 Sch. 3 paras. 15-17 repealed (1.4.2006 for E., 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2005/2925, art. 11; S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

[F140] SCHEDULE 4

Section 6(2)

LOCAL HEALTH BOARDS

Textual Amendments

F140 Sch. 4 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

. . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

SCHEDULE 5

Section 6(2)

AMENDMENTS RELATING TO LOCAL HEALTH BOARDS

The Public Bodies (Admission to Meetings) Act 1960 (c. 67)

1 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph 1(gg) there is inserted—

"(gh) Local Health Boards;".

Commencement Information

I13 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I14 Sch. 5 para. 1 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Health Services and Public Health Act 1968 (c. 46)

2 (1) Section 63 of the Health Services and Public Health Act 1968 (provision of instruction for officers of hospital authorities etc) is amended as follows.

(2) In subsection (1)(a), for "or Primary Care Trust" there is substituted " , Primary Care Trust or Local Health Board ".

(3) In subsection (5A), for "or Primary Care Trust", in both places, there is substituted " , Primary Care Trust or Local Health Board ".

(4) In subsection (5B), the "and" at the end of paragraph (bb) is omitted, and after that paragraph there is inserted—

"(bbb) Local Health Boards; and".

Commencement Information

I15 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I16 Sch. 5 para. 2 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

3 In section 3 of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(a)—

(a) for "1978 and" there is substituted " 1978, ", and

(b) after "1977" there is inserted " and a Local Health Board established under section 16BA of that Act ".

Commencement Information

I17 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

I18 Sch. 5 para. 3 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The 1977 Act

[F141]4 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]5 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]6 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]7 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]8 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]9 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]10 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]11 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]12 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]13 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]14 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]15 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]16 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]17 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]18 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]19 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F141]20 . . . . . .

Textual Amendments

F141 Sch. 5 paras. 4-20 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

21 **[**[F142]In section 98 (accounts and audit), in subsection (1), after paragraph (bb) there is inserted—

"(bbb) every Local Health Board;".**]**

Textual Amendments

F142 Sch. 5 para. 21 repealed (1.2.2007 so far as relating to Welsh NHS bodies) by Health Act 2006 (c. 28), s. 83(7), **Sch. 9**; S.I. 2007/204, art. 4(c)

Commencement Information

I19 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I20 Sch. 5 para. 21 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

[F143]22 . . . . . .

Textual Amendments

F143 Sch. 5 para. 22 repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), **Sch. 2** (with art. 4)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

[F144]23 . . . . . .

Textual Amendments

F144 Sch. 5 para. 23 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F145]24 . . . . . .

Textual Amendments

F145 Sch. 5 para. 24 repealed (20.10.2003 for W., 1.12.2003 for E.) by Health (Wales) Act 2003 (c. 4), s. 10(2), **Sch. 4**; S.I. 2003/2660, art. 2(1)(iii)(2); S.I. 2003/3064, art. 2(1)(iii)(2)

The Acquisition of Land Act 1981 (c. 67)

25 In section 16 of the Acquisition of Land Act 1981 (statutory undertakers' land excluded from compulsory purchase), in subsection (3), the "and" at the end of paragraph (b) is omitted, and at the end of paragraph (c) there is inserted

"and

(d) a Local Health Board established under section 16BA of that Act;".

Commencement Information

I21 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I22 Sch. 5 para. 25 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Hospital Complaints Procedure Act 1985 (c. 42)

26 In section 1 of the Hospital Complaints Procedure Act 1985 (hospital complaints procedure), in subsection (1B), after "Trust", where it first occurs, there is inserted " and Local Health Board ", and in the second place where it occurs there is inserted " or Local Health Board ".

Commencement Information

I23 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I24 Sch. 5 para. 26 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Income and Corporation Taxes Act 1988 (c. 1)

[F146]27 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F146 Sch. 5 para. 27 repealed (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 3 Pt. 1** (with Sch. 2)

The Housing Act 1988 (c. 50)

28 In Schedule 2 to the Housing Act 1988 (grounds for possession of dwelling-houses let on assured tenancies), in the second paragraph of Ground 16, after "1990," there is inserted " or by a Local Health Board, ".

Commencement Information

I25 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I26 Sch. 5 para. 28 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Road Traffic Act 1988 (c. 52)

29 In section 144 of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), in subsection (2)(da), after "1977" there is inserted " , by a Local Health Board established under section 16BA of that Act ".

Commencement Information

I27 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I28 Sch. 5 para. 29 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The National Health Service and Community Care Act 1990 (c. 19)

30 The National Health Service and Community Care Act 1990 is amended as follows.

Commencement Information

I29 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I30 Sch. 5 para. 30 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

[F147]31 . . . . . .

Textual Amendments

F147 Sch. 5 paras. 31-33 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

[F147]32 . . . . . .

Textual Amendments

F147 Sch. 5 paras. 31-33 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F147]33 . . . . . .

Textual Amendments

F147 Sch. 5 paras. 31-33 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

34 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after "Health Authority" there is inserted " , Local Health Board ".

Commencement Information

I31 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I32 Sch. 5 para. 34 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

35 In section 61 (health service bodies: taxation), in subsection (3), after "Primary Care Trust" there is inserted " or Local Health Board ".

Commencement Information

I33 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I34 Sch. 5 para. 35 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

[F148]36 . . . . . .

Textual Amendments

F148 Sch. 5 para. 36 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The Welsh Language Act 1993 (c. 38)

37 In section 6 of the Welsh Language Act 1993 (meaning of "public body"), in subsection (1), after paragraph (f) there is inserted—

"(ff) a Local Health Board established under section 16BA of the National Health Service Act 1977;".

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Commencement Information

I35 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I36 Sch. 5 para. 37 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Health Service Commissioners Act 1993 (c. 46)

F149 38 . . . . . .

Textual Amendments

F149 Sch. 5 para. 38 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, **Sch. 7**; S.I. 2005/2800, art. 5(1)(3)

The Vehicle Excise and Registration Act 1994 (c. 22)

39 In Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt vehicles), in paragraph 7, at the end of sub-paragraph (d) there is inserted

"or

(e) a Local Health Board established under section 16BA of that Act."

Commencement Information

I37 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I38 Sch. 5 para. 39 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Value Added Tax Act 1994 (c. 23)

40 In section 41 of the Value Added Tax Act 1994 (application to Crown), in subsection (7), after "Primary Care Trust" there is inserted " and a Local Health Board ".

Commencement Information

I39 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I40 Sch. 5 para. 40 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Data Protection Act 1998 (c. 29)

41 In section 69 of the Data Protection Act 1998 (meaning of "health professional"), in subsection (3), after paragraph (bb) there is inserted—

"(bbb) a Local Health Board established under section 16BA of that Act,".

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Commencement Information

I41 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I42 Sch. 5 para. 41 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Government of Wales Act 1998 (c. 38)

42 (1) The Government of Wales Act 1998 is amended as provided in this paragraph.

(2) In Schedule 5 (bodies and offices covered by section 74), after paragraph 25 there is inserted—

"25A A Local Health Board."

(3) In Schedule 17 (audit etc of Welsh public bodies), after paragraph 12 there is inserted—

"12A A Local Health Board."

Commencement Information

I43 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I44 Sch. 5 para. 42 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The 1999 Act

F150 43 . . . . . .

Textual Amendments

F150 Sch. 5 para. 43 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F151 44 . . . . . .

Textual Amendments

F151 Sch. 5 para. 44 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

F152 45 . . . . . .

Textual Amendments

F152 Sch. 5 para. 45 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

The Care Standards Act 2000 (c. 14)

46 In section 121 of the Care Standards Act 2000 (general interpretation), in subsection (1), in the definition of "National Health Service body", for "or a Primary Care Trust" there is substituted " , a Primary Care Trust or a Local Health Board ".

Commencement Information

I45 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I46 Sch. 5 para. 46 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Learning and Skills Act 2000 (c. 21)

47 In section 138 of the Learning and Skills Act 2000 (Wales: provision of information by public bodies), in subsection (3), after paragraph (b) there is inserted—

"(ba) a Local Health Board,".

Commencement Information

I47 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I48 Sch. 5 para. 47 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Freedom of Information Act 2000 (c. 36)

48 In Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act), in Part 3 (National Health Service), after paragraph 39 there is inserted—

"39A A Local Health Board established under section 16BA of the National Health Service Act 1977."

Commencement Information

I49 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I50 Sch. 5 para. 48 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

The Health and Social Care Act 2001 (c. 15)

[F153]49 . . . . . .

Textual Amendments

F153 Sch. 5 paras. 49-51 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

[F153]50 . . . . . .

Textual Amendments

F153 Sch. 5 paras. 49-51 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

[F153]51 . . . . . .

Textual Amendments

F153 Sch. 5 paras. 49-51 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

SCHEDULE 6

Section 20(11)

THE COMMISSION FOR PATIENT AND PUBLIC INVOLVEMENT IN HEALTH

Status

[F154]1 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Powers

[F154]2 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Membership

[F154]3 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Appointment, procedure etc

F154 4 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F154 5 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F154 6 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Remuneration and allowances

F154 7 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Staff

F154 8 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Delegation of functions

F154 9 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Assistance

F154 10 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Payments and loans to the Commission

F154 11 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Accounts and audit

F154 12 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Reports and other information

F154 13 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Application of seal and evidence

F154 14 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F154 15 . . . . . .

Textual Amendments

F154 Sch. 6 paras. 1-15 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Miscellaneous amendments

16 In the First Schedule to the Public Records Act 1958 (c. 51) (definition of public records), the following entry is inserted at the appropriate place in Part 2 of the Table at the end of paragraph 3—

"Commission for Patient and Public Involvement in Health."

Commencement Information

I51 Sch. 6 para. 16 partly in force; Sch. 6 para. 16 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 16 in force for E. at 1.1.2003 by S.I. 2002/3190, **art. 2**

F155 17 . . . . . .

Textual Amendments

F155 Sch. 6 paras. 17-19 repealed (30.6.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 18 Pt. 18**; S.I. 2008/461, art. 2(4)(b)(c)

F155 18 . . . . . .

Textual Amendments

F155 Sch. 6 paras. 17-19 repealed (30.6.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 18 Pt. 18**; S.I. 2008/461, art. 2(4)(b)(c)

F155 19 . . . . . .

Textual Amendments

F155 Sch. 6 paras. 17-19 repealed (30.6.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 18 Pt. 18**; S.I. 2008/461, art. 2(4)(b)(c)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

SCHEDULE 7

Section 25(4)

[F156 THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE]

Textual Amendments

F156 Sch. 7 title substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 66**; S.I. 2012/2657, art. 2(3)

Status

1 [F157 The Authority] is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the [F158 Authority's] property is not to be regarded as property of, or property held on behalf of, the Crown.

Textual Amendments

F157 Words in Sch. 7 para. 1 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 63**; S.I. 2012/2657, art. 2(3)

F158 Word in Sch. 7 para. 1 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 65**; S.I. 2012/2657, art. 2(3)

2 For the purposes of—

(a) section 23(2)(b) of the Scotland Act 1998 (c. 46) (power of Scottish Parliament to require persons outside Scotland to attend to give evidence or produce documents); and

(b) section 70(6) of that Act (accounts prepared by cross-border bodies),

the [F159 Authority] is to be treated as a cross-border public authority within the meaning of that Act.

Textual Amendments

F159 Word in Sch. 7 para. 2 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Powers

3 The power in section 26(1) includes the power to—

(a) acquire and dispose of land and other property, and

(b) enter into contracts.

Membership and chairman

[F160 4 [F161 The Authority] is to consist of—

(a) a chair appointed by the Privy Council,

(b) one non-executive member appointed by the Scottish Ministers,

(c) one non-executive member appointed by the Welsh Ministers,

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(d) one non-executive member appointed by the Department of Health, Social Services and Public Safety in Northern Ireland,

(e) three non-executive members appointed by the Secretary of State, and

(f) **[**[F162]one executive member**]** appointed in accordance with paragraph 11.**]**

Textual Amendments

F160 Sch. 7 para. 4 substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 114(2)**, 170(3)(4); S.I. 2008/3244, art. 2(b)

F161 Words in Sch. 7 para. 4 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 63**; S.I. 2012/2657, art. 2(3)

F162 Words in Sch. 7 para. 4(f) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 226(2)(b)**, 306(4); S.I. 2012/2657, art. 2(3)

Appointment, procedure etc

[F163]5 . . . . . .

Textual Amendments

F163 Sch. 7 para. 5 repealed (1.10.2006) by Health Act 2006 (c. 28), s. 83(7), Sch. 8 para. 52, **Sch. 9**; S.I. 2006/2603, art. 4(5)(c)(iv)(e), Sch.

6 The Secretary of State may by regulations provide for—

[[F164](a) the conditions to be fulfilled for appointment as chair or other member of the **[**[F165]Authority**]**,**]**

(b) the tenure of office of the **[**[F166]chair and non-executive members**]** of the **[**[F165]Authority**]** (including the circumstances in which they cease to hold office or may be removed or suspended from office),

[[F167](ba) the appointment of a member as deputy chair and the circumstances in which that member ceases to hold, or may be removed from, office as deputy chair,**]**and

(c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the **[**[F165]Authority**]** (including committees and sub-committees which consist of or include persons who are not members of the **[**[F165]Authority**]**).

Textual Amendments

F164 Sch. 7 para. 6(a) substituted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 114(3)(a)**, 170; S.I. 2008/3244, art. 2(b)

F165 Words in Sch. 7 para. 6(a)(b)(c) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

F166 Words in Sch. 7 para. 6(b) substituted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 114(3)(b)**, 170; S.I. 2008/3244, art. 2(b)

F167 Sch. 7 para. 6(ba) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 114(3)(c)**, 170; S.I. 2008/3244, art. 2(b)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Commencement Information

I52 Sch. 7 para. 6 wholly in force at 27.8.2002; Sch. 7 para. 6 in force for certain purposes at Royal Assent, see s. 42(3); Sch. 7 para. 6 in force at 27.8.2002 by S.I. 2002/2202, **art. 2(1)**

7 The **[**[F168]Authority**]** may regulate its own procedure.

Textual Amendments

F168 Word in Sch. 7 para. 7 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

8 The validity of any proceedings of the **[**[F169]Authority**]** is not affected by a vacancy amongst its members or by a defect in the appointment of a member.

Textual Amendments

F169 Word in Sch. 7 para. 8 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Members' interests

9 (1) The **[**[F170]Authority**]** must establish and maintain a system for the declaration and registration of private interests of its members.

(2) The **[**[F170]Authority**]** must publish entries recorded in the register of members' interests.

Textual Amendments

F170 Words in Sch. 7 para. 9(1)(2) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Remuneration and allowances

10 (1) The **[**[F171]Authority**]** may pay to its **[**[F172]chair**]**, and to any other member of the **[**[F171]Authority**]**, such remuneration and allowances as the Secretary of State may determine.

(2) The **[**[F171]Authority**]** may pay to any member of a committee or sub-committee of the **[**[F171]Authority**]** such allowances as the Secretary of State may determine.

(3) If the Secretary of State so determines, the Council must provide for the payment of such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the **[**[F172]chair**]** or any other member of the Council.

(4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as **[**[F172]chair**]** of the Council to receive compensation, the Council must pay to him such compensation as the Secretary of State may determine.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F171 Word in Sch. 7 para. 10(1)(2) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

F172 Word in Sch. 7 para. 10 substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 114(4)**, 170(3)(4); S.I. 2008/3244, art. 2(b)

Employees

[[F173]11 (1) The **[**[F174]Authority**]** may appoint the executive **[**[F175]member**]** referred to in paragraph 4(f) on such terms and conditions as the **[**[F174]Authority**]** may determine.

(2) The executive **[**[F176]member must be an employee**]** of the **[**[F174]Authority**]** .

(3) Any decision of the **[**[F174]Authority**]** under sub-paragraph (1) must be taken by the members appointed under paragraph 4(a) to (e).

(4) The **[**[F174]Authority**]** may appoint such other employees as it considers appropriate on such terms and conditions as it may determine.**]**

Textual Amendments

F173 Sch. 7 para. 11 substituted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 114(5)**, 170(3)(4); S.I. 2008/3244, art. 2(b)

F174 Words in Sch. 7 para. 11(1)(2)(3)(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

F175 Word in Sch. 7 para. 11(1) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 226(5)(a)**, 306(4); S.I. 2012/2657, art. 2(3)

F176 Words in Sch. 7 para. 11(2) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), **ss. 226(5)(b)**, 306(4); S.I. 2012/2657, art. 2(3)

Delegation of functions

12 (1) The **[**[F177]Authority**]** may arrange for the discharge of any of its functions by—

(a) a committee, sub-committee, member or employee of the **[**[F177]Authority**]**, or

(b) any other person.

(2) If the **[**[F177]Authority**]** does arrange for the discharge of any function as mentioned in sub-paragraph (1)(b), the arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Textual Amendments

F177 Words in Sch. 7 para. 12(1)(2) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Assistance

13 (1) The **[**[F178]Authority**]** may arrange for such persons as it thinks fit to assist it in the discharge of any of its functions in relation to a particular case or class of case.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

(2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Textual Amendments

F178 Word in Sch. 7 para. 13 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Payments and loans to [F179 Authority]

14 (1) The Secretary of State may make payments out of money provided by Parliament to the [F180 Authority] of such amounts, at such times and on such conditions (if any) as he considers appropriate.

(2) An appropriate authority may make payments to the [F180 Authority] of such amounts, at such times and on such conditions (if any) as it considers appropriate.

[F181 (2A) The Authority may borrow money for the purposes of or in connection with its functions; and sub-paragraphs (3) and (4) are without prejudice to the generality of this sub-paragraph.]

(3) The Secretary of State may make loans out of money provided by Parliament to the [F180 Authority] on such terms (including terms as to repayment and interest) as he may determine.

(4) An appropriate authority may make loans to the [F180 Authority] on such terms (including terms as to repayment and interest) as it may determine.

(5) [F182 The approval of the Treasury is required as to the amount and terms of any loan under sub-paragraph (3).]

(6) [F182 Except as provided by sub-paragraphs (3) and (4), the Council has no power to borrow money.]

(7) The Secretary of State may give directions to the [F183 Authority] as to the application of any sums received by it under sub-paragraph (1) or (3).

(8) An appropriate authority may give directions to the [F183 Authority] as to the application of any sums received by it from the authority under sub-paragraph (2) or (4).

(9) The [F183 Authority] must comply with any directions under sub-paragraph (7) or (8).

(10) In this paragraph, "appropriate authority" means the National Assembly for Wales, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland.

Textual Amendments

F179 Word in Sch. 7 para. 14 cross-heading substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(j)**; S.I. 2012/2657, art. 2(3)

F180 Words in Sch. 7 para. 14(1)(2)(3)(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

F181 Sch. 7 para. 14(2A) inserted (27.3.2012 for specified purposes, 16.3.2015 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 224(4)**, 306(1)(d)(4); S.I. 2015/409, **art. 2**

F182 Sch. 7 para. 14(5)(6) omitted (27.3.2012 for specified purposes, 16.3.2015 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 224(5)**, 306(1)(d)(4); S.I. 2015/409, **art. 2**

F183 Words in Sch. 7 para. 14(7)(8)(9) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Accounts

15 (1) The **[**[F184]Authority**]** must keep accounts in such form as the Secretary of State may determine.

(2) The **[**[F184]Authority**]** must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.

(3) The **[**[F184]Authority**]** must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.

(4) Within that period the **[**[F184]Authority**]** must also send copies of the annual accounts to—

(a) the Scottish Ministers,

(b) the National Assembly for Wales, and

(c) the Department of Health, Social Services and Public Safety in Northern Ireland.

(5) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.

(6) A copy of the accounts shall be laid before—

(a) the Scottish Parliament by the Scottish Ministers,

(b) the Northern Ireland Assembly by the Department of Health, Social Services and Public Safety there,

and the National Assembly for Wales shall publish the accounts.

(7) In this paragraph and paragraph 16, "financial year" means—

(a) the period beginning with the date on which the **[**[F185]Authority**]** is established and ending with the next 31st March following that date, and

(b) each successive period of 12 months ending with 31st March.

Textual Amendments

F184 Word in Sch. 7 para. 15(1)(2)(3)(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

F185 Word in Sch. 7 para. 15(7)(a) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Reports and other information

16 (1) The **[**[F186]Authority**]** must prepare a report on the exercise of its functions during each financial year.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

[[F187](1A) The report must state—

(a) how the **[**[F188]Authority**]**, in exercising its functions, has promoted the health, safety and well-being of **[**[F189]users of health care, users of social care in England, users of social work services in England**]** and other members of the public, and

(b) how far, in the opinion of the **[**[F188]Authority**]**, each regulatory body has complied with any duty imposed on it to promote the health, safety and well-being of such persons.**]**

(2) As soon as possible after the end of each financial year, the **[**[F190]Authority**]** must lay a copy of its report for that year before Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

(3) The **[**[F190]Authority**]** must comply with any request by Parliament to prepare, and lay before it, other reports or to provide Parliament with other information.

(4) The **[**[F190]Authority**]** must also comply with any corresponding request by—

(a) the Scottish Parliament, in relation to matters which concern a subject for which any member of the Scottish Executive has general responsibility,

(b) the Northern Ireland Assembly, in relation to transferred matters concerning Northern Ireland ("transferred matters" having the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47)).

Textual Amendments

F186 Word in Sch. 7 para. 16(1) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

F187 Sch. 7 para. 16(1A) inserted (1.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 114(6)**, 170(3)(4); S.I. 2008/3244, art. 2(b)

F188 Words in Sch. 7 para. 16(1A)(a)(b) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

F189 Words in Sch. 7 para. 16(1A)(a) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), **ss. 223(14)**, 306(4); S.I. 2012/1319, art. 2(4)

F190 Words in Sch. 7 para. 16(2)(3)(4) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Commencement Information

I53 Sch. 7 para. 16 wholly in force at 1.4.2003; Sch. 7 para. 16 not in force at Royal Assent, see s. 42(3); Sch. 7 para. 16(1)(2) in force at 1.12.2002 by S.I. 2002/2202, **art. 2(2)**; Sch. 7 para. 16(3)(4) in force at 1.4.2003 by S.I. 2002/2202, **art. 2(3)**

Application of seal and evidence

17 The application of the seal of the **[**[F191]Authority**]** must be authenticated by the signature of—

(a) any member of the **[**[F191]Authority**]**, or

(b) any other person who has been authorised by the **[**[F191]Authority**]** (whether generally or specially) for that purpose.

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F191 Words in Sch. 7 para. 17 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

18 A document purporting to be duly executed under the seal of the **[**[F192]Authority**]** or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Textual Amendments

F192 Word in Sch. 7 para. 18 substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

*Meetings of the **[**[F193]Authority**]** in Northern Ireland*

19 (1) Sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 (c.9) (which provides for public access to meetings of a district council and for the publication of information concerning such meetings) shall, with the modifications set out below, apply in relation to meetings of the **[**[F194]Authority**]** in Northern Ireland as they apply in relation to meetings of a district council.

(2) The modifications are—

(a) any reference to a district council shall be read as a reference to the **[**[F195]Authority**]**, and

(b) any reference to councillors or members of the council shall be read as references to members of the **[**[F195]Authority**]**.

Textual Amendments

F193 Word in Sch. 7 para. 19 cross-heading substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(j)**; S.I. 2012/2657, art. 2(3)

F194 Word in Sch. 7 para. 19(1) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

F195 Words in Sch. 7 para. 19(2)(a)(b) substituted (1.12.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 62(h)**; S.I. 2012/2657, art. 2(3)

Miscellaneous amendments

[F196]20 . . . . . .

Textual Amendments

F196 Sch. 7 paras. 20-24 repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(j)

[F196]21 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F196 Sch. 7 paras. 20-24 repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(j)

F196 22 . . . . . .

Textual Amendments

F196 Sch. 7 paras. 20-24 repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(j)

F196 23 . . . . . .

Textual Amendments

F196 Sch. 7 paras. 20-24 repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(j)

F196 24 . . . . . .

Textual Amendments

F196 Sch. 7 paras. 20-24 repealed (1.1.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 15 Pt. 2**; S.I. 2008/3244, art. 2(j)

SCHEDULE 8

Section 37(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

The 1977 Act

F197 1 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 2 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 3 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 4 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 5 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 6 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 7 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 8 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F197 9 . . . . . .

Textual Amendments

F197 Sch. 8 paras. 1-9 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F198 10 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F198 Sch. 8 para. 10 repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), **Sch. 2** (with art. 4)

F199 11 . . . . . .

Textual Amendments

F199 Sch. 8 para. 11 repealed (20.10.2003 for W., 1.12.2003 for E.) by Health (Wales) Act 2003 (c. 4), s. 10(2), **Sch. 4**; S.I. 2003/2660, art. 2(1)(iii)(2); S.I. 2003/3064, art. 2(1)(iii)(2)

F200 12 . . . . . .

Textual Amendments

F200 Sch. 8 para. 12 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

The Medical Act 1983 (c. 54)

13 The Medical Act 1983 is amended as follows.

14 In section 40 (appeals), in subsection (11), for "enabling directions to be given as to the costs of" there is substituted " any order as to costs (or, in Scotland, expenses) in relation to ".

15 In Schedule 6 (transitional and saving provisions), in paragraph 18, "section 40(4) of this Act or" is omitted.

The Dentists Act 1984 (c. 24)

16 In section 29 of the Dentists Act 1984 (appeals), in subsection (4), for "enabling directions to be given as to the costs of" there is substituted " any order as to costs (or, in Scotland, expenses) in relation to ".

The Opticians Act 1989 (c. 44)

17 In section 23 of the Opticians Act 1989 (appeals in disciplinary and other cases), in subsection (2), for "enabling directions to be given as to the costs of" there is substituted " any order as to costs (or, in Scotland, expenses) in relation to ".

The National Health Service and Community Care Act 1990 (c. 19)

F201 18 . . . . . .

Textual Amendments

F201 Sch. 8 para. 18 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

The Local Government (Wales) Act 1994 (c. 19)

19 In Schedule 10 to the Local Government (Wales) Act 1994 (amendments relating to social services), paragraph 11(4) is omitted.

Commencement Information

I54 Sch. 8 para. 19 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 19 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

The Health Authorities Act 1995 (c. 17)

20 The Health Authorities Act 1995 is amended as follows.

Commencement Information

I55 Sch. 8 para. 20 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 20 in force at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** and in force for certain purposes for E. at 1.10.2002 by S.I. 2002/2478, **art. 3(2)(b)** (S.I. 2002/2532, art. 2, **Sch.** purports to bring Sch. 8 para. 20 in force on 10.10.2002 for W. only)

21 Section 1 (which substituted section 8 of the 1977 Act) is omitted.

Commencement Information

I56 Sch. 8 para. 21 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 21 in force at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** (S.I. 2002/2532, art. 2, **Sch.** purports to bring Sch. 8 para. 21 in force on 10.10.2002 for W. only)

22 In Schedule 1 (amendments), paragraphs 32(b), 53 and 107(12)(b) are omitted.

Commencement Information

I57 Sch. 8 para. 22 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 22 in force at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** and in force for certain purposes at 1.10.2002 by S.I. 2002/2478, **art. 3(2)(b)** (S.I. 2002/2532, art. 2, **Sch.** purports to bring Sch. 8 para. 22 in force on 10.10.2002 for W. only)

The National Health Service (Primary Care) Act 1997 (c. 46)

F202 23 . . . . . .

Textual Amendments

F202 Sch. 8 paras. 23-27 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

F202 24 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Textual Amendments

F202 Sch. 8 paras. 23-27 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

The Government of Wales Act 1998 (c. 38)

F202 25 . . . . . .

Textual Amendments

F202 Sch. 8 paras. 23-27 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

F202 26 . . . . . .

Textual Amendments

F202 Sch. 8 paras. 23-27 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

F202 27 . . . . . .

Textual Amendments

F202 Sch. 8 paras. 23-27 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

The 1999 Act

F203 28 . . . . . .

Textual Amendments

F203 Sch. 8 paras. 28-31 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

F203 29 . . . . . .

Textual Amendments

F203 Sch. 8 paras. 28-31 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

F203 30 . . . . . .

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F203 Sch. 8 paras. 28-31 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

F203 31 . . . . . .

Textual Amendments

F203 Sch. 8 paras. 28-31 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13

The Health and Social Care Act 2001 (c. 15)

F204 32 . . . . . .

Textual Amendments

F204 Sch. 8 paras. 32-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F204 33 . . . . . .

Textual Amendments

F204 Sch. 8 paras. 32-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F204 34 . . . . . .

Textual Amendments

F204 Sch. 8 paras. 32-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F204 35 . . . . . .

Textual Amendments

F204 Sch. 8 paras. 32-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

F204 36 . . . . . .

Textual Amendments

F204 Sch. 8 paras. 32-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

F204 37 . . . . . .

Textual Amendments

F204 Sch. 8 paras. 32-37 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

SCHEDULE 9

Section 37(2)

REPEALS

PART 1

NATIONAL HEALTH SERVICE

Commencement Information

I58 Sch. 9 Pt. 1 not in force at Royal Assent, see s. 42(3); specified entries in Sch. 9 Pt. 1 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(f)**; further specified entry in Sch. 9 Pt. 1 in force for E. at 1.10.2002 by S.I. 2002/2478, **art. 3(2)(c)**; further specified entries in Sch. 9 Pt. 1 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**

I59 Sch. 9 Pt. 1 in force at 11.7.2003 for specified purposes for E.W. by S.I. 2003/1580, **art. 2(2)(c)**

I60 Sch. 9 Pt. 1 in force at 1.3.2007 for specified purposes, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

Short title and chapter	*Extent of repeal*
Health Services and Public Health Act 1968 (c. 46)	In section 63(5B), the "and" at the end of paragraph (bb).
National Health Service Act 1977 (c. 49)	In section 17B(1), the words from "which" to the end. Section 18(1A)(b). In section 22(1A), the "or" at the end of paragraph (c). In section 28A(1), the "and" at the end of paragraph (a). In section 29B(3), the "or" at the end of paragraph (b). In section 33(1A)(b), "for areas in Wales". In section 44(2), "with the approval of the Health Authority". In section 51(3), the "and" at the end of paragraph (bb). Section 97(6)(bb) and (c) and (8). In section 103(3)(a), "or a Primary Care Trust". In section 125, the "and" at the end of paragraph (bb).

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

	In section 126(4A), the "or" at the end of paragraph (b). In Schedule 12A, in paragraph 4(2) the "or" at the end of paragraph (a); in paragraph 5(1) the "and" at the end of paragraph (a); in paragraph 5(2) the "or" at the end of paragraph (a); and in paragraph 7(3) "or Primary Care Trust".
Acquisition of Land Act 1981 (c. 67)	In section 16(3), the "and" at the end of paragraph (b).
Health Service Commissioners Act 1993 (c. 46)	In section 2, in subsection (1)(da), "established for areas in England"; and in subsection (2)(a), "whose areas are in Wales".
Government of Wales Act 1998 (c. 38)	In Schedule 5, in paragraph 20, "for an area in, or consisting of, Wales". In Schedule 17, in paragraph 12, "for an area in, or consisting of, Wales".
Health Act 1999 (c. 8)	In section 6(2), in the inserted section 28EE of the 1977 Act, subsection (1). In section 20(1), the "and" at the end of paragraph (d). In section 23(6), the definition of "NHS premises". In Schedule 2, in paragraph 7(2), the words after "Commission"; and paragraph 7(6) and (7).
Health and Social Care Act 2001 (c. 15)	In section 28(7), "or a Primary Care Trust". In Schedule 3, in the new Schedule 8A inserted by that Schedule, in paragraph 1(8), "or a Primary Care Trust".
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	In Schedule 2, in paragraph 2, sub-paragraphs (3) to (5); and paragraph 55.

PART 2

HEALTH CARE PROFESSIONS

Short title and chapter	*Extent of repeal*
Medical Act 1983 (c. 54)	Section 40(1)(c), (4) to (6), (9) and (10). In Schedule 4, in paragraph 3(b) "to Her Majesty in Council"; paragraph 10(2); in paragraph 10(3) "or (2)", and "or that sub-paragraph as applied by sub-paragraph (2) above". In Schedule 6, in paragraph 18, "section 40(4) of this Act or".

Status: *Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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)*

Dentists Act 1984 (c. 24)	Section 29(2). In section 51, the words from "(other" to "appeals)".
Osteopaths Act 1993 (c. 21)	Section 10 (10). Section 31(3) to (5) and (7). Section 35(3).
Chiropractors Act 1994 (c. 17)	Section 10(10). Section 31(3) to (5) and (7). Section 35(3).

PART 3

MISCELLANEOUS

Commencement Information

I61 Sch. 9 Pt. 3 not in force at Royal Assent, see s. 42(3); specified entries in Sch. 9 Pt. 3 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority). at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(f)**; further specified entry in Sch. 9 Pt. 3 in force for E. at 1.10.2002 by S.I. 2002/2478, **art. 3(2)(c)**; further specified entries in Sch. 9 Pt. 3 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, **Sch.**; further specified entries in Sch. 9 Pt. 3 in force for E.W. at 1.1.2003 by S.I. 2002/3190, **art. 2(2)(d)**

I62 Sch. 9 Pt. 3 in force at 1.3.2007 for specified purposes, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 Pt. 2 para. 12 (with art. 4)

Short title and chapter	*Extent of repeal*
National Health Service Act 1977 (c. 49)	In section 97D(1)(b), ", apart from subsection (5A)".
National Health Service and Community Care Act 1990 (c. 19)	In section 12(4), the words after paragraph (b).
Local Government (Wales) Act 1994 (c. 19)	In Schedule 10, paragraph 11(4).
Health Authorities Act 1995 (c. 17)	Section 1. In Schedule 1, paragraphs 32(b), 53 and 107(12)(b).
National Health Service (Primary Care) Act 1997 (c. 46)	In Schedule 2, paragraphs 71(3), 73 and 75.
Government of Wales Act 1998 (c. 38)	Section 148.
Health Act 1999 (c. 8)	In Schedule 4, paragraphs 5, 31(2) and 35.
Health and Social Care Act 2001 (c. 15)	Section 1(4) and (5). Section 3(3) and (4). Section 43(5). In Schedule 5, paragraph 5(12)(b).

Status:
Point in time view as at 01/12/2012. This version of this Act contains provisions that are prospective.

Changes to legislation:
National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 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.