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STATUTORY INSTRUMENTS

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**1999 No. 2795**

**NATIONAL HEALTH SERVICE, ENGLAND  
NATIONAL HEALTH SERVICE, WALES**

**The Health Act 1999 (Supplementary and  
Consequential Provisions) Order 1999**

<i>Made</i>	- - - -	<i>10th October 1999</i>
<i>Laid before Parliament</i>		<i>11th October 1999</i>
<i>Coming into force</i>	- -	<i>1st November 1999</i>

The Secretary of State for Health, in exercise of powers conferred on him by section 63 of the Health Act 1999<sup>(1)</sup> and section 126(4) of the National Health Service Act 1977<sup>(2)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Health Act 1999 (Supplementary and Consequential Provisions) Order 1999 and shall come into force on 1st November 1999.

(2) Any reference to Part I of the Health Act 1999 in any enactment amended by this Order is, in the case of any provision of that Part which is referred to in section 66(2) of that Act, to be taken as including reference to that provision only in so far as the provision has effect in relation to England.

**Amendment of the National Health Service Act 1977**

2.—(1) The National Health Service Act 1977 is amended as follows.

(2) In section 84 (inquiries)<sup>(3)</sup>, in subsection (1), after “1990” there is inserted “or Part I of the Health Act 1999 (with the exception of sections 33 to 38)”.

(3) In section 85 (default powers)<sup>(4)</sup>, in subsection (1), after “1990” there is inserted “or Part I of the Health Act 1999”.

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(1) 1999 c. 8.

(2) 1977 c. 49. Section 126(4) applies in relation to any power to make regulations conferred by the Health Act 1999 (c. 8) (“the 1999 Act”) (see section 62(4) of the 1999 Act). Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and paragraph 37(5) of Schedule 4 to the 1999 Act.

(3) Section 84(1) was amended by the 1990 Act, Schedule 9, paragraph 18(6).

(4) Section 85(1) was amended by the 1990 Act, Schedule 9, paragraph 18(7), and the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 41.

### **Amendment of the Copyright, Designs and Patents Act 1988**

3. In section 48 of the Copyright, Designs and Patents Act 1988 (material communicated to the Crown in the course of public business)<sup>(5)</sup>, in subsection (6), after “1990,” there is inserted “the Commission for Health Improvement”.

### **Amendment of the Road Traffic Act 1988**

4. In section 144 of the Road Traffic Act 1988 (exceptions from requirement for third-party insurance or security)<sup>(6)</sup>, in subsection (2)(da), after “1990” there is inserted “or by the Commission for Health Improvement”.

### **Amendment of the Vehicle Excise and Registration Act 1994**

5. In Schedule 2 to the Vehicle Excise and Registration Act 1994 (vehicles exempt from vehicle excise duty)<sup>(7)</sup>, in paragraph 7, after sub-paragraph (b) there is inserted

“or

(c) the Commission for Health Improvement.”.

Signed by authority of the Secretary of State for Health

10th October 1999

*John Denham*  
Minister of State,  
Department of Health

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(5) 1988 c. 48. Section 48(6) was inserted by the 1990 Act, Schedule 8, paragraph 3, and amended by the Health and Personal Social Services (Northern Ireland) Order 1991, S.I. 1991/94 (N.I. 1).

(6) 1988 c. 52. Paragraph (da) of section 144(2) was inserted by the 1990 Act, Schedule 8, paragraph 4.

(7) 1994 c. 22.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes amendments to certain Acts and statutory instruments consequent upon, or supplementary to, the provisions of the Health Act 1999 (“the 1999 Act”) brought into force by the Health Act 1999 (Commencement No. 5) Order 1999 (S.I. 1999/2793 (c. 69)). In particular it makes amendments as a consequence of the establishment of the Commission for Health Improvement by section 19 of the Act.

Article 2(2) amends section 84 of the National Health Service Act 1977 (“the 1977 Act”) to provide that an inquiry may be caused to be held in connection with matters arising under Part I of the 1999 Act, with the exception of sections 33 to 38 (control of prices of medicines and profits). Article (2)(3) amends section 85 of the 1977 Act to provide that the default powers conferred by that section may be exercised in respect of a health service body failing to carry out functions conferred or imposed on them by or under Part I of the 1999 Act.