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STATUTORY INSTRUMENTS

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**2000 No. 694**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Health Act 1999 (Supplementary,  
Consequential etc. Provisions) (No. 2) Order 2000**

<i>Made</i>	- - - -	<i>9th March 2000</i>
<i>Laid before Parliament</i>		<i>10th March 2000</i>
<i>Coming into force</i>	- -	<i>1st April 2000</i>

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

**Citation and commencement**

1. This Order may be cited as the Health Act 1999 (Supplementary, Consequential etc. Provisions) (No. 2) Order 2000 and shall come into force on 1st April 2000.

**Extent and interpretation**

2.—(1) Subject to the following paragraphs, this Order extends only to England and Wales.

(2) Article 1, this article, paragraphs 2, 3, 6, 7 and 8 of the Schedule to this Order and article 3, in so far as it relates to those paragraphs, extend also to Scotland.

(3) Any reference to a Primary Care Trust in any enactment amended by this Order is to be construed as a reference to a Primary Care Trust established for an area in England.

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- (1) 1977 c. 49; section 126(4) applies in relation to any power to make orders or regulations conferred by the Health Act 1999 (c. 8) (“the 1999 Act”) (see section 62(4) of the 1999 Act) and was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 65(2) and the 1999 Act, Schedule 4, paragraph 37(6).
- (2) 1999 c. 8. The powers of the Secretary of State under section 63 of the 1999 Act are, so far as that section relates to any provision of that Act which by virtue of section 66(2) of that Act may be brought into force by the National Assembly for Wales and so far as they are exercisable in relation to Wales, transferred to the Assembly by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5)(c) of the 1999 Act. The powers of the Secretary of State under section 63 of the 1999 Act are, so far as they are exercisable within devolved competence (within the meaning of section 54 of the Scotland Act 1998 (c. 46)), exercisable by the Scottish Ministers, by virtue of section 66(1) of the 1999 Act and section 53 of the Scotland Act 1998 (c. 46). By virtue of section 68(2) of the 1999 Act, the power under section 63 of that Act to amend an enactment which extends to any part of the United Kingdom extends also to that part.

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**Consequential amendments**

3. The enactments specified in the Schedule to this Order are amended as there specified.

Signed by authority of the Secretary of State

9th March 2000

*John Denham*  
Minister of State,  
Department of Health

## SCHEDULE

Article 3

### CONSEQUENTIAL AMENDMENTS

#### PART I

##### ACTS

###### *Powers of Criminal Courts Act 1973*

1. In Schedule 1A to the Powers of Criminal Courts Act 1973 (additional requirements in probation orders)(3), in paragraph 5(10), for “a special hospital within the meaning of the National Health Service Act 1977” substitute “hospital premises at which high security psychiatric services within the meaning of the National Health Service Act 1977 are provided”.

#### PART II

##### REGULATIONS AND ORDERS

###### *The Statutory Sick Pay (National Health Service Employees) Regulations 1991*

2.—(1) The Statutory Sick Pay (National Health Service Employees) Regulations 1991(4) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), after paragraph (2) insert—

“(3) In these Regulations, “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977(5).”

(3) In regulation 2 (treatment of more than one contract of employment as one contract), after “two or more contracts,” insert “or where an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977(6) provides that a person’s contract of employment is so divided,”.

(4) In regulation 5 (treatment of two or more employers as one), for paragraphs (a) and (b) substitute—

“(a) in the case of a person whose contract of employment is treated by a scheme under Part I of the National Health Service and Community Care Act 1990(7) or the National Health Service (Scotland) Act 1978(8) as divided—

(i) the Health Authority or Primary Care Trust from which the employee was transferred, in a case where any one of the employee’s contracts of service is with that Health Authority or Primary Care Trust; or

(ii) the first NHS trust to which a contract of service was transferred in a case where none of the employee’s contracts of service are with the Health Authority or Primary Care Trust from which he was transferred;

or

(3) 1973 c. 62; Schedule 1A was inserted by the Criminal Justice Act 1991 (c. 53), Part II of Schedule 1.

(4) S.I. 1991/589.

(5) Section 16A was inserted by section 2(1) of the 1999 Act.

(6) Schedule 5A was inserted by Schedule 1 to the 1999 Act.

(7) See sections 6 and 7 of the 1990 Act, as amended by paragraphs 77 and 78 of Schedule 4 to the 1999 Act.

(8) See sections 12B and 12C of the Act, as inserted by section 31 of the 1990 Act.

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- (b) in the case of a person whose contract of employment is divided as provided by an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977—
  - (i) the Health Authority, NHS trust or Primary Care Trust from which the employee was transferred, in a case where any one of the employee’s contracts of service is with that body; or
  - (ii) the first Primary Care Trust to which a contract of service was transferred in a case where none of the employee’s contracts of service are with the body from which he was transferred.”.

*The Statutory Maternity Pay (National Health Service Employees) Regulations 1991*

**3.—**(1) The Statutory Maternity Pay (National Health Service Employees) Regulations 1991<sup>(9)</sup> are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), after paragraph (2) insert—

“(3) In these Regulations, “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977.”

(3) In regulation 2 (treatment of more than one contract of employment as one contract), after “two or more contracts,” insert “or where an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977 provides that a woman’s contract of employment is so divided.”.

(4) In regulation 5 (treatment of two or more employers as one), for paragraphs (a) and (b) substitute—

“(a) in the case of a woman whose contract of employment is treated by a scheme under Part I of the National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978 as divided—

- (i) the Health Authority or Primary Care Trust from which the woman was transferred, in a case where any one of the contracts of service is with that Health Authority or Primary Care Trust; or
- (ii) the first NHS trust to which a contract of service was transferred in a case where none of the contracts of service are with the Health Authority or Primary Care Trust from which she was transferred;

or

(c) in the case of a woman whose contract of employment is divided as provided by an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977—

- (i) the Health Authority, NHS trust or Primary Care Trust from which the woman was transferred, in a case where any one of the contracts of service is with that body; or
- (ii) the first Primary Care Trust to which a contract of service was transferred in a case where none of the contracts of service are with the body from which she was transferred.”.

*The Children (Secure Accommodation) Regulations 1991*

**4.** In regulation 7 of the Children (Secure Accommodation) Regulations 1991<sup>(10)</sup>—

- (a) in paragraph (1)(a), after “health authorities” insert “, Primary Care Trusts”; and
- (b) in paragraph (2)—

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<sup>(9)</sup> S.I. 1991/590.

<sup>(10)</sup> S.I. 1991/1505 to which there are amendments not relevant to this Order.

- (i) in paragraph (a), after “health authority” insert “, a Primary Care Trust”; and
- (ii) in paragraph (b), after “health authorities” insert “, Primary Care Trusts”.

*The Children (Secure Accommodation) (No. 2) Regulations 1991*

5. In regulation 2 of the Children (Secure Accommodation) (No. 2) Regulations 1991<sup>(11)</sup>, in paragraph (1), after “health authority” insert “, a Primary Care Trust”.

*The Redundancy Payments (National Health Service) (Modification) Order 1993*

6. In Schedule 1 to the Redundancy Payments (National Health Service) (Modification) Order 1993 (employment to which the Order applies)<sup>(12)</sup>, after paragraph 2 insert—

“2A. a Primary Care Trust established under section 16A of the 1977 Act;”.

*The Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996*

7. In article 1 of the Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996 (citation, commencement and interpretation)<sup>(13)</sup>, in paragraph (2)(b)—

(a) omit “and” at the end of paragraph (x); and

(b) at the end of paragraph (xi) insert

“and

(xii) a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.

*The Welfare Food Regulations 1996*

8. In regulation 2 of the Welfare Food Regulations 1996<sup>(14)</sup>, in paragraph (1)—

(a) in the definition of “clinic”, in paragraph (a)—

(i) in sub-paragraph (i), after “Health Authority” insert “, by a Primary Care Trust”; and

(ii) in sub-paragraph (ii), after “Health Authority” insert “, by a Primary Care Trust”;

(b) after the definition of “period of validity” insert the following definition—

““Primary Care Trust” has the same meaning as in section 16A of the National Health Service Act 1977;”.

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<sup>(11)</sup> S.I. 1991/2034.

<sup>(12)</sup> S.I. 1993/3167.

<sup>(13)</sup> S.I. 1996/1023.

<sup>(14)</sup> S.I. 1996/1434; as amended by S.I. 1997/857, 1998/691 and 1999/2561.

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## **EXPLANATORY NOTE**

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

This Order makes amendments to certain enactments consequential upon provisions of the Health Act 1999 (“the Act”) concerning Primary Care Trusts and high security psychiatric services.

Article 2 of the Order deals with extent and interpretation.

Article 3 and Part I of the Schedule make an amendment to the Powers of Criminal Courts Act 1973, consequential upon the provisions of the Act relating to high security psychiatric services.

Article 3 and Part II of the Schedule make amendments to various regulations and orders, consequential upon the establishment, under the Act, of Primary Care Trusts.