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STATUTORY INSTRUMENTS

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**2000 No. 90**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Health Act 1999 (Supplementary,  
Consequential etc. Provisions) Order 2000**

*Made - - - - 18th January 2000*

*Laid before Parliament 18th January 2000*

*Coming into force*

*for all purposes other than  
article 3(2) 8th February 2000*

*for the purposes of article  
3(2) 1st April 2000*

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<sup>(1)</sup> and section 63 of the Health Act 1999<sup>(2)</sup>, 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) Order 2000 and shall come into force for the purposes of article 3(2) on 1st April 2000 and for all other purposes on 8th February 2000.

**Extent and interpretation**

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

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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(5).
- (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.

(2) Article 1, this Article, paragraphs 3, 5, 8, 11, 14, 22, 26, 28, 29 and 33 of Schedule 1 to this Order and article 3(1), in so far as it relates to those paragraphs, extend to the whole of the United Kingdom.

(3) Paragraphs 6, 9, 23, 27 and 30 of Schedule 1 to this Order and article 3(1), in so far as it relates to those paragraphs, extend to England and Wales and to Scotland, but not to Northern Ireland.

(4) Paragraphs 2 and 4 of Schedule 2 to this Order and article 3(2), in so far as it relates to those paragraphs, extend to England and Wales and to Scotland, but not to Northern Ireland.

(5) 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.

### **Consequential amendments**

3.—(1) The enactments specified in Schedule 1 to this Order are amended as there specified.

(2) The enactments specified in Schedule 2 to this Order are amended as there specified.

### **Use and development of consecrated land and burial grounds**

4. Sections 238 and 239 of the Town and Country Planning Act 1990 (use and development of consecrated land and burial grounds)(3) shall apply to consecrated ground or, as the case may be, land comprised in a burial ground (within the meaning of section 240 of that Act) which a Primary Care Trust established for an area in England holds for any of its purposes as if—

- (a) that land had been the subject of a relevant acquisition (within the meaning of that section) by the trust, and
- (b) the trust were a statutory undertaker within the meaning of those sections(4).

Signed by authority of the Secretary of State

18th January 2000

*John Denham*  
Minister of State,  
Department of Health

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(3) 1990 c. 8.

(4) See section 262 of the Town and Country Planning Act 1990 (c. 8) for the definition of “statutory undertaker”.

## SCHEDULE 1

Article 3(1)

### CONSEQUENTIAL AMENDMENTS COMING INTO FORCE ON 8th FEBRUARY 2000

#### *Voluntary Hospitals (Paying Patients) Act 1936*

1. In section 1 of the Voluntary Hospitals (Paying Patients) Act 1936 (definitions)(5)–
  - (a) in the definition of “voluntary hospital”, after “trust” there is inserted “or a Primary Care Trust”;
  - (b) after the definition of “Order” there is inserted the following definition–

““Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977.”.

#### *National Assistance Act 1948*

2. In section 24 of the National Assistance Act 1948 (authority liable for provision of accommodation)(6)–
  - (a) in subsection (6)(7), after “Secretary of State” there is inserted “, a Primary Care Trust”;
  - (b) in subsection (7)(8), after “1978” there is inserted “, and “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977.”

#### *Public Records Act 1958*

3. In the first Schedule to the Public Records Act 1958 (definition of public records)(9), in the table at the end of paragraph 3, in Part I, in the second column, in the entry relating to National Health Service Authorities(10), after the first “including” there is inserted “Primary Care Trusts and”.

#### *Human Tissue Act 1961*

4. In section 1 of the Human Tissue Act 1961 (removal of parts of bodies for medical purposes)(11)–
  - (a) in subsection (4A)(b), after “authority” there is inserted “, Primary Care Trust”;
  - (b) at the end of subsection (10) there is added “and “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977.”.

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(5) [26 Geo. 5 & 1 Edw. 8, c. 17](#). The definition of “voluntary hospital” in section 1 was amended by the National Health Service Act 1946 (c. 81), Schedule 10, and by the 1990 Act, Schedule 9, paragraph 2(a); the amendment made by Schedule 10 to the National Health Service Act 1946 was saved by the National Health Service Act 1977 (c. 49) (“the 1977 Act”), Schedule 14, paragraph 13(1)(a).

(6) [11 & 12 Geo. 6, c. 29](#).

(7) Section 24(6) was added by the National Assistance (Amendment) Act 1959 (c. 30), section 1(1) and amended by the 1990 Act, Schedule 9, paragraph 5(4)(a).

(8) Section 24(7) was inserted by the 1990 Act, Schedule 9, paragraph 5(4)(b).

(9) [6 & 7 Eliz. 2, c. 51](#).

(10) The entry relating to National Health Service Authorities was amended by the 1990 Act, Schedule 9, paragraph 6(a) and the Government of Wales Act 1998 (c. 38), Schedule 12, paragraph 3(3)(a).

(11) [9 & 10 Eliz. 2, c. 54](#); section 1(4) and 1(4A) were substituted for section 1(4) by the Corneal Tissue Act 1986 (c. 18), section 1 and amended by the 1990 Act, Schedule 9, paragraph 7(a); section 1(10) was added by the Corneal Tissue Act 1986, section 1 and was amended by the 1990 Act, Schedule 9, paragraph 7(b) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 92.

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*Parliamentary Commissioner Act 1967*

5. In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation)(12), paragraph 8 shall be renumbered as sub-paragraph (1) of that paragraph and—

(a) in that sub-paragraph as so renumbered, for “a Health Authority, a Special Health Authority” there is substituted “a Health Authority, a Primary Care Trust, a Special Health Authority”; and

(b) after that sub-paragraph there is inserted the following sub-paragraph—

“(2) For the purposes of this paragraph, action taken by a Health Authority, Special Health Authority or Primary Care Trust in the exercise of functions of the Secretary of State shall be regarded as action taken on his behalf.”

*Abortion Act 1967*

6. In section 1 of the Abortion Act 1967 (medical termination of pregnancy)(13), in subsection (3), after “or in a hospital vested in” there is inserted “a Primary Care Trust or”.

*Leasehold Reform Act 1967*

7. In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes)(14)—

(a) in subsection (5)(d), after “Special Health Authority” there is inserted “, any Primary Care Trust”;

(b) in subsection (6)(c), after “Special Health Authority” there is inserted “, Primary Care Trust”.

*Post Office Act 1969*

8. In section 86 of the Post Office Act 1969 (Interpretation of Part III)(15), in the definition of “national health service authority”, in paragraph (a), for “or a Special Health Authority” there is substituted, “, a Special Health Authority or a Primary Care Trust”.

*Employers' Liability (Compulsory Insurance) Act 1969*

9. In section 3 of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance)(16), in subsection (2)(a)—

(a) the word “and”, in the second place where it appears, is omitted; and

(b) after “1978” there is inserted “and a Primary Care Trust established under section 16A of the National Health Service Act 1977”.

(12) 1967 c. 13. Paragraph 8 of Schedule 3 was amended by the National Health Service Reorganisation Act 1973 (c. 32) (“the 1973 Act”), Schedule 4, paragraph 109, the Health Service Commissioners Act 1993 (c. 46), Schedule 2, paragraph 2, the 1995 Act, Schedule 1, paragraph 93, and by S.I. 1981/736, 1986/1168 and 1987/661.

(13) 1967 c. 87; section 1(3) was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 17(1) and the 1990 Act, Schedule 9, paragraph 8.

(14) 1967 c. 88; section 28(5)(d) and (6)(c) were substituted by the 1973 Act, Schedule 4, paragraph 111 and were amended by the 1977 Act, Schedule 15, paragraph 42, the 1990 Act, Schedule 9, paragraph 9 and the 1995 Act, Schedule 1, paragraph 94.

(15) 1969 c. 48. Paragraph (a) of the definition of “national health service authority” in section 86 was amended by the 1973 Act, Schedule 4, paragraph 130 and the 1995 Act, Schedule 1, paragraph 96.

(16) 1969 c. 57; section 3(2)(a) was inserted by the 1990 Act, Schedule 8, Part I, paragraph 1.

### *Local Government Act 1972*

**10.** In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of other local authorities)(**17**)—

- (a) in subsection (1A), for “Health Authority, Special Health Authority”, in each place the words appear, there is inserted “Health Authority, Special Health Authority, Primary Care Trust”; and
- (b) in subsection (4), after “1990” there is inserted “and “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977”.

### *House of Commons Disqualification Act 1975*

**11.** In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices)(**18**), there is inserted the following entry—

“Chairman or any member, not also being an employee, of a Primary Care Trust established under section 16A of the National Health Service Act 1977.”

### *Adoption Act 1976*

**12.** In section 2 of the Adoption Act 1976 (local authorities' social services)(**19**), in paragraph (a), after “Special Health Authorities,” there is inserted “Primary Care Trusts,”.

### *National Health Service Act 1977*

**13.**—(1) The National Health Service Act 1977(**20**) is amended as follows.

(2) In section 23 (voluntary organisations and other bodies), in subsection (2)(**21**), for “or Special Health Authority” there is substituted “, Special Health Authority or Primary Care Trust,”.

(3) In each of sections 81 (charges for more expensive supplies) and 82 (charges for repairs and replacements in certain cases), in paragraph (a)(**22**), for “or an NHS trust” there is substituted “, a Primary Care Trust or an NHS trust”.

(4) In section 83 (sums payable to those providing services), in paragraph (a)(**23**), for “or Special Health Authority” there is substituted “, Special Health Authority or Primary Care Trust,”.

(5) In section 83A (remission and repayment of charges etc.)(**24**), in subsection (1)—

- (a) in paragraph (b), after “Secretary of State” there is inserted “, a Primary Care Trust”;
- (b) in paragraph (c), after “prescribed to” there is inserted “a Primary Care Trust or”.

(6) In section 98 (accounts and audit)(**25**) there is added at the end—

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(17) 1972 c. 70; section 113(1A) was inserted by the 1973 Act, Schedule 4, paragraph 151 and amended by the 1990 Act, Schedule 9, paragraph 13(a) and the 1995 Act, Schedule 1, paragraph 97(2); section 113(4) was added by the 1990 Act, Schedule 9, paragraph 13(b).

(18) 1975 c. 24.

(19) 1976 c. 36; section 2(a) was substituted by the Children Act 1989 (c. 41), Schedule 10, paragraph 1 and amended by the 1990 Act, Schedule 9, paragraph 17 and the 1995 Act, Schedule 1, paragraph 101.

(20) 1977 c. 49.

(21) Section 23(2) was amended by the 1995 Act, Schedule 1, paragraph 13.

(22) Sections 81(a) and 82(a) were amended by the 1990 Act, Schedule 2, paragraph 22.

(23) Section 83(a) was amended by the 1995 Act, Schedule 1, paragraph 39.

(24) Section 83A was inserted by the Social Security Act 1988 (c. 7), section 14; paragraph (b) was amended by the 1990 Act, Schedule 9, paragraph 18(5)(a); paragraph (c) was inserted by the 1990 Act, Schedule 9, paragraph 18(5)(b) and amended by the 1995 Act, Schedule 1, paragraph 40.

(25) Section 98 has been amended so as to apply to Primary Care Trusts by the 1999 Act, Schedule 4, paragraph 33.

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“(6) Nothing in this section shall require the keeping, preparation or transmission of accounts by a Primary Care Trust in respect of any financial year ending earlier than the trust’s operational date.”

(7) In section 125 (protection of members and officers of authorities)(**26**), the word “and” at the end of paragraph (b) is omitted, and after that paragraph there is inserted—

“(bb) a Primary Care Trust; and”.

#### *Overseas Development and Co-operation Act 1980*

**14.** In Schedule 1 to the Overseas Development and Co-operation Act 1980 (statutory bodies with powers under section 2(1) of that Act)(**27**), in Part II, after “A Special Health Authority” there is inserted—

“A Primary Care Trust”.

#### *Acquisition of Land Act 1981*

**15.**—(1) The Acquisition of Land Act 1981(**28**) is amended as follows.

(2) In section 16 (statutory undertakers' land excluded from compulsory purchase), in subsection (3)(**29**)—

(a) the word “and” at the end of paragraph (a) is omitted;

(b) at the end of paragraph (b) there is inserted

“and

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

(3) In section 17 (local authority and statutory undertakers' land), in the definition of “statutory undertakers” in subsection (4)(**30**), before paragraph (b) there is inserted—

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

#### *Mental Health Act 1983*

**16.**—(1) The Mental Health Act 1983(**31**) is amended as follows.

(2) In section 12 (general provisions as to medical recommendations), in subsection (3)(**32**), for “65 or 66” there is substituted “18A(4), 65 or 66”.

(3) In section 19 (regulations as to transfer of patients)(**33**), in subsection (3), after “National Health Service trust”, in both places the words appear, there is inserted “or Primary Care Trust”.

(26) Paragraphs (a) to (c) of section 125 were substituted by the 1995 Act, Schedule 1, paragraph 56.

(27) 1980 c. 63; the entry in Part II of Schedule 1 for a Special Health Authority was inserted by the 1995 Act, Schedule 1, paragraph 105.

(28) 1981 c. 67.

(29) Section 16(3) was inserted by the 1990 Act, Schedule 8, paragraph 8(1).

(30) In the definition of “statutory undertakers”, paragraph (aa) was inserted by the 1990 Act, Schedule 9, paragraph 23, and paragraphs (ab) and (ac) were inserted by the Education Act 1996 (c. 56), Schedule 37, paragraph 51: paragraph (ab) was repealed by the School Standards and Framework Act 1998, section 140(3) and Schedule 31, and paragraph (ac) is repealed by that Schedule from a day to be appointed under section 145(3) of that Act.

(31) 1983 c. 20.

(32) Section 12(3) was amended by the 1990 Act, Schedule 9, paragraph 24(1).

(33) Section 19(3) was amended by the 1990 Act, Schedule 9, paragraph 24(2).

- (4) In section 23 (discharge of patients)(34)–
- (a) in subsection (3), for “Health Authority or Special Health Authority”, in each place the words appear, there is substituted “Health Authority, Special Health Authority or Primary Care Trust”;
  - (b) in subsection (5)(a)–
    - (i) for “Health Authority or Special Health Authority”, in each place the words appear, there is substituted “Health Authority, Special Health Authority or Primary Care Trust”;
    - (ii) after “authority”, in the first and third places the word appears, there is inserted “or trust”; and
    - (iii) after “authority”, in the second place the word appears, there is inserted “, trust”.
- (5) In section 24 (visiting and examination of patients)(35), in subsection (3), after “Special Health Authority”, in both places the words appear, there is inserted “, Primary Care Trust”.
- (6) In section 32 (regulations for purposes of Part II)(36), in subsection (3), after “Special Health Authorities” there is inserted “, Primary Care Trusts”.
- (7) In section 134 (correspondence of patients), in subsection (3)(e)(37), for “or Special Health Authority” there is substituted “, Special Health Authority or Primary Care Trust”.
- (8) In section 139 (protection for acts done in pursuance of this Act), in subsection (4)(38), for “or Special Health Authority” there is inserted “, Special Health Authority or Primary Care Trust”.
- (9) In section 145 (interpretation), in subsection (1)–
- (a) in the definition of “the managers”, in paragraph (bb)(39), after “vested in” there is inserted “a Primary Care Trust or”;
  - (b) after the definition of “patient” there is inserted–

““Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.

### *Public Health (Control of Disease) Act 1984*

- 17.—(1) The Public Health (Control of Disease) Act 1984(40) is amended as follows.
- (2) In section 1 (authorities administering Act), in subsection (4)(b)(41), for “or Special Health Authorities” there is inserted “, Special Health Authorities or Primary Care Trusts”.
- (3) In section 13 (regulations for the control of certain diseases), in subsection (4)(a)(42), after “Special Health Authorities” there is inserted “, Primary Care Trusts”.
- (4) In section 37 (removal to hospital of person with notifiable disease), in subsection (1)(43), in paragraph (c)–
- (a) after “Health Authority” there is inserted “or Primary Care Trust”;
  - (b) after “NHS trust” there is inserted “, Primary Care Trust”.

(34) Section 23 was amended by the 1990 Act, Schedule 9, paragraph 24(3) and the 1995 Act, Schedule 1, paragraph 107(2).

(35) Section 24(3) was amended by the 1990 Act, Schedule 9, paragraph 24(4) and the 1995 Act, Schedule 1, paragraph 107(3).

(36) Section 32(3) was amended by the 1990 Act, Schedule 9, paragraph 24(5) and the 1995 Act, Schedule 1, paragraph 107(4).

(37) Section 134(3)(e) was amended by the 1995 Act, Schedule 1, paragraph 107(10).

(38) Section 139(4) was amended by the 1990 Act, Schedule 9, paragraph 25(7) and the 1995 Act, Schedule 1, paragraph 107(11).

(39) Paragraph (bb) was inserted by the 1990 Act, Schedule 9, paragraph 25(9) and amended by the Mental Health (Amendment) Act 1994 (c. 6), section 1.

(40) 1984 c. 22.

(41) Section 1(4)(b) was substituted by the 1995 Act, Schedule 1, paragraph 108(2).

(42) Section 13(4)(a) was amended by the 1995 Act, Schedule 1, paragraph 108(5).

(43) Section 37(1) was amended by the 1990 Act, Schedule 9, paragraph 26(2) and the 1995 Act, Schedule 1, paragraph 108(6).



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(5) In section 41 (removal to hospital of inmate of common lodging-house with notifiable disease), in subsection (1)(44), in paragraph (c)–

- (a) after “Health Authority” there is inserted “or Primary Care Trust”;
- (b) after “NHS trust” there is inserted “, Primary Care Trust”.

*Disabled Persons (Services, Consultation and Representation) Act 1986*

**18.**—(1) The Disabled Persons (Services, Consultation and Representation) Act 1986(45) is amended as follows.

(2) In section 2 (rights of authorised representatives of disabled persons)–

- (a) in subsection (5)(a)(46), after “the 1977 Act” there is inserted “, by a Primary Care Trust established under that Act”;
- (b) in subsection (9), in the definition of “health authority”, in paragraph (a)(47), for “or a Special Health Authority” there is substituted “, a Special Health Authority or a Primary Care Trust”.

(3) In section 7 (persons discharged from hospital), in subsection (9), in the definition of “the managers”(48)–

- (a) in paragraph (a)(i), after “trust” there is inserted “or a Primary Care Trust”
- (b) after paragraph (b) there is inserted the following paragraph–
  - “(bb) in relation to a hospital vested in a Primary Care Trust, means that trust”.

(4) In section 16 (interpretation), in subsection (1)(49), after the definition of “parental responsibility”(50) there is inserted the following definition–

““Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.

*AIDS (Control) Act 1987*

**19.**—(1) The AIDS (Control) Act 1987(51) is amended as follows.

(2) In section 1 (periodical reports on matters relating to AIDS and HIV)(52)–

- (a) in subsection (1), in paragraph (b), the word “and” at the end of sub-paragraph (iii) is omitted, and at the end of sub-paragraph (iv) there is inserted
  - “and
  - (v) each Primary Care Trust.”;
- (b) in subsection (2)(b), for “or NHS trust” there is substituted “, NHS trust or Primary Care Trust”;
- (c) in subsection (9), for “and”, in the first place where it appears, there is substituted

(44) Section 41(1) was amended by the 1990 Act, Schedule 9, paragraph 26(3) and the 1995 Act, Schedule 1, paragraph 108(8).

(45) 1986 c. 33.

(46) Section 2(5)(a) was amended by the 1990 Act, Schedule 9, paragraph 30(1)(a).

(47) The definition of “health authority” was amended by the 1995 Act, Schedule 1, paragraph 111(2).

(48) The definition of “the managers” was amended by the 1990 Act, Schedule 9, paragraph 30(2) and the 1995 Act, Schedule 1, paragraph 111(3)(b)(ii).

(49) Section 16(2) was inserted by the Children Act 1989 (c. 41), Schedule 13, paragraph 61(3).

(50) The definition of “parental responsibility” was inserted by the Children Act 1989 (c. 41), Schedule 13, paragraph 61(2).

(51) 1987 c. 33.

(52) Section 1 was amended by the 1990 Act, Schedule 9, paragraph 32(1) and the 1995 Act, Schedule 1, paragraph 113(2).



“, “Primary Care Trust” means a Primary Care Trust established under section 16A of that Act.”.

(3) In the Schedule (contents of reports), the letters “NHS”, in each place they appear, are omitted.

#### *Dartford-Thurrock Crossing Act 1988*

**20.** In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls)(**53**), in paragraph (b), for “or a Special Health Authority established under section 11 of that Act” there is substituted “, a Special Health Authority established under section 11 of that Act or a Primary Care Trust established under section 16A of that Act”.

#### *Community Health Councils (Access to Information) Act 1988*

**21.** In section 1 of the Community Health Councils (Access to Information) Act 1988 (access to meetings and documents of Community Health Councils)(**54**), in subsection (6)(a), after “Health Authority” there is inserted “or Primary Care Trust”.

#### *Copyright, Designs and Patents Act 1988*

**22.** In section 48 of the Copyright, Designs and Patents Act 1988 (material communicated to the Crown in the course of public business)(**55**), in subsection (6), after “1990”, there is inserted “a Primary Care Trust established under section 16A of the National Health Service Act 1977, ”.

#### *Road Traffic Act 1988*

**23.** In section 144 of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security)(**56**), in subsection (2)(da), after “1990” there is inserted, “by a Primary Care Trust established under section 16A of the National Health Service Act 1977”.

#### *Children Act 1989*

**24.—**(1) The Children Act 1989(**57**) is amended as follows.

(2) In section 19 (review of provision for day care, child minding etc)(**58**), in subsection (7)(a), after “Special Health Authority” there is inserted “, Primary Care Trust”.

(3) In section 21 (provision of accommodation for children in police protection or detention or on remand, etc), in subsection (3)(**59**)—

(a) after “Secretary of State” there is inserted “or a Primary Care Trust,”;

(b) after “Health Authority” there is inserted “or a Primary Care Trust ”.

(4) In section 24 (advice and assistance for certain children)(**60**), in—

(53) 1988 c. 20; section 19(b) was amended by the 1995 Act, Schedule 1, paragraph 115.

(54) 1988 c. 24; section 1(6)(a) was amended by the 1990 Act, Schedule 9, paragraph 33 and the 1995 Act, Schedule 1, paragraph 116.

(55) 1988 c. 48; section 48(6) was inserted by the 1990 Act, Schedule 8, paragraph 3 and was amended by the Health and Personal Social Services (Northern Ireland) Order 1991, S.I. 1991/194 (N.I. 1), Schedule 2, paragraph 3 and the Health Act 1999 (Supplementary and Consequential Provisions) Order 1999, S.I. 1999/2795.

(56) 1988 c. 52. Paragraph (da) of section 144(2) was inserted by the 1990 Act, Schedule 8, paragraph 4 and was amended by the Health Act 1999 (Supplementary and Consequential Provisions) Order 1999, S.I. 1999/2795.

(57) 1989 c. 41.

(58) Section 19(7) was amended by the 1995 Act, Schedule 1, paragraph 118(2).

(59) Section 21(3) was amended by the 1990 Act, Schedule 9, paragraph 36(1) and the 1995 Act, Schedule 1, paragraph 118(3).

(60) Section 24(2)(d) and (12)(b) was amended by the 1995 Act, Schedule 1, paragraph 118(4).

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- (a) subsection (2)(d), and
  - (b) subsection (12)(b),
- after “Special Health Authority” there is inserted “, Primary Care Trust”.
- (5) In section 27 (co-operation between authorities), in subsection (3)(d)(61), after “Special Health Authority” there is inserted “, Primary Care Trust”.
- (6) In section 29 (recoupment of cost of providing services), in subsection (8)(62)–
- (a) after “Secretary of State” there is inserted “or a Primary Care Trust”;
  - (b) after “Health Authority” there is inserted “or a Primary Care Trust, ”.
- (7) In section 47 (local authority’s duty to investigate), in subsection (11)(63), after “Special Health Authority” there is inserted “, Primary Care Trust”.
- (8) In section 80 (inspection of children’s homes etc. by persons authorised by Secretary of State)(64), in–
- (a) subsection (1)(d), after “Special Health Authority” there is inserted “, Primary Care Trust”; and
  - (b) subsection (5)(e), after “Special Health Authority” there is inserted “ Primary Care Trust, ”.
- (9) In section 85 (children accommodated by health authorities and local education authorities), in subsection (1)(65), after “Special Health Authority, ” there is inserted “Primary Care Trust, ”.
- (10) In section 105 (interpretation), in subsection (1), after the definition of “prescribed” there is inserted the following definition–
- ““Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.
- (11) In Part I of Schedule 2 (provision of services for families), in paragraph 1A(66), in subparagraph (3)(a), for “health authority” there is substituted “Health Authority and Primary Care Trust”.

#### *Access to Health Records Act 1990*

25. In section 11 of the Access to Health Records Act 1990 (interpretation)(67)–
- (a) in the definition of “health service body”, for “or Special Health Authority” there is substituted “, Special Health Authority or Primary Care Trust”;
  - (b) after the definition of “parental responsibility” there is inserted the following definition–
- ““Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.

(61) Section 27(3) was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 14 and the 1995 Act, Schedule 1, paragraph 118(5).

(62) Section 29(8) was amended by the 1990 Act, Schedule 9, paragraph 36(3) and the 1995 Act, Schedule 1, paragraph 118(6).

(63) Section 47(11) was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 20 and the 1995 Act, Schedule 1, paragraph 118(7).

(64) Section 80(1)(d) and (5)(e) was amended by the 1990 Act, Schedule 9, paragraph 36(4) and the 1995 Act, Schedule 1, paragraph 118(8).

(65) Section 85(1) was amended by the 1990 Act, Schedule 9, paragraph 36(5) and the 1995 Act, Schedule 1, paragraph 118(9).

(66) Paragraph 1A was inserted by the Children Act 1989 (Amendment) (Children’s Services Planning) Order 1996, S.I. 1996/785.

(67) 1990 c. 23; the definition of “health service body” in section 11 was amended by the 1995 Act, Schedule 1, paragraph 119(4).

### *London Local Authorities Act 1991*

**26.** In section 4 of the London Local Authorities Act 1991 (interpretation of Part II of that Act)(**68**), in the definition of “establishment for special treatment”, in paragraph (d), after “Secretary of State” there is inserted “, by a Primary Care Trust established under section 16A of the National Health Service Act 1977”.

### *Social Security Contributions and Benefits Act 1992*

**27.**—(1) The Social Security Contributions and Benefits Act 1992(**69**) is amended as follows.

(2) In section 163 (interpretation of Part XI of the Act (statutory sick pay) and supplementary provisions), in subsection (6), after “two or more contracts, ” there is inserted “or where an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977 provides that a person’s contract of employment is so divided,”.

(3) In section 171 (interpretation of Part XII of the Act (statutory maternity pay) and supplementary provisions), in subsection (3), after “two or more contracts,” there is inserted “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,”.

### *Vehicle Excise and Registration Act 1994*

**28.** In Schedule 2 to the Vehicle Excise and Registration Act 1994 (vehicles exempt from vehicle excise duty)(**70**), in paragraph 7, after sub-paragraph (c), there is inserted

“or

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

### *Value Added Tax Act 1994*

**29.** In section 41 of the Value Added Tax Act 1994 (application of the Act to the Crown)(**71**)—

- (a) in subsection (6), the words from “a health service body” to “ 1990, and” are omitted;
- (b) in subsection (7), for the words from “a National Health Service trust ” to “1990” there is substituted “a health service body as defined in section 60(7) of the National Health Service and Community Care Act 1990, and a National Health Service trust established under Part I of that Act”.

### *Employment Rights Act 1996*

**30.**—(1) The Employment Rights Act 1996(**72**) is amended as follows.

(2) In section 50 (right to time off for public duties), in subsection (8)(b), for “or a Special Health Authority established under section 11 of that Act” there is substituted “, a Special Health Authority

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(68) [1991 c. xiii](#); paragraph (d) of the definition “establishment for special treatment” was amended by the Charities Act [1993 \(c. 10\)](#), Schedule 6, paragraph 28.

(69) [1992 c. 4](#).

(70) [1994 c. 22](#); paragraph 7(c) of Schedule 2 to the Act was inserted by the Health Act 1999 (Supplementary and Consequential Provisions) Order 1999, [S.I. 1999/2795](#).

(71) [1994 c. 23](#); section 41(6) was amended by the Government of Wales Act [1998 \(c. 38\)](#), Schedule 12, paragraph 35 and by the Scotland Act [1998 \(c. 46\)](#), Schedule 8, paragraph 30; section 41(7) was amended by the Health Act [1999 \(c. 8\)](#), Schedule 4, paragraph 86.

(72) [1996 c. 18](#).

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established under section 11 of that Act or a Primary Care Trust established under section 16A of that Act”.

(3) In section 218 (change of employer), in subsection (10), after paragraph (b) there is inserted the following paragraph—

“(bb) Primary Care Trusts established under section 16A of that Act,”.

#### *Housing Grants, Construction and Regeneration Act 1996*

**31.**—(1) The Housing Grants, Construction and Regeneration Act 1996<sup>(73)</sup> is amended as follows.

(2) In section 3 (applicants ineligible for grants for improvements and repairs, etc), in subsection (2)(f), after “special health authority” there is inserted “, Primary Care Trust”.

(3) In section 64 (persons eligible to participate in group repair scheme), in subsection (7)(d), after “special health authority” there is inserted “, Primary Care Trust”.

#### *Education Act 1996*

**32.**—(1) The Education Act 1996<sup>(74)</sup> is amended as follows.

(2) In section 322 (duty of Health Authority or local authority to help local education authority)—

(a) in subsection (1)—

(i) after “Health Authority” insert “, Primary Care Trust”, and

(ii) after “the help of the authority” there is inserted “or trust”;

(b) in subsection (2), after “An authority” there is inserted “or a trust”;

(c) in subsection (3)(a)—

(i) after “Health Authority” there is inserted “or Primary Care Trust”, and

(ii) after “if that authority” there is inserted “or trust”;

(d) in subsection (4), after “an authority” there is inserted “or a trust”.

(3) In section 332 (duty of Health Authority or National Health Service trust to notify parent etc), after “Health Authority” there is inserted “, a Primary Care Trust”.

#### *Data Protection Act 1998*

**33.** In section 69 of the Data Protection Act 1998 (meaning of “health professional ”)<sup>(75)</sup>, in subsection (3), after paragraph (b), there is inserted the following paragraph—

“(bb) a Primary Care Trust established under section 16A of that Act,”.

#### *School Standards and Framework Act 1998*

**34.** In Schedule 9 of the School Standards and Framework Act 1998 (constitution of governing bodies)<sup>(76)</sup>, in paragraph 10(5), after “National Health Service trust” there is inserted “or a Primary Care Trust”.

<sup>(73)</sup> 1996 c. 53.

<sup>(74)</sup> 1996 c. 56.

<sup>(75)</sup> 1998 c. 29.

<sup>(76)</sup> 1998 c. 31.

### *Crime and Disorder Act 1998*

**35.**—(1) The Crime and Disorder Act 1998<sup>(77)</sup> is amended as follows.

(2) In section 5 (authorities responsible for crime and disorder strategies), in subsection (2)(b), for “or health authority” there is substituted “, health authority or Primary Care Trust”.

(3) In section 38 (local provision of youth justice services), in subsection (2)(b), for “or health authority” there is substituted “, health authority or Primary Care Trust”.

(4) In section 39 (youth offending teams), in subsection (3)(b), for “or health authority” there is substituted “, health authority or Primary Care Trust”.

(5) In section 41 (the Youth Justice Board), in subsection (10), for “and a health authority” there is substituted “, a health authority and a Primary Care Trust”.

(6) In section 42 (supplementary provisions), in subsection (3), for “or a health authority” there is substituted “, a health authority or a Primary Care Trust”.

(7) In section 115 (disclosure of information), in subsection (2), there is added at the end—

“(g) a Primary Care Trust.”.

### *Road Traffic (NHS Charges) Act 1999*

**36.**—(1) The Road Traffic (NHS Charges) Act 1999<sup>(78)</sup> is amended as follows.

(2) In section 1 (payment for hospital treatment), in subsection (6)(a), for “section 65” there is inserted “section 18A(4) or 65”.

(3) In section 17 (interpretation)—

(a) after the definition of “prescribed” there is inserted the following definition—

““Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”;

(b) in the definition of “responsible body”, after “National Health Service trust” there is inserted “or a Primary Care Trust”.

## SCHEDULE 2

Article 3(2)

### CONSEQUENTIAL AMENDMENTS IN RESPECT OF HIGH SECURITY PSYCHIATRIC SERVICES

## PART I

## ACTS

### *Criminal Appeal Act 1968*

**1.** In section 51 of the Criminal Appeal Act 1968 (interpretation)<sup>(79)</sup>, in subsection (2), after “section 145(1)” there is inserted “and (1AA)”.

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<sup>(77)</sup> 1998 c. 37.

<sup>(78)</sup> 1999 c. 3.

<sup>(79)</sup> 1968 c. 19; in section 51(2) “section 145(1) of the Mental Health Act 1983” was substituted by that Act (c. 20), Schedule 4, paragraph 23.

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*Health Services and Public Health Act 1968*

2. In section 66 of the Health Services and Public Health Act 1968 (payments in respect of travelling expenses of visitors to patients in special hospitals)(80), in subsections (1) and (2), for “special hospitals”, in each place those words appear, there is substituted “hospitals at which high security psychiatric services are provided”.

*Children and Young Persons Act 1969*

3. In section 12B of the Children and Young Persons Act 1969 (requirements as to mental treatment)(81), in subsection (1)(c), for “special hospital within the meaning of that Act” there is substituted “hospital at which high security psychiatric services within the meaning of that Act are provided”.

*Disabled Persons (Services, Consultation and Representation) Act 1986*

4.—(1) The Disabled Persons (Services, Consultation and Representation) Act 1986(82) is amended as follows.

(2) In section 7 (persons discharged from hospital), in subsection (9), in the definition of “the managers”(83)—

- (a) in paragraph (a)(i) there is omitted “a special hospital or”, and
- (b) paragraph (b) is omitted.

(3) In section 11 (reports to Parliament), in the definition of “health service hospital” in subsection (2)(a), for “special hospital” there is substituted “hospital at which high security psychiatric services within the meaning of that Act are provided”.

(4) In section 16 (interpretation) the definition of “special hospital” is omitted.

*Children Act 1989*

5. In section 105 of the Children Act 1989 (interpretation), in subsection (1), in the definition of “hospital”, for “special hospital within the meaning of that Act” there is substituted “hospital at which high security psychiatric services within the meaning of that Act are provided”.

*Criminal Procedure (Insanity and Unfitness to Plead) Act 1991*

6. In Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (supervision and treatment orders)(84), in paragraph 4(2)(a), for “special hospital within the meaning of the National Health Service Act 1977” there is substituted “hospital at which high security psychiatric services within the meaning of the National Health Service Act 1977 are provided”.

(80) 1968 c. 46.

(81) 1969 c. 54; sections 12 to 12D was substituted for section 12 by the Criminal Justice Act 1988 (c. 33), Part I of Schedule 10; section 12B(1)(c) was amended by the Crime and Disorder Act 1998 (c. 37), Schedule 7, paragraph 5(1)(f).

(82) 1986 c. 33.

(83) The definition of “the managers” was amended by the 1990 Act, Schedule 9, paragraph 30(2) and the 1995 Act, Schedule 1, paragraph 111(3)(b)(ii), and is amended by this Order, Schedule 1, paragraph 18(3).

(84) 1991 c. 25.

## PART II

### REGULATIONS AND ORDERS

#### *The Authorities for the Ashworth, Broadmoor and Rampton Hospitals (Establishment and Constitution) Order 1996*

7.—(1) The Authorities for the Ashworth, Broadmoor and Rampton Hospitals (Establishment and Constitution) Order 1996<sup>(85)</sup> is amended as follows.

(2) In article 3 (functions of the Authorities), for “special hospital” there is substituted “provision of high security psychiatric services at the hospital”.

(3) In the Schedule, in Column (2), the word “special” is omitted in each of the three places where it occurs.

#### *The Ashworth, Broadmoor and Rampton Hospital Authorities (Functions and Membership) Regulations 1996*

8.—(1) The Ashworth, Broadmoor and Rampton Hospital Authorities (Functions and Membership) Regulations<sup>(86)</sup> are amended as follows.

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “the hospitals”, the word “special” is omitted and after “Rampton hospitals” there is added “at which high security psychiatric services are provided”; and
- (b) in the definition of “the specified mental health service functions”, for “and his functions under the Mental Health Act 1983 as the managers of the relevant hospital” there is substituted “in so far as they relate to the provision of high security psychiatric services”.

(3) In regulation 2 (functions of hospital authorities), in paragraph (1), for “special hospital” there is substituted “hospital at which high security psychiatric services are provided”.

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### EXPLANATORY NOTE

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

This Order makes amendments to certain enactments, and related provision, 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.

Articles 3(1) and 4 and Schedule 1 make amendments, and related provision, consequential upon the creation, under the 1999 Act, of Primary Care Trusts.

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<sup>(85)</sup> S.I. 1996/488.

<sup>(86)</sup> S.I. 1996/489.



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Article 3(2) and Schedule 2 make amendments to certain Acts and to the Order and Regulations relating to the Ashworth, Broadmoor and Rampton Hospital Authorities consequent upon the amendments contained in the 1999 Act relating to high security psychiatric services.