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STATUTORY INSTRUMENTS

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**2002 No. 2469**

**NATIONAL HEALTH SERVICE, ENGLAND**

The National Health Service Reform and Health  
Care Professions Act 2002 (Supplementary,  
Consequential etc. Provisions) Regulations 2002

*Made - - - - 25th September 2002*

*Laid before Parliament 27th September 2002*

*Coming into force 1st October 2002*

THE NATIONAL HEALTH SERVICE REFORM AND HEALTH  
CARE PROFESSIONS ACT 2002 (SUPPLEMENTARY,  
CONSEQUENTIAL ETC. PROVISIONS) REGULATIONS 2002

1. Citation and commencement
  2. Application and extent
  3. Change of name of Health Authorities
  4. Consequential amendments
  5. In the enactments specified in column 1 of Schedule 2,...
  6. In the enactments specified in column 1 of Schedule 3,...
  7. In the enactments specified in column 1 of Schedule 4,...
  8. In the enactments specified in column 1 of Schedule 5,...
  9. In the enactments specified in column 1 of Schedule 6,...
  10. In the enactments specified in column 1 of Schedule 7,...
  11. In the enactments specified in column 1 of Schedule 8,...
  12. In the enactments specified in column 1 of Schedule 9,...
  13. In the enactments specified in column 1 of Schedule 10,...
  14. In the enactments specified in column 1 of Schedule 11,...
  15. The consequential and transitional provisions in Schedule 12 shall have...
  16. National Health Service Act 1977
  17. Community Health Councils (Access to Information) Act 1988
  18. Continuing validity of forms
  19. Repeals and revocations
- Signature

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SCHEDULE 1 — AMENDMENTS CONSEQUENTIAL ON PART 1 OF THE  
NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE  
PROFESSIONS ACT 2002  
PART 1 — ACTS OF PARLIAMENT

*Public Records Act 1958*

1. In Schedule 1 to the Public Records Act 1958 (definition...

*Public Bodies (Admission to Meetings) Act 1960*

2. In the Schedule to the Public Bodies (Admission to Meetings)...

*Parliamentary Commissioner Act 1967*

3. In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters...

*Leasehold Reform Act 1967*

4. In section 28 of the Leasehold Reform Act 1967 (retention...

*Health Services and Public Health Act 1968*

5. In section 63 of the Health Services and Public Health...

*Local Authority Social Services Act 1970*

6. In Schedule 1 to the Local Authority Social Services Act...

*Local Government Act 1972*

7. In section 113 of the Local Government Act 1972 (placing...

*House of Commons Disqualification Act 1975*

8. In Schedule 1 to the House of Commons Disqualification Act...

*Race Relations Act 1976*

9. In Schedule 1A to the Race Relations Act 1976 (bodies...

*Mental Health Act 1983*

10. (1) The Mental Health Act 1983 is amended as follows....

*Public Health (Control of Disease) Act 1984*

11. (1) The Public Health (Control of Disease) Act 1984 is...

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

12. In section 2 of the Disabled Persons (Services, Consultation and...

*AIDS (Control) Act 1987*

13. In section 1 of the AIDS (Control) Act 1987 (periodical...

*Income and Corporation Taxes Act 1988*

14. In section 519A of the Income and Corporation Taxes Act...

*Dartford-Thurrock Crossing Act 1988*

15. In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption...

*Children Act 1989*

16. (1) The Children Act 1989 is amended as follows.

*Access to Health Records Act 1990*

17. In section 11 of the Access to Health Records Act...

*Water Industry Act 1991*

18. (1) The Water Industry Act 1991 is amended as follows....

*Tribunals and Inquiries Act 1992*

19. In Part 1 of Schedule 1 to the Tribunals and...

*Health Authorities Act 1995*

20. In Schedule 2 to the Health Authorities Act 1995 (transitional...

*National Health Service (Residual Liabilities) Act 1996*

21. In section 1 of the National Health Service (Residual Liabilities)...

*Employment Rights Act 1996*

22. (1) The Employment Rights Act 1996 is amended as follows....

*Housing Grants, Construction and Regeneration Act 1996*

23. (1) The Housing Grants, Construction and Regeneration Act 1996 is...

*Data Protection Act 1998*

24. In section 69 of the Data Protection Act 1998, in...

*Crime and Disorder Act 1998*

25. (1) The Crime and Disorder Act 1998 is amended as...

*Health Act 1999*

26. In section 61 (English and Scottish border provisions) of the...

*Care Standards Act 2000*

27. In section 121 of the Care Standards Act 2000 (general...

*Learning and Skills Act 2000*

28. (1) The Learning and Skills Act 2000 is amended as...

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*Freedom of Information Act 2000*

29. In Schedule 1 to the Freedom of Information Act 2000...

*Health and Social Care Act 2001*

30. In section 20 of the Health and Social Care Act...

*International Development Act 2002*

31. In Schedule 1 to the International Development Act 2002 (statutory...  
PART 2 — STATUTORY INSTRUMENTS

*Public Trustee Rules 1912*

32. In rule 30 of the Public Trustee Rules 1912 (corporate...

*National Health Service (Venereal Diseases) Regulations 1974*

33. In regulation 2 of the National Health Service (Venereal Diseases)...

*National Health Service (Speech Therapists) Regulations 1974*

34. In regulation 4 of the National Health Service (Speech Therapists)...

*Local Government Area Changes Regulations 1976*

35. (1) The Local Government Area Changes Regulations 1976 are amended...

*Land Drainage (Compensation) Regulations 1977*

36. In regulation 2 of the Land Drainage (Compensation) Regulations 1977...

*Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980*

37. In regulation 1 of the Medicines (Sale or Supply) (Miscellaneous...

*Medicines (Pharmacy and General Sale-Exemption) Order 1980*

38. In article 1 of the Medicines (Pharmacy and General Sale-Exemption)...

*National Health Service (Notification of Births and Deaths) Regulations 1982*

39. (1) The National Health Service (Notification of Births and Deaths)...

*Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983*

40. In regulation 7 of the Mental Health (Hospital, Guardianship and...

*Mental Health Review Tribunal Rules 1983*

41. In Schedule 1 to the Mental Health Review Tribunal Rules...

*National Health Service (Transfer of Officers) (No 2) Regulations 1986*

42. In regulation 1 of the National Health Service (Transfer of...

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*Community Drivers' Hours and Recording Equipment  
(Exemptions and Supplementary Provisions) Regulations 1986*

43. In the Schedule to the Community Drivers' Hours and Recording...

*Social Security (Claims and Payments) Regulations 1987*

44. In regulation 43 of the Social Security (Claims and Payments)...

*National Health Service (Payment of Remuneration-Special Arrangement) Order 1988*

45. In article 2 of the National Health Service (Payment of...

*Public Health (Infectious Diseases) Regulations 1988*

46. (1) The Public Health (Infectious Diseases) Regulations 1988 are amended...

*Water Supply (Water Quality) Regulations 1989*

47. In regulation 30 of the Water Supply (Water Quality) Regulations...

*Prescription Pricing Authority Constitution Order 1990*

48. (1) The Prescription Pricing Authority Constitution Order 1990 is amended...

*National Health Service Trusts (Membership and Procedure) Regulations 1990*

49. In regulation 1 of the National Health Service Trusts (Membership...

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

50. In regulation 1 of the Statutory Sick Pay (National Health...

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

51. In regulation 1 of the Statutory Maternity Pay (National Health...

*Arrangements for Placement of Children (General) Regulations 1991*

52. In regulation 5 of the Arrangements for Placement of Children...

*Placement of Children with Parents etc Regulations 1991*

53. In regulation 8 of the Placement of Children with Parents...

*National Health Service (General Medical Services) Regulations 1992*

54. (1) The National Health Service (General Medical Services) Regulations 1992...

*Dental Practice Board Regulations 1992*

55. In regulation 8 of the Dental Practice Board Regulations 1992...

*National Health Service (General Dental Services) Regulations 1992*

56. In regulation 4 of the National Health Service (General Dental...

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*National Health Service (Pharmaceutical Services) Regulations 1992*

57. In regulation 2 of the National Health Service (Pharmaceutical Services)...

*National Health Service (Service Committees and Tribunal) Regulations 1992*

58. (1) The National Health Service (Service Committees and Tribunal) Regulations...

*Magistrates' Courts (Children and Young Persons) Rules 1992*

59. In Schedule 2 to the Magistrates' Courts (Children and Young...

*Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992*

60. In regulation 7A of the Child Support (Maintenance Arrangements and...

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

61. In Schedule 1 to the Redundancy Payments (National Health Service)...

*National Health Service Pension Scheme Regulations 1995*

62. (1) The National Health Service Pension Scheme Regulations 1995 are...

*Family Health Services Appeal Authority (Establishment and Constitution) Order 1995*

63. In article 3 of the Family Health Services Appeal Authority...

*Family Health Services Appeal Authority Regulations 1995*

64. (1) The Family Health Services Appeal Authority Regulations 1995 are...

*National Health Service (Injury Benefits) Regulations 1995*

65. In regulation 2 of the National Health Service (Injury Benefits)...

*National Health Service Litigation Authority Regulations 1995*

66. In regulation 1 of the National Health Service Litigation Authority...

*Medicines (Exemption from Licences) (Clinical Trial) Order 1995*

67. In article 4 of the Medicines (Exemption from Licences) (Clinical...

*National Health Service (Clinical Negligence Scheme) Regulations 1996*

68. (1) The National Health Service (Clinical Negligence Scheme) Regulations 1996...

*Community Health Councils Regulations 1996*

69. (1) The Community Health Councils Regulations 1996 are amended as...

*National Health Service (Existing Liabilities Scheme) Regulations 1996*

70. In regulation 3 of the National Health Service (Existing Liabilities...

*National Health Service (Appointment of Consultants) Regulations 1996*

71. (1) The National Health Service (Appointment of Consultants) Regulations 1996...

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

72. In article 1 of the Employment Protection (Continuity of Employment...

*Prescription Only Medicines (Human Use) Order 1997*

73. (1) The Prescription Only Medicines (Human Use) Order 1997 is...

*National Health Service (Proposals for Pilot Schemes and (Miscellaneous Amendments) Regulations 1997*

74. In regulation 1 of the National Health Service (Proposals for...

*National Health Service (Vocational Training for General Medical Practice) Regulations 1997*

75. (1) The National Health Service (Vocational Training for General Medical...

*National Health Service (Pilot Schemes-Health Service Bodies) Regulations 1997*

76. (1) The National Health Service (Pilot Schemes-Health Service Bodies) Regulations...

*Local Education Authority (Behaviour Support Plans) Regulations 1998*

77. In regulation 3 of the Local Education Authority (Behaviour Support...

*National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998*

78. In regulation 4 of the National Health Service (Pilot Schemes:...

*National Health Service (Pilot Schemes: Part II Practitioners) Regulations 1998*

79. In regulation 1 of the National Health Service (Pilot Schemes:...

*Education (Publication of Local Education Authority Inspection Reports) Regulations 1998*

80. In regulation 4 of the Education (Publication of Local Education...

*Dental Practice Boards (Personal Dental Services) Regulations 1998*

81. In regulation 2 of the Dental Practice Boards (Personal Dental...

*Control of Major Accident Hazards Regulations 1999*

82. In regulation 2 of the Control of Major Accident Hazards...

*National Health Service (Liabilities to Third Parties Scheme) Regulations 1999*

83. (1) The National Health Service (Liabilities to Third Parties Scheme)...

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*National Health Service (Property Expenses Scheme) Regulations 1999*

84. (1) The National Health Service (Property Expenses Scheme) Regulations 1999...

*Education (Maintained Special Schools) (England) Regulations 1999*

85. In regulation 7 of the Education (Maintained Special Schools) (England)...

*Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999*

86. In article 16 of the Health Act 1999 (Fund-holding Practices)...

*Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000*

87. In regulation 5 of the Primary Care Trusts (Membership, Procedure...

*Data Protection (Subject Access Modification) (Social Work) Order 2000*

88. In the Schedule to the Data Protection (Subject Access Modification)...

*National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000*

89. In regulation 3 of the National Health Service Bodies and...

*Commission for Health Improvement (Functions) Regulations 2000*

90. (1) The Commission for Health Improvement (Functions) Regulations 2000 are...

*Water Supply (Water Quality) Regulations 2000*

91. (1) The Water Supply (Water Quality) Regulations 2000 are amended...

*Immigration and Asylum Act 1999 (Part V Exemption: Educational Institutions and Health Sector Bodies) Order 2001*

92. In Schedule 3 to the Immigration and Asylum Act 1999...

*National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001*

93. In regulation 2 of the National Health Service (Functions of...

*Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001*

94. In regulation 1 of the Special Educational Needs (Provision of...

*Radiation (Emergency Preparedness and Public Information) Regulations 2001*

95. In regulation 2 of the Radiation (Emergency Preparedness and Public...

*Education (Special Educational Needs) (England) (Consolidation) Regulations 2001*

96. In regulation 2 of the Education (Special Educational Needs) (England)...

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*Race Relations Act 1976 (Statutory Duties) Order 2001*

97. In Schedule 1 to the Race Relations Act 1976 (Statutory...

*Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001*

98. (1) The Abolition of the NHS Tribunal (Consequential Provisions) Regulations...

*Family Health Services Appeal Authority (Procedure) Rules 2001*

99. In rule 2 of the Family Health Services Appeal Authority...

*Nursing and Midwifery Order 2001*

100. (1) The Nursing and Midwifery Order 2001 is amended as...

*Financing of Maintained Schools (England) Regulations 2002*

101. In Schedule 1 to the Financing of Maintained Schools (England)...

SCHEDULE 2 — ENACTMENTS WHERE BEFORE “HEALTH AUTHORITY” THERE IS INSERTED “STRATEGIC HEALTH AUTHORITY,”

SCHEDULE 3 — ENACTMENTS WHERE “STRATEGIC HEALTH AUTHORITY” IS SUBSTITUTED FOR “HEALTH AUTHORITY”

SCHEDULE 4 — ENACTMENTS WHERE A DEFINITION OF STRATEGIC HEALTH AUTHORITY IS INSERTED

SCHEDULE 5 — ENACTMENTS WHERE AFTER “HEALTH AUTHORITY”, “HEALTH AUTHORITIES” OR “HEALTH AUTHORITY’S” THERE IS INSERTED “OR PRIMARY CARE TRUST”, “OR PRIMARY CARE TRUSTS” OR “OR PRIMARY CARE TRUST’S”

SCHEDULE 6 — ENACTMENTS WHERE AFTER “HEALTH AUTHORITY” THERE IS INSERTED “, PRIMARY CARE TRUST”

SCHEDULE 7 — ENACTMENTS WHERE FOR “HEALTH AUTHORITY”, “DISTRICT HEALTH AUTHORITY”, “HEALTH AUTHORITIES” OR “HEALTH AUTHORITY’S” THERE IS SUBSTITUTED “PRIMARY CARE TRUST”, “PRIMARY CARE TRUSTS” OR “PRIMARY CARE TRUST’S”

SCHEDULE 8 — ENACTMENTS WHERE A DEFINITION OF PRIMARY CARE TRUST IS INSERTED

SCHEDULE 9 — ENACTMENTS WHERE BEFORE “HEALTH AUTHORITY” THERE IS INSERTED “STRATEGIC HEALTH AUTHORITY OR”

SCHEDULE 10 — ENACTMENTS WHERE FOR “FAMILY HEALTH SERVICES AUTHORITY”, “FHSA”, “FAMILY PRACTITIONER COMMITTEE” OR “FHSA’S” THERE IS SUBSTITUTED

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“HEALTH AUTHORITY OR PRIMARY CARE TRUST” OR  
“HEALTH AUTHORITY'S OR PRIMARY CARE TRUST'S”

SCHEDULE 11 — ENACTMENTS WHERE FOR “DISTRICT HEALTH  
AUTHORITY” THERE IS SUBSTITUTED “HEALTH  
AUTHORITY OR PRIMARY CARE TRUST”

SCHEDULE 12 —

PART 1 — **Consequential and transitional provisions relating to lists of  
practitioners and to local representative committees**

1. Interpretation
2. Allocation of practitioners to lists
3. Supplementary Lists
4. Matters consequential on allocation to lists
5. Local representative committees

PART 2 — **Transitional provisions relating to the National Health Service  
(Service Committees and Tribunal) Regulations 1992**

6. Interpretation
7. Cases where no decision has been made by the relevant date as to whether disciplinary action should be taken (regulation 4 of the 1992 Regulations)
8. Where this paragraph applies, a Strategic Health Authority that has...
9. Where a Health Authority has, before the relevant date—
10. Where this paragraph applies— (a) in the case of a...
11. Referrals to investigating discipline committees before the relevant date (regulation 5 of the 1992 Regulations)
12. Paragraph 13 applies where— (a) before the relevant date, a...
13. Where this paragraph applies— (a) the discipline committee appointed by...
14. Where a Health Authority (A) has not, before the relevant...
15. Where a Health Authority has before the relevant date made...
16. Appeals to the Secretary of State against determinations of Health Authorities taken before the relevant date (regulation 9 of the 1992 Regulations)
17. Where, before the relevant date, the Secretary of State has...
18. Where, before the relevant date, the Secretary of State has...
19. Where paragraph 18 applies, any debt to be recovered by...
20. Excessive prescribing matters referred to a professional committee before the relevant date (regulation 15 of the 1992 Regulations)
21. For the purposes of paragraph 20, the professional committee shall...
22. Where a professional committee has, before the relevant date, made...
23. Where a doctor has appealed under regulation 15(19) of the...
24. Where the appeal body has, before the relevant date, made...
25. Local representative committees: matters referred before the relevant date
26. Where a Health Authority has notified its dissatisfaction with the...
27. General matters relating to the transitional arrangements applying to the 1992 Regulations
28. Where a Strategic Health Authority holds any information that a...
29. Regulation 2(3) of the 1992 Regulations applies to any reference...

PART 3 — **Transitional provisions relating to the Family Health Services  
Appeal Authority (Primary Care Act) Regulations 2001**

30. Interpretation
31. Representations made to the FHSAA before the relevant date
32. Where this paragraph applies, the representations shall be deemed to...
33. Directions made by the FHSAA before the relevant date

34. Where, under paragraph 33, there is more than one such...
35. If the FHSAA has made any direction under paragraph 4(1)(b)...
36. General matters relating to the transitional arrangements applying to the 2001 Regulations
37. Where a Strategic Health Authority holds any information that would...  
**PART 4 — Transitional provisions relating to the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001**
38. Interpretation
39. Local disqualification decisions made before the appointed date
40. National disqualification decisions made before the appointed date
41. Cases under the 1977 Act where the appeal period had not ended or an appeal period was not concluded by the relevant date
42. Other cases under the 1977 Act not disposed of by the relevant date
43. Where the Tribunal has given a suspension direction to a...
44. Where— (a) a Health Authority made an application to the...
45. Where— (a) a Health Authority made an application to the...
46. Where, in respect of an application falling within paragraph 44...
47. General matters relating to the transitional arrangements applying to the Abolition Regulations
48. Where in paragraph 47, the relevant Primary Care Trusts are...
49. Where a Strategic Health Authority holds any information that a...  
**PART 5 — Transitional provisions relating to the Family Health Services Appeal Authority (Procedure) Rules 2001**
50. Interpretation
51. Appeals to the FHSAA under Part II of the 2001 Rules
52. Where— (a) the FHSAA has received a notice of appeal...
53. Where this paragraph applies, a relevant Primary Care Trust or...
54. The relevant Primary Care Trust that shall be deemed to...
55. Nothing in paragraph 54(b) shall prevent the relevant Primary Care...
56. Where, before the relevant date, a panel has given leave...
57. Where, before the relevant date, the FHSAA has made any...
58. Where a Strategic Health Authority holds any information that would...
59. The FHSAA may request information from a Strategic Health Authority...
60. Applications to the FHSAA under Part III of the 2001 Rules
61. For the purposes of paragraph 60, the relevant Primary Care...
62. The relevant Primary Care Trust or Trusts specified in paragraph...
63. Nothing in paragraph 61(b) shall prevent the relevant Primary Care...
64. Where, before the relevant date, a panel has given leave...
65. Where, before the relevant date, the FHSAA has made any...
66. Where a Strategic Health Authority holds any information that would...
67. The FHSAA may request information from a Strategic Health Authority...
68. General matters relating to cases under Part IV of the 2001 Rules
69. Where a panel has— (a) pursuant to rule 32(1), 33,...
70. Where a panel has, pursuant to rule 42 or 43...
71. Paragraph 72 applies where any application for, or a decision...
72. Where this paragraph applies, a relevant Primary Care Trust or...
73. The relevant Primary Care Trust that shall be deemed to...
74. Nothing in paragraph 73(b) shall prevent the relevant Primary Care...
75. If a Health Authority has, before the relevant date, agreed...
76. The relevant Primary Care Trust that shall be deemed to...
77. Where the FHSAA has taken a decision before the relevant...

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## Explanatory Note