

**2003 No. 1937**

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2003**

|                               |                         |
|-------------------------------|-------------------------|
| <i>Made</i> - - - - -         | <i>22nd July 2003</i>   |
| <i>Laid before Parliament</i> | <i>1st August 2003</i>  |
| <i>Coming into force</i> - -  | <i>22nd August 2003</i> |

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 38(5) and 39 of the National Health Service Reform and Health Care Professions Act 2002(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2003 and shall come into force on 22nd August 2003.

(2) These Regulations extend to England and Wales but paragraphs 1 and 5 of the Schedule apply to England only.

**Consequential amendments**

2. The enactments specified in the Schedule are amended as there specified.

Signed by authority of the Secretary of State

22nd July 2003

*Stephen Ladyman*  
Parliamentary Under Secretary of State,  
Department of Health

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(a) 2002 c. 17.

## SCHEDULE

Regulation 2

### AMENDMENTS CONSEQUENTIAL ON PART 1 OF THE NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002

#### PART 1

#### ACTS OF PARLIAMENT

##### *National Health Service Act 1977*

1. In Schedule 5A to the National Health Service Act 1977 (Primary Care Trusts)(a), in paragraph 13(1), after “16B” there shall be inserted “, 16D”.

#### PART 2

#### STATUTORY INSTRUMENTS

##### *National Health Service (Charges for Appliances) Regulations 1974*

2. In regulation 2 of the National Health Service (Charges for Appliances) Regulations 1974 (interpretation)(b), in paragraph (1), for the definition of “Authority” there shall be substituted—  
“ “Authority” means—  
(a) in relation to England, a Primary Care Trust; and  
(b) in relation to Wales, a Local Health Board;”.

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

3. In the National Health Service (Service Committees and Tribunal) Regulations 1992(c)—
  - (a) in the provisions specified in paragraph 4, for “an Health Authority or Primary Care Trust”, in each place it occurs, there shall be substituted “a Health Authority or Primary Care Trust”; and
  - (b) in regulation 18 (decision as to treatment for which fees may be charged by doctors), in paragraph 3, for “an Health Authority’s or Primary Care Trust’s” there shall be substituted “a Health Authority’s or Primary Care Trust’s”.
4. The provisions referred to in paragraph 3(a) are—
  - (a) regulation 15(1) and (34);
  - (b) regulation 24(3);
  - (c) regulation 32(1)(b);
  - (d) regulation 33; and
  - (e) Schedule 9, paragraphs 5 and 7.

##### *National Health Service (Functions of Health Authorities) (England) (Support of Provision of Services and Appraisal) Regulations 2002*

5. In the National Health Service (Functions of Health Authorities) (England) (Support of Provision of Services and Appraisal) Regulations 2002(d), in regulations 1(2) and 2, for “Health Authority”, in each place it occurs, there shall be substituted “Strategic Health Authority”.

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(a) 1977 c. 49; Schedule 5A was inserted by the Health Act 1999 (c. 8), Schedule 1.  
(b) S.I. 1974/284 as amended by S.I. 1974/609, 1982/288, 1986/976 and 1991/583.  
(c) S.I. 1992/664 as amended by S.I. 1995/3091, 1996/703, 1998/674 and 2002/2469.  
(d) S.I. 2002/545 as amended by S.I. 2002/2469.

## **EXPLANATORY NOTE**

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

These Regulations make amendments to both primary and secondary legislation consequential on those sections of the National Health Service Reform and Health Care Professions Act 2002 (“the Act”) concerned with NHS bodies and their functions.

Paragraph 1 of the Schedule amends Schedule 5A to the 1977 Act to take account of the amendment of the Secretary of State’s power to delegate his functions contained in section 3(2) of the Act.

Paragraph 2 of the Schedule amends the definition of “Authority” in the National Health Service (Charges for Appliances) Regulations 1974 to transfer functions under the Regulations to Primary Care Trusts in England and Local Health Boards in Wales.

Paragraphs 3 and 4 of the Schedule correct a grammatical error in amendments to the National Health Service (Service Committees and Tribunal) Regulations 1992 made by the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (“the 2002 Regulations”), in connection with the substitution of references to “Health Authority or Primary Care Trust” in place of references to “FHSA”.

Paragraph 5 of the Schedule substitutes “Strategic Health Authority” for “Health Authority” in the National Health Service (Functions of Health Authorities) (England) (Support of Provision of Services and Appraisal) Regulations 2002.

The amendments made by these Regulations are supplemental to those contained in Schedules 1 and 2 to the Act and in the 2002 Regulations.

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**The National Health Service Reform and Health Care  
Professions Act 2002 (Supplementary, Consequential etc.  
Provisions) Regulations 2003**

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