



National Health Service Act 1977

1977 CHAPTER 49

PART III

OTHER POWERS OF THE SECRETARY OF STATE AS TO THE HEALTH SERVICE

Inquiries, and default and emergency powers

84 Inquiries.

- (1) The Secretary of State may cause an inquiry to be held in any case where he deems it advisable to do so in connection with any matter arising under this Act [^{F1}or Part I of the National Health Service and Community Care Act 1990][^{F2}or Part I of the Health Act 1999 (with the exception of sections 33 to 38)].
- (2) For the purpose of any such inquiry (but subject to subsection (3) below) the person appointed to hold the inquiry—
 - (a) may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry; and
 - (b) may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make a solemn affirmation.
- (3) Nothing in this section—
 - (a) requires a person, in obedience to a summons under the section, to attend to give evidence or to produce any documents unless the necessary expenses of his attendance are paid or tendered to him; or
 - (b) empowers the person holding the inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of a local authority.
- (4) Any person who refuses or deliberately fails to attend in obedience to a summons under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or

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is liable to be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding [^{F3}level 3 on the standard scale] or to imprisonment for a term not exceeding 6 months, or to both.

- (5) Where the Secretary of State causes an inquiry to be held under this section—
- (a) the costs incurred by him in relation to the inquiry (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by such local authority or party to the inquiry as he may direct, and
 - (b) he may cause the amount of the costs so incurred to be certified, and any amount so certified and directed to be paid by any authority or person shall be recoverable from that authority or person by the Secretary of State summarily as a civil debt.

No local authority shall be ordered to pay costs under this subsection in the case of any inquiry unless it is a party to that inquiry.

- (6) Where the Secretary of State causes an inquiry to be held under this section he may make orders—
- (a) as to the costs of the parties at the inquiry, and
 - (b) as to the parties by whom the costs are to be paid,
- and every such order may be made a rule of the High Court on the application of any party named in the order.

Textual Amendments

- F1** Words added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 18\(6\)](#)
- F2** Words in s. 84(1) inserted (1.11.1999) by [S.I. 1999/2795](#), [art. 2\(1\)\(2\)](#)
- F3** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

Modifications etc. (not altering text)

- C1** [S. 84\(2\)–\(4\)](#) applied with modifications by [S.I. 1979/1644](#), [reg. 10\(8\)](#)
[S. 84\(2\)–\(4\)](#) applied with modifications (30.1.1998) by [S.I. 1997/2817](#), [reg. 19\(1\)\(2\)](#), [Sch. 4](#)

[^{F4}84A Intervention orders

- (1) If the Secretary of State—
- (a) is of the opinion that a body to which this section applies is not performing one or more of its functions adequately or at all, or that there are significant failings in the way the body is being run, and
 - (b) is satisfied that it is appropriate for him to intervene under this section,
- he may make an order under this section in respect of the body (an “intervention order”).
- (2) The bodies to which this section applies are—
- [Strategic Health Authorities,]
- ^{F5}(za)
- (a) Health Authorities,
 - (b) Special Health Authorities,
 - (c) NHS trusts,

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- (d) Primary Care Trusts.
[Local Health Boards.]
 - ^{F6}(e)
- (3) An intervention order may make any provision authorised by section 84B below (including any combination of such provisions).]

Textual Amendments

- F4** S. 84A inserted (1.8.2001 for E. and 17.3.2003 for W.) by 2001 c. 15, ss. 13(1), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/2804 art. 2(1)(a)(2); S.I. 2003/713, art. 2
- F5** S. 84A(2)(za) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), Sch. 1 Pt. 1 para 21; S.I. 2002/2478, art. 3(1)(c)
- F6** S. 84A(2)(e) inserted (10.10.2002 for W. and otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), Sch. 5 para. 16; S.I. 2002/2532, art. 2

^{F7}84B Intervention orders: effect

- (1) In this section—
- (a) “member” means a member of a [^{F8}Strategic Health Authority,] Health Authority, Special Health Authority [^{F9}, Primary Care Trust or Local Health Board], or a member of the board of directors of an NHS trust,
 - (b) “employee member” means a member of a [^{F8}Strategic Health Authority,] Health Authority, Special Health Authority [^{F10}, Primary Care Trust or Local Health Board] who is an officer of the Authority or Trust, or an executive director of an NHS trust.
- (2) An intervention order may provide for the removal from office of—
- (a) all the members, or
 - (b) those specified in the order,
- and for their replacement with individuals specified in or determined in accordance with the order (who need not be the same in number as the removed individuals).
- (3) An intervention order may provide for the suspension (either wholly, or in respect only of powers and duties specified in or determined in accordance with the order) of—
- (a) all the members, or
 - (b) those specified in the order,
- and for the powers of the suspended members to be exercised, and their duties performed, during their suspension by individuals specified in or determined in accordance with the order (who need not be the same in number as the suspended individuals).
- (4) The powers and duties referred to in subsection (3) are, in the case of an employee member, only those which he has in his capacity as a member.
- (5) An intervention order may contain directions to the body to which it relates to secure that a function of the body specified in the directions—
- (a) is performed, to the extent specified in the directions, on behalf of the body and at its expense, by such person as is specified in the directions, and
 - (b) is so performed in such a way as to achieve such objectives as are so specified,

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and the directions may require that any contract or other arrangement made by the body with that person contains such terms and conditions as may be so specified.

- (6) If the person referred to in subsection (5)(a) is a body referred to in section 84A(2) above, the functions of that body include the performance of the functions specified in the directions under subsection (5); and, if that body is [^{F11}a Strategic Health Authority or] a Health Authority, are primary functions of the Authority.
- (7) Subsection (8) applies in relation to any provision—
- (a) in this Act, the National Health Service and Community Care Act 1990 (c. 19), or the Health and Social Care Act 2001; or
 - (b) in any order or regulations made, or directions given, under any of those Acts, which relates to the membership of the body to which an intervention order relates (or of its board of directors, in the case of an NHS trust), or relates to its procedure.
- (8) If the Secretary of State considers it appropriate, the intervention order may, in relation to any such provision specified in the order, provide—
- (a) that it is not to apply in relation to the body while the order remains in force; or
 - (b) that it is to apply in relation to the body, while the order remains in force, with modifications specified in the order.
- (9) An intervention order may contain such supplementary directions to the body to which it relates as the Secretary of State considers appropriate for the purpose of giving full effect to the order.]

Textual Amendments

- F7** S. 84B inserted (1.8.2001 for E. and 17.3.2003 for W.) by 2001 c. 15, ss. 13(1), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/2804 art. 2(1)(a); S.I. 2003/713, art. 2
- F8** Words in s. 84B(1)(a)(b) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), Sch. 1 Pt. 1 para. 22(a); S.I. 2002/2478, art. 3(1)(c)
- F9** Words in s. 84B(1)(a)(b) substituted (10.10.2002 for W. and otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), Sch. 5 para. 17; S.I. 2002/2532, {art. 2}
- F10** Words in s. 84B(1)(a)(b) substituted (10.10.2002 for W. and otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), Sch. 5 para. 17; S.I. 2002/2532, {art. 2}
- F11** Words in s. 84B(6) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), Sch. 1 Pt. 1 para. 22(b); S.I. 2002/2478, art. 3(1)(c)

85 Default powers.

- (1) Where the Secretary of State is of opinion, on complaint or otherwise, that—
- [^{F12}(za) a Strategic Health Authority;]
 - [^{F13}(a) a Health Authority;
 - (b) a Special Health Authority;
 - [a Primary Care Trust]]
 - ^{F14}(bb)
 - [^{F15}(bbb) a Local Health Board;]
 - (c) an NHS trust;
 - (d) ^{F16}

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or

(e) the Dental Practice Board;

have failed to carry out any functions conferred or imposed on them by or under this Act [^{F17}or Part I of the National Health Service and Community Care Act 1990][^{F18}or Part I of the Health Act 1999], or have in carrying out those functions failed to comply with any regulations or directions relating to those functions, he may after such inquiry as he may think fit make an order declaring them to be in default.

(2) [^{F19}The members of the body in default shall] forthwith vacate their office, and the order—

- (a) shall provide for the appointment, in accordance with the provisions of this Act, of new members of the body; and
- (b) may contain such provisions as seem to the Secretary of State expedient for authorising any person to act in the place of the body in question pending the appointment of new members.

(3) ^{F20}

(5) An order made under this section may contain such supplementary and incidental provisions as appear to the Secretary of State to be necessary or expedient, including—

- (a) provision for the transfer to the Secretary of State of property and liabilities of the body in default; and
- (b) where any such order is varied or revoked by a subsequent order, provision in the revoking order or a subsequent order for the transfer to the body in default of any property or liabilities acquired or incurred by the Secretary of State in discharging any of the functions transferred to him.

Textual Amendments

- F12** S. 85(1)(za) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 1\(3\)](#), 42(3), {Sch. 1 Pt. para. 23}; S.I. 2002/2478, {art. 3(1)(c)}
- F13** S. 85(1)(a)-(e) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) for s. 85(1)(a)-(g) by 1995 c. 17, [ss. 2\(1\)\(3\)](#), 8(1), [Sch. 1 para. 41](#) (with [Sch. 2 para. 6](#))
- F14** S. 85(bb) inserted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, [ss. 65](#), 67, [Sch. 4 para. 25](#); S.I. 1999/2342, [art. 2\(3\)\(a\)](#), [Sch. 2](#)
- F15** S. 85(1)(bbb) inserted (10.10.2002 for W. and otherwise *prosp.*) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), [ss. 6\(2\)](#), 42(3), [Sch. 5 para. 18](#); S.I. 2002/2532, [art. 2](#), Sch.
- F16** S. 85(1)(d) repealed (1.4.2002) by 2001 c. 15, [ss. 67](#), 70(2), Sch. 5 Pt. 1 para. 5(9), Sch. 6 Pt. 1 (with [ss. 64\(9\)](#), 65(4)); S.I. 2002/1095, [art. 2\(3\)](#), Sch.
- F17** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 18\(7\)\(a\)](#)
- F18** Words in s. 85 inserted (1.11.1999) by S.I. 1999/2795, [art. 2\(1\)\(3\)](#)
- F19** Words substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 18\(7\)\(b\)](#)
- F20** S. 85(3)(4) repealed by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1)(2), Sch. 9 para. 18(7)(c), [Sch. 10](#)

Modifications etc. (not altering text)

- C2** S. 85(1) amended (15.8.1997) by 1997 c. 46, s. 41(10), [Sch. 2 Pt. I para. 20](#); S.I. 1997/1780, [art. 2\(1\)](#), Sch.

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- C3** S. 85(1) modified (E.) (12.12.2002) by [The National Health Service \(Local Pharmaceutical Services Etc.\) Regulations 2002 \(S.I. 2002/2861\)](#), [reg. 21](#)
- C4** S. 85(3)–(5) extended by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Ss. 124\(2\), 131\(1\)](#) (the said s. 124 repealed (*prosp.*) by [National Health Service and Community Care Act 1990 \(c.19, SIF 113:2\)](#)), [ss. 66\(2\), 67\(2\)](#), [Sch. 10](#))

86 Emergency powers.

If the Secretary of State—

- (a) considers that by reason of an emergency it is necessary, in order to ensure that a service falling to be provided in pursuance of this Act [^{F21}or Part I of the National Health Service and Community Care Act 1990] is provided, to direct that during the period specified by the directions a function conferred on any body or person by virtue of this Act [^{F21}or that Part] shall to the exclusion of or concurrently with that body or person be performed by another body or person, then
- (b) he may give directions accordingly ^{F22} . . .

The powers conferred on the Secretary of State by this section are in addition to any other powers exercisable by him.

Textual Amendments

- F21** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 18\(8\)](#)
- F22** Words in s. 86(b) omitted (1.9.1999 for E. and 1.12.1999 for W.) by virtue of [1999 c. 8, s. 67](#), [Sch. 4 para. 26](#); [S.I. 1999/2342, art. 2\(1\)](#), [Sch. 1](#); [S.I. 1999/3184, art. 2\(2\)](#), [Sch. 2](#) and repealed (*prosp.*) by [1999 c. 8, ss. 65, 67](#), [Sch. 5](#)

Modifications etc. (not altering text)

- C5** S. 86 amended (1.4.1998 to the extent it relates to pilot schemes under which personal medical services are provided otherwise 1.10.1998) by [1997 c. 46, s. 41\(10\)](#), [Sch. 2 Pt. I para. 21](#); [S.I. 1998/631, art. 2\(a\)\(b\)](#), [Schs. 1 2](#) (with arts. 3-5); [S.I. 1998/1998, art. 2\(2\)](#), [Schs. 1 2](#)
- C6** S. 86 modified (E.) (12.12.2002) [The National Health Service \(Local Pharmaceutical Services Etc.\) Regulations 2002 \(S.I. 2002/2861\)](#), [reg. 22](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2003 c. 43 Sch. 7 para. 3\(7\)](#)
- Act repealed by [2006 c. 43 Sch. 4](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(4) inserted by [2003 c. 43 Sch. 11 para. 8](#)
- s. 3(4)(a) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(a\)](#)
- s. 3(4)(b) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 3(4)(b) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(b\)](#)
- s. 8(9)(10) added by [2006 c. 28 s. 74\(1\)](#)
- s. 11(4A)(4B) inserted by [2006 c. 28 s. 74\(2\)\(a\)](#)
- s. 16B(4) inserted by [2003 c. 43 s. 182\(1\)](#)
- s. 16BC(4) inserted by [2003 c. 43 s. 182\(2\)](#)
- s. 16CA and heading inserted by [2003 c. 43 s. 170](#)
- s. 16CB inserted by [2003 c. 43 s. 171\(1\)](#)
- s. 16CC inserted by [2003 c. 43 s. 174](#)
- s. 16CD16CE inserted by [2006 c. 28 s. 37](#)
- s. 19A(2)(aa) inserted by [2003 c. 43 Sch. 9 para. 9](#)
- s. 20A inserted by [2003 c. 4 s. 1\(1\)](#)
- s. 21(4) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 9](#)
- s. 22(1A)(e) inserted by [2003 c. 43 Sch. 4 para. 25](#)
- s. 28D(1)(b)-(bc) substituted for s. 28D(1)(b)(c) by [2003 c. 43 s. 177\(2\)](#)
- s. 28D(1)(bc)(i) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 28D(1)(bc)(iii) words substituted by [S.I. 2004/957 Sch. para. 3](#)
- s. 28D(1A) inserted by [2003 c. 43 s. 177\(3\)](#)
- s. 28E(3)(ca) inserted by [2003 c. 43 s. 177\(7\)](#)
- s. 28E(3A)(3B) inserted by [2003 c. 43 s. 177\(8\)](#)
- s. 28E(3C) inserted by [2003 c. 43 s. 177\(9\)](#)
- s. 28E(3D) inserted by [2003 c. 43 s. 177\(10\)](#)
- s. 28E(3E)(3F) inserted by [2003 c. 43 s. 177\(11\)](#)
- s. 28K-28P and heading inserted by [2003 c. 43 s. 172\(1\)](#)
- s. 28M(4) words substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 16](#)
- s. 28Q-28W and heading(s) inserted by [2003 c. 43 s. 175\(1\)](#)
- s. 28W(5) applied by [S.I. 2004/478 reg. 100\(3\)](#)
- s. 28W(5) applied by [S.I. 2004/478 Sch. 6 para. 100\(3\)](#)
- s. 28X applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 4](#)
- s. 28X inserted by [2003 c. 43 s. 179\(1\)](#)
- s. 28X heading words substituted by [2006 c. 28 s. 39\(5\)](#)
- s. 28X(1A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(a\)](#)
- s. 28X(2A) inserted by [2006 c. 28 s. 39\(2\)](#)
- s. 28X(3)(b) words substituted by [2006 c. 28 s. 39\(3\)](#)
- s. 28X(3)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(b\)](#)
- s. 28X(6A) inserted by [2006 c. 28 s. 39\(4\)](#)
- s. 28Y inserted by [2003 c. 43 s. 180](#)
- s. 28Y(1) applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 5](#)
- s. 28Y(1)(a) substituted by [2006 c. 28 s. 40\(2\)](#)
- s. 28Y(1)(b) words substituted by [2006 c. 28 s. 40\(3\)](#)
- s. 28Y(1)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 18](#)
- s. 28WA-28WF and cross-heading inserted by [2006 c. 28 s. 38](#)
- s. 29-34A repealed by [2003 c. 43 s. 175\(2\)Sch. 14 Pt. 4](#)

- s. 34A inserted by [1997 c. 46 s. 25\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 25(1) repealed (1.4.2004) without ever being in force by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1) (4), Sch. 14 Pt. 4 Note; S.I. 2004/288, art. 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345))
- s. 35(3)-(3B) substituted for s. 35(3) by [S.I. 2005/2011 Sch. 6 para. 1\(2\)\(a\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- s. 42(2A) inserted by [2001 c. 15 s. 40\(3\)](#)
- s. 42(2B)(2C) inserted by [2006 c. 28 s. 35](#)
- s. 42A42B inserted by [2006 c. 28 s. 34\(1\)](#)
- s. 43(4)(5) added by [1997 c. 19 Sch. para. 6](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 19 repealed (30.3.2007) by S.I. 2007/289, art. 1(2)(3), Sch. 1 para. 6; commencing date as notified in The Gazette, published 23.3.2007)
- s. 43A inserted by [1984 c. 48 s. 7\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(1) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43A43B substituted by [1999 c. 8 s. 10\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1))
- s. 43A43B substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 19](#)
- s. 43A(3) repealed by [1997 c. 46 Sch. 2 para. 77](#)[Sch. 3 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 77 repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43B added by [1984 c. 48 s. 7\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(3) repealed to the extent that it inserts section 43B of the National Health Service Act 1977 (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without that amendment ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 44(3A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 20\(c\)](#)
- s. 45A45B inserted by [2003 c. 43 Sch. 11 para. 23](#)
- s. 45A(3) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(3)(a) word repealed by [2006 c. 28 Sch. 8 para. 17\(2\)](#)[Sch. 9](#)
- s. 45A(3)(aa) inserted by [2006 c. 28 Sch. 8 para. 17\(2\)](#)
- s. 45A(4) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(4)(a) substituted by [2006 c. 28 Sch. 8 para. 17\(3\)](#)
- s. 45A(11) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45C inserted by [2006 c. 28 s. 41](#)
- s. 46-46C substituted for s. 46 by [1999 c. 8 s. 40\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed by 2001 c. 15, ss. 67, 70(2), Sch. 6 Pt. 1 (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the National Health Service Act 2006 (c. 41) (as to which see s. 227 of that 2006 Act) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), arts. 1(1), 2, Sch. 1 Pt. 2 para. 8(c))
- s. 54(1)(c) and word(s) inserted by [2003 c. 43 Sch. 11 para. 26\(2\)\(c\)](#)
- s. 54(1)(c) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) and word(s) inserted by [2003 c. 43 Sch. 11 para. 27\(2\)](#)
- s. 72(5)(d) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(i\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(ii\)](#)

- s. 77(4) inserted by [2003 c. 43 Sch. 11 para. 28](#)
- s. 78A inserted by [1997 c. 46 s. 26\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26(1) repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1))
- s. 79(5)(b) modified by [2003 c. 43 s. 183\(4\)](#)
- s. 96(4) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 27](#)
- s. 96A(12) inserted by [2003 c. 43 Sch. 4 para. 37](#)
- s. 98(1A)-(1C) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(2\)](#)
- s. 98(1A) substituted by [S.I. 2004/1714 Sch. 2 para. 1\(2\)](#)
- s. 98(1A)(e) inserted by [S.I. 2006/960 Sch. 2 para. 1\(2\)](#)
- s. 98(1C) words inserted by [S.I. 2004/1714 Sch. 2 para. 1\(4\)](#)
- s. 98(1C) words substituted by [S.I. 2006/960 Sch. 2 para. 1\(4\)](#)
- s. 98(1D) inserted by [2004 c. 23 Sch. 2 para. 2](#)
- s. 98(1BA)(1BB) inserted by [S.I. 2004/1714 Sch. 2 para. 1\(3\)](#)
- s. 98(1BC) inserted by [S.I. 2006/960 Sch. 2 para. 1\(3\)](#)
- s. 98(4A) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(4\)](#)
- s. 98(7)-(10) inserted by [S.I. 2005/1074 art. 2\(2\)](#)
- s. 103(4)(5) inserted by [2001 c. 15 Sch. 5 para. 5\(12\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(12)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 124A(3)(aa) inserted by [2002 c. 38 Sch. 3 para. 20](#)
- s. 126(1A) inserted by [2003 c. 43 s. 183\(3\)\(b\)](#)
- s. 126(4A) inserted by [2001 c. 15 Sch. 5 para. 5\(13\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(13)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 126(4A) inserted by [2003 c. 4 s. 1\(2\)](#)
- Sch. 5 para. 12B inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 39\(c\)](#)
- Sch. 5 para. 10(2A)-(2C) substituted for Sch. 5 para. 10(2A) by [S.I. 2005/2011 Sch. 6 para. 1\(4\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- Sch. 5A para. 20(1A) inserted by [2006 c. 28 s. 74\(3\)](#)
- Sch. 5B para. 19(1A) inserted by [2006 c. 28 s. 74\(4\)](#)
- Sch. 7A inserted by [2003 c. 4 s. 1\(3\)Sch. 1](#)
- Sch. 7A para. 3(1)(fa) inserted by [2003 c. 43 Sch. 11 para. 40\(2\)\(a\)](#)
- Sch. 7A para. 3(1)(g) words repealed by [2003 c. 43 Sch. 11 para. 40\(2\)\(b\)Sch. 14 Pt. 4](#)
- Sch. 7A para. 3(2) words substituted by [2003 c. 43 Sch. 11 para. 40\(3\)](#)
- Sch. 9A para. 10(a)(aa) substituted for s. Sch. 9A para. 10(a) by [2003 c. 43 Sch. 11 para. 42\(4\)\(b\)](#)
- Sch. 9A para. 6(d)(i)(ii) substituted for words in para. 6(d) by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 40\(b\)](#)
- Sch. 11 para. 5A inserted by [S.I. 2004/3363 art. 7](#)
- Sch. 12 para. 2A(6) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 42\(g\)](#)
- Sch. 12 para. 2B amendment to earlier affecting provision 2006 c. 28, s. 41(3) by [S.I. 2006/1407 Sch. 1 Pt. 2 para. 15](#) (The earlier affecting provision cited is incorrect. The correct provision should be s. 42(3).)
- Sch. 12 para. 2B inserted by [2006 c. 28 s. 42\(3\)](#)
- Sch. 12 para. 2A(1)(b)(ba) substituted for Sch. 12 para. 2A(1)(b) by [2006 c. 28 s. 42\(2\)\(a\)](#)
- Sch. 12B inserted by [2006 c. 28 s. 56\(2\)Sch. 3](#)
- Sch. 12ZA inserted by [2003 c. 43 s. 183\(2\)](#)

Commencement Orders yet to be applied to the National Health Service Act 1977

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2004/103 art. 2-4 commences (2001 c. 15)
- S.I. 2004/287 art. 23 commences (1997 c. 46)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/289 art. 2 commences (1998 c. 8)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2004/1859 art. 2-6 commences (1999 c. 8)
- S.I. 2004/2626 art. 2 commences (2003 c. 43)
- S.I. 2005/457 art. 2 commences (2003 c. 43)
- S.I. 2005/558 art. 2Sch. 1 commences (2004 c. 23)
- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.I. 2005/2213 art. 23 commences (2002 c. 38)
- S.I. 2005/2800 art. 3-5 commences (2005 c. 10)
- S.I. 2005/2897 art. 2 commences (2002 c. 38)
- S.I. 2005/2925 art. 24-11 commences (2003 c. 43)
- S.I. 2005/2926 art. 23 commences (1997 c. 46)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/481 art. 23 commences (2001 c. 15)
- S.I. 2006/1014 art. 2Sch. 12 commences (2005 c. 4)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 3681213 commences (1997 c. 46)
- S.I. 2006/2603 art. 2-5 commences (2006 c. 28)
- S.I. 2006/3125 art. 2-4 commences (2006 c. 28)
- S.I. 2007/204 art. 2-4 commences (2006 c. 28)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)