

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### NATIONAL HEALTH SERVICE

###### *Health Services and Public Health Act 1968 (c. 46)*

- 1 (1) The Health Services and Public Health Act 1968 shall be amended as follows.
- (2) In section 59 (extension of power of user by Crown of patented invention to user for certain health services)—
- (a) in subsection (1), after “pharmaceutical services,” insert “ local pharmaceutical services, ”; and
  - (b) after section 59(2A) insert—
    - “(2B) In subsection (1) the reference to local pharmaceutical services is a reference to local pharmaceutical services provided under—
    - (a) a pilot scheme established under section 28 of the Health and Social Care Act 2001;
    - (b) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49); or
    - (c) any corresponding provision of the law in force in the Isle of Man.”
- (3) In section 63 (provision of instruction for certain persons employed in health or welfare activities), after subsection (2)(ba) insert—
- “(bb) the provision of a local pharmaceutical service under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established under Schedule 8A to the 1977 Act or under any corresponding provision of the law in force in the Isle of Man and an activity involved in or connected with the provision of such a service;”.

#### **Commencement Information**

- I1** Sch. 5 para. 1 partly in force; Sch. 5 para. 1 not in force at Royal Assent see s. 70(2); Sch. 5 para. 1 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I2** Sch. 5 para. 1 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

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*House of Commons Disqualification Act 1975 (c. 24)*

- 2 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (which lists bodies of which all members are disqualified for membership of the House of Commons), for the entry relating to a Medical Practices Committee substitute—

“The Medical Practices Committee constituted under section 3 of the National Health Service (Scotland) Act 1978.”

**Commencement Information**

- I3** Sch. 5 para. 2 wholly in force at 1.7.2002; Sch. 5 para. 2 not in force at Royal Assent, see s. 70(2); Sch. 5 para. 2 in force for E. at 1.4.2002 by [S.I. 2002/1095](#), [art. 2\(3\)](#), [Sch.](#) (with transitional provisions in [arts. 3, 4](#)) (as amended (26.3.2002) by [S.I. 2002/1170](#), [art. 3](#)); Sch. 5 para. 2 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

- 3 In Part 3 of Schedule 1 to that Act (which lists other disqualifying offices), at the appropriate place insert—

“President and any Deputy President of the Family Health Services Appeal Authority constituted under section 49S of the National Health Service Act 1977 (c. 49).”

**Commencement Information**

- I4** Sch. 5 para. 3 wholly in force at 1.7.2002; Sch. 5 para. 3 not in force at Royal Assent see s. 70(2); Sch. 5 para. 3 in force for E. for certain purposes at 1.10.2001 and otherwise for E. at 1.12.2001 by [S.I. 2001/3294](#), [arts. 1\(3\), 4\(1\)](#), [Sch.](#) (subject to transitional provisions in [art. 4\(2\)](#)); Sch. 5 para. 3 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#); Sch. 5 para. 3 expressed to be in force for W. at 26.8.2002 by [S.I. 2002/1919](#), [art. 3\(1\)](#), [Sch. Pt. II](#) (subject to [art. 3\(2\)](#), [Sch. Pt. III](#))

*Patents Act 1977 (c. 37)*

- 4 In section 56 of the Patents Act 1977 (interpretation, etc. of provisions about Crown use), after subsection (4)(a)(ii) insert “, or

(iii) local pharmaceutical services provided under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49), or under any corresponding provision of the law in force in the Isle of Man”.

**Commencement Information**

- I5** Sch. 5 para. 4 partly in force; Sch. 5 para. 4 not in force at Royal Assent see s. 70(2); Sch. 5 para. 4 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)  
**I6** Sch. 5 para. 4 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

*National Health Service Act 1977 (c. 49)*

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### Textual Amendments

- F1** Sch. 5 para. 5 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### *Mental Health Act 1983 (c. 20)*

- 6 (1) Section 134 of the Mental Health Act 1983 (correspondence of patients) shall be amended as follows.
- (2) In subsection (3), after paragraph (e) insert—
- “(ea) a provider of a patient advocacy and liaison service for the assistance of patients at the hospital and their families and carers;
- (eb) a provider of independent advocacy services for the patient;”.
- (3) After subsection (3) insert—
- “(3A) In subsection (3) above—
- (a) “patient advocacy and liaison service” means a service of a description prescribed by regulations made by the Secretary of State, and
- (b) “independent advocacy services” means services provided under arrangements under section 19A of the National Health Service Act 1977.”

### Commencement Information

- I7** Sch. 5 para. 6 partly in force; Sch. 5 para. 6 not in force at Royal Assent see s. 70(2); Sch. 5 para. 6(1)(2)(3) in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I8** Sch. 5 para. 6 in force at 1.9.2003 for E. by [S.I. 2003/2245](#), [art. 2\(b\)](#)

### *Copyright, Designs and Patents Act 1988 (c. 19)*

- 7 In section 240 of the Copyright, Designs and Patents Act 1988 (Crown use of designs), after subsection (4)(b) insert “or
- (c) local pharmaceutical services provided under—
- (i) a pilot scheme established under section 28 of the Health and Social Care Act 2001; or
- (ii) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49).”

### Commencement Information

- I9** Sch. 5 para. 7 partly in force; Sch. 5 para. 7 not in force at Royal Assent see s. 70(2); Sch. 5 para. 7 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I10** Sch. 5 para. 7 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

### *National Health Service and Community Care Act 1990 (c. 48)*

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#### Textual Amendments

- F2** Sch. 5 para. 8 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

#### *Trade Union and Labour Relations (Consolidation) Act 1992 (c. 46)*

- 9 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), after paragraph (b) insert “ or as a person providing local pharmaceutical services under a pilot scheme established by a [<sup>F3</sup>Primary Care Trust or] Health Authority under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established by a [<sup>F3</sup>Primary Care Trust or] Health Authority under Schedule 8A to the National Health Service Act 1977 (c. 49) ; ”.

#### Textual Amendments

- F3** Words in Sch. 5 para. 9 inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002](#) (c. 17), ss. 2(5), 42(3), [Sch. 2 Pt. 2 para. 82](#); [S.I. 2002/2478](#), [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))

#### Commencement Information

- I11** Sch. 5 para. 9 partly in force; Sch. 5 para. 9 not in force at Royal Assent see s. 70(2); Sch. 5 para. 9 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I12** Sch. 5 para. 9 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

#### *Tribunals and Inquiries Act 1992 (c. 53)*

- 10 In the Tribunals and Inquiries Act 1992, in Schedule 1 (tribunals under the supervision of the Council on Tribunals), in paragraph 33, for sub-paragraph (b) substitute—
- “(b) the Family Health Services Appeal Authority constituted under section 49S of that Act;”.

#### Modifications etc. (not altering text)

- C1** Sch. 5 para. 10 amended (temp. from 22.7.2002) by [The Health and Social Care Act 2001](#) (Commencement No. 3) (Wales) Order 2002 ([S.I. 2002/1919](#)), [art. 3\(2\)](#), [Sch. Pt. III](#)

#### Commencement Information

- I13** Sch. 5 para. 10 wholly in force at 1.7.2002; Sch. 5 para. 10 not in force at Royal Assent, see s. 70(2); Sch. 5 para. 10 in force for E. for certain purposes at 1.10.2001 and otherwise for E. at 1.12.2001 by [S.I. 2001/3294](#), [arts. 1\(3\)](#), [4\(1\)](#), [Sch.](#) (subject to transitional provisions in [art. 4\(2\)](#)); Sch. 5 para. 10 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#); Sch. 5 para. 10 expressed to be in force for W. at 26.8.2002 by [S.I. 2002/1919](#), [art. 3\(1\)](#), [Sch. Pt. II](#) (subject to [art. 3\(2\)](#), [Sch. Pt. III](#))

#### *National Health Service (Primary Care) Act 1997 (c. 46)*

- <sup>F4</sup>11 .....

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**Textual Amendments**

- F4** Sch. 5 para. 11 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Health Act 1999 (c. 8)*

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**Textual Amendments**

- F5** Sch. 5 para. 12 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Local Government Act 2000 (c. 22)*

- 13 In section 32 of the Local Government Act 2000 (alternative arrangements), in subsection (3), after “Schedule 1” insert “, any provision made under section 7 of the Health and Social Care Act 2001 or any provisions of section 9 of, and Schedule 1 to, that Act”.

**Commencement Information**

- I14** Sch. 5 para. 13 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 3\(c\)](#)

*Freedom of Information Act 2000 (c. 36)*

- 14 (1) In Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act) after paragraph 45 insert—
- “45A Any person providing local pharmaceutical services under—
- (a) a pilot scheme established under section 28 of the Health and Social Care Act 2001; or
- (b) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49),
- in respect of information relating to the provision of those services.”

**Commencement Information**

- I15** Sch. 5 para. 14 partly in force; Sch. 5 para. 14 not in force at Royal Assent see s. 70(2); Sch. 5 para. 14 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I16** Sch. 5 para. 14 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

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