

Status: Point in time view as at 06/04/2006.

Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 2(5)

REALLOCATION OF FUNCTIONS OF HEALTH AUTHORITIES TO PRIMARY CARE TRUSTS

PART 1

AMENDMENTS OF 1977 ACT

1 The 1977 Act is amended as follows.

Commencement Information

II Sch. 2 para. 1 partly in force; Sch. 2 para. 1 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 1 in force for specified purposes at 2.9.2002 by [S.I. 2002/2202](#), [art. 3\(a\)](#); Sch. 2 para. 1 in force for specified purposes at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(d\)](#); Sch. 2 para. 1 in force for specified purposes at 1.4.2003 by [S.I. 2003/833](#), [art. 2](#)

- 2 (1) Section 15 (duty of Health Authority in relation to family health services) is amended as provided in this paragraph.
- (2) In subsection (1), after “duty” there is inserted “ of each Primary Care Trust and ”.
- (3) In subsection (1B)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”,
 - (b) for “that Authority’s medical list” there is substituted “ the medical list of that Trust or Authority ”, and
 - (c) for “that Authority” there is substituted “ that Trust or Authority ”.
- (4) In subsection (1BA)—
- (a) after “relevant” there is inserted “ Primary Care Trust or ”, and
 - (b) for “the Authority” there is substituted “ the Trust or Authority ”.
- (5) Sub-paragraphs (3) and (4), and this sub-paragraph, shall cease to have effect on the coming into force of paragraph 8 of Schedule 4 to the 1999 Act (which repeals subsections (1B) to (1D) of section 15 of the 1977 Act).

^{F13}

Textual Amendments

F1 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); [S.I. 2004/288](#), [art. 6\(2\)\(s\)](#) (with [art. 7](#)) (as

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amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#); [S.I. 2004/480](#), art. 5(2)(s) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2005/2925](#), art. 11; [S.I. 2006/345](#), art. 7(2)(m)

F14

Textual Amendments

F1 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003](#) (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; [S.I. 2004/288](#), art. 6(2)(s) (with art. 7) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 5(2)(s) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2005/2925](#), art. 11; [S.I. 2006/345](#), art. 7(2)(m)

F15

Textual Amendments

F1 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003](#) (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; [S.I. 2004/288](#), art. 6(2)(s) (with art. 7) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 5(2)(s) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2005/2925](#), art. 11; [S.I. 2006/345](#), art. 7(2)(m)

F16

Textual Amendments

F1 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003](#) (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; [S.I. 2004/288](#), art. 6(2)(s) (with art. 7) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 5(2)(s) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2005/2925](#), art. 11; [S.I. 2006/345](#), art. 7(2)(m)

F17

Textual Amendments

F1 Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003](#) (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; [S.I. 2004/288](#), art. 6(2)(s) (with art. 7) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 5(2)(s) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2005/2925](#), art. 11; [S.I. 2006/345](#), art. 7(2)(m)

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Textual Amendments

- F1** Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m)

^{F19}

Textual Amendments

- F1** Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m)

^{F110}

Textual Amendments

- F1** Sch. 2 paras. 3-10 repealed (1.4.2004 for the repeal of Sch. 2 paras. 3-8 except for W., 1.4.2004 for W. for the repeal of Sch. 2 paras. 3-8, 1.4.2006 for E. so far as not already in force, 1.4.2006 for W. for the repeal of Sch. 2 para. 10(1)(2) for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(m)

11 In section 38 (arrangements for general ophthalmic services), in subsection (1), after “duty” there is inserted “ of every Primary Care Trust and ”.

12 (1) Section 39 (regulations as to section 38) is amended as provided in this paragraph.

(2) In subsection (1), for paragraph (a) there is substituted—

“(a) for the preparation and publication by each Primary Care Trust and by each Health Authority of a list of medical practitioners and a list of ophthalmic opticians who undertake to provide general ophthalmic services for persons in the area of the Primary Care Trust or Health Authority;”.

(3) In subsection (2), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.

(4) In subsection (3)—

(a) after “that a” there is inserted “ Primary Care Trust or ”, and

(b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.

13 (1) Section 41 (arrangements for pharmaceutical services) is amended as provided in this paragraph.

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- (2) In subsection (1), after “duty” there is inserted “ of every Primary Care Trust and ”.
- (3) In each of subsections (5) and (6), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 14 In section 41A (additional pharmaceutical services), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 15 In section 41B (terms and conditions relating to additional pharmaceutical services), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 16 (1) Section 42 (regulations as to pharmaceutical services) is amended as provided in this paragraph.
- (2) In subsection (1), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (3) In subsection (2)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (a), for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- (4) In subsection (3)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (ba), for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- (5) In subsection (3B)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (6) In subsection (4A)—
- (a) before “Health Authority” there is inserted “ Primary Care Trust or ”, and
- (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.

Commencement Information

I2 Sch. 2 para. 16 wholly in force at 1.4.2003; Sch. 2 para. 16 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 16(1)-(5) in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(d\)](#); Sch. 2 para. 16(6) in force at 1.4.2003 by [S.I. 2003/833](#), [art. 2](#)

- 17 (1) Section 43 (persons authorised to provide pharmaceutical services) is amended as provided in this paragraph.
- (2) In subsection (1), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (3) For subsection (2A) there is substituted—
- “(2A) Regulations shall provide for the preparation and publication by each Primary Care Trust and by each Health Authority of one or more lists of medical practitioners who undertake to provide drugs, medicines or listed

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appliances under arrangements with the Primary Care Trust or with the Health Authority.”

(4) In subsection (2BA), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.

(5) In subsection (2BB)—

- (a) before “Health Authority” there is inserted “ Primary Care Trust or ”, and
- (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.

Commencement Information

I3 Sch. 2 para. 17 partly in force; Sch. 2 para. 17 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 17(1)-(3) in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(d\)](#)

18 (1) Section 43ZA (conditional inclusion in medical, dental, ophthalmic and pharmaceutical lists) is amended as provided in this paragraph.

(2) In subsection (1)—

- (a) in paragraph (a), for “Health Authority” there is substituted “ Primary Care Trust or Health Authority in whose list he is included ”, and
- (b) before “Health Authority”, in each other place where it occurs, there is inserted “ Primary Care Trust or ”.

(3) In subsection (4)—

- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (b)(iii), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.

(4) In subsection (5), for “Health Authority’s decision”, in both places, there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.

(5) In subsection (7), before “Health Authority” there is inserted “ Primary Care Trust or ”.

19 In section 43C (indemnity cover for Part 2 practitioners), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.

20 (1) Section 43D (supplementary lists) is amended as provided in this paragraph.

(2) In subsection (1)—

- (a) after “publication by” there is inserted “ each Primary Care Trust and ”, and
- (b) after “by the” there is inserted “ Primary Care Trust or ”.

(3) In subsection (3)—

- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (j), before “Health Authorities” there is inserted “ Primary Care Trusts and ”.

(4) In subsection (4), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.

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- (5) In subsection (7)—
- (a) before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (6) In subsection (8)—
- (a) before “Health Authority” there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (7) In subsection (9), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (8) In subsection (10), after “by a” there is inserted “ Primary Care Trust or ”.
- (9) In subsection (11)—
- (a) in paragraph (a), after “prepared” there is inserted “ by the same Primary Care Trust or ”, and
 - (b) in paragraph (b)—
 - (i) for “Health Authorities in England” there is substituted “ Primary Care Trusts ”, and
 - (ii) for “Health Authorities in Wales” there is substituted “ Health Authorities ”.
- 21 In each of the following—
- (a) section 49F (disqualification of practitioners),
 - (b) section 49G (contingent removal), and
 - (c) section 49I (suspension),
- before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 22 In section 49J (suspension pending appeal)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
 - (b) in subsection (6), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- 23 In section 49L (review of decisions)—
- (a) in subsections (1) and (3), before “Health Authority” there is inserted “ Primary Care Trust or ”, and
 - (b) in subsection (2), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- 24 In section 49M (appeals)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”,
 - (b) in subsection (3), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”, and
 - (c) in subsection (7), after “payments by” there is inserted “ Primary Care Trusts and ”.
- 25 (1) Section 49N (national disqualification) is amended as provided in this paragraph.

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- (2) In subsection (1)—
- (a) before “all Health Authorities”, in each place where it occurs, there is inserted “ all Primary Care Trusts and ”, and
 - (b) in paragraph (c), before “any Health Authority” there is inserted “ any Primary Care Trust or ”.
- (3) In subsection (3), for “a Health Authority’s refusal” there is substituted “ the refusal by a Primary Care Trust or Health Authority ”.
- (4) In subsection (4), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (5) In subsection (6)—
- (a) in paragraph (a), after “no” there is inserted “ Primary Care Trust or ”, and
 - (b) in paragraph (b), after “a list,” there is inserted “ each Primary Care Trust and ”.
- 26 In section 49O (notification of decisions), after “require a” there is inserted “ Primary Care Trust or ”.
- 27 In section 49P (withdrawal from lists), after “whom a”, in both places, there is inserted “ Primary Care Trust or ”.
- 28 (1) Section 49Q (regulations) is amended as provided in this paragraph.
- (2) In subsection (1), after “by a” there is inserted “ Primary Care Trust or ”.
- (3) In subsection (2)—
- (a) in paragraph (b), after “before a” there is inserted “ Primary Care Trust or ”, and
 - (b) in paragraph (c), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (4) In subsection (3), after “which the” there is inserted “ Primary Care Trust or ”.
- 29 In section 54, after “Committee”, in each place where it occurs, there is inserted “ , Primary Care Trust ”.
- 30 In section 56 (inadequate Part 2 services)—
- (a) before “Health Authority”, where it first occurs, there is inserted “ Primary Care Trust or ”, and
 - (b) in paragraph (i), after “authorise the” there is inserted “ Primary Care Trust or ”.
- 31 In section 83 (sums otherwise payable to those providing services), before “Health Authority”, in the second place where it occurs, there is inserted “ Primary Care Trust or ”.

Commencement Information

- 14** Sch. 2 para. 31 wholly in force at 1.10.2002; Sch. 2 para. 31 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 31 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(b) and in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(d)

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- 32 In section 83A (remission and repayment of charges and travelling expenses), in subsection (1)—
- (a) after paragraph (b) there is inserted—
- “(ba) for the reimbursement by a Primary Care Trust to an NHS trust and, in such cases as may be prescribed, to a Health Authority or another Primary Care Trust, of payments made by virtue of exercising the functions conferred under paragraph (b) above; and”,
- and
- (b) in paragraph (c), for “of payments” to the end there is substituted “ of such payments. ”

Commencement Information

- I5** Sch. 2 para. 32 wholly in force at 1.10.2002; Sch. 2 para. 32 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 32 in force for E. at 2.9.2002 by [S.I. 2002/2202](#), [art. 3\(b\)](#) and in force at 1.10.2002 insofar as not already in force by [S.I. 2002/2478](#), [art. 3\(1\)\(d\)](#)

- 33 In section 92 (transfers of property held on trust), in subsection (1), after “Strategic Health Authority,” (inserted by paragraph 26 of Schedule 1 to this Act) there is inserted “ Primary Care Trust, ”.
- 34 In section 96A (powers of health authorities, etc, to raise money by appeals, etc), in subsection (5)(b), after “Strategic Health Authority,” (inserted by paragraph 28(d) of Schedule 1 to this Act) there is inserted “ Primary Care Trust or ”.
- 35 In section 103 (special arrangement as to payment of remuneration), in subsection (3)(a)—
- (a) “or a Primary Care Trust” is omitted, and
- (b) for “Health Authority” there is substituted “ Primary Care Trust, Health Authority or Local Health Board ”.
- 36 (1) Section 124 (special notices of births and deaths) is amended as provided in this paragraph.
- (2) Before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (3) In subsection (2), for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- (4) In subsection (5), for “Health Authority’s offices” there is substituted “ offices of the Primary Care Trust or of the Health Authority ”.
- 37 In Schedule 5A (which relates to Primary Care Trusts), after paragraph 10 there is inserted—
- “10A Where the registration of a dentist in the dentist’s register is suspended—
- (a) by an order under section 32 of the Dentists Act 1984 (interim suspension); or
- (b) by a direction or order of the Health Committee under that Act (health cases),
- the suspension shall not terminate any contract of employment made between him and a Primary Care Trust, but a person whose registration

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is so suspended shall not perform any duties under a contract made between him and a Primary Care Trust which involves the practice of dentistry within the meaning of that Act.”

PART 2

AMENDMENTS OF OTHER ACTS

The National Assistance Act 1948 (c. 29)

- 38 In section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C), after “consent of such” there is inserted “ Primary Care Trust or ”.

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 39 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (which makes provision about payments to make up civil remuneration), in paragraph 16, in the entry in the second column, before “Health Authority” there is inserted “ Primary Care Trust, ”.

The Health Services and Public Health Act 1968 (c. 46)

- 40 (1) The Health Services and Public Health Act 1968 is amended as provided in this paragraph.
- (2) In section 63 (provision of instruction for certain persons), in subsection (2)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (3) In section 64 (financial assistance to certain voluntary organisations), in subsection (3)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.

The Health and Safety at Work etc Act 1974 (c. 37)

- 41 In section 60 of the Health and Safety at Work etc Act 1974 (which makes supplementary provision in relation to the employment medical advisory service), in subsection (1), after “that each” there is inserted “ Primary Care Trust and ”.

The Mental Health Act 1983 (c. 20)

- 42 The Mental Health Act 1983 is amended as follows.
- 43 In section 25A (applications for supervision), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 44 In section 25C (supervision applications: supplementary), in subsection (6), after “consent of the” there is inserted “ Primary Care Trust or ”.
- 45 In section 25F (reclassification of patient subject to after-care under supervision), in subsection (1), after “effect to the” there is inserted “ Primary Care Trust or ”.
- 46 In section 39 (information as to hospitals), in subsection (1), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.

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- 47 In section 117 (after-care), in each of subsections (2), (2A) and (3), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 48 In section 140 (notification of hospitals having arrangements for reception of urgent cases)—
- (a) after “duty of” there is inserted “ every Primary Care Trust and of ”,
 - (b) for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”, and
 - (c) after “available to the” there is inserted “ Primary Care Trust or ”.
- 49 In section 145 (interpretation), in paragraph (a) of the definition of “the managers”, before “Health Authority” there is inserted “ Primary Care Trust, ”.

The Public Health (Control of Disease) Act 1984 (c. 22)

- 50 (1) The Public Health (Control of Disease) Act 1984 is amended as provided in this paragraph.
- (2) In section 11 (cases of notifiable disease and food poisoning to be reported), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (3) In section 12 (fees for certificates under section 11), in subsection (1), after “that a” there is inserted “ Primary Care Trust or ”.
- (4) In section 39 (keeper of common lodging-house to notify case of infectious disease), in subsection (3), after “to the” there is inserted “ Primary Care Trust or ”.

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 51 In section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (persons discharged from hospital), in subsection (9), for paragraph (a) of the definition of “health authority” there is substituted—
- “(a) in relation to England, means a Primary Care Trust,
 - (aa) in relation to Wales, means a Health Authority, and”.

The Children Act 1989 (c. 41)

- 52 In Schedule 2 to the Children Act 1989 (local authority support for children and families), in paragraph 1A(3)(a), for “and” there is substituted “ or ”.

The National Health Service and Community Care Act 1990 (c. 19)

- 53 The National Health Service and Community Care Act 1990 is amended as follows.
- 54 In section 4A (provision of certain services by persons on ophthalmic or pharmaceutical lists), in subsection (1), after “a Strategic Health Authority,” (inserted by paragraph 41 of Schedule 1 to this Act) there is inserted “ a Primary Care Trust, ”.
- 55 (1) In section 18 (indicative amounts for doctors’ practices)—
- (a) in subsection (1)—
 - (i) after “financial year,” there is inserted “ every Primary Care Trust and ”, and

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- (ii) before “Health Authority”, in the second and third places it occurs, there is inserted “ Primary Care Trust or ”,
 - (b) before “Health Authority”, in each other place where it occurs except in subsection (7), there is inserted “ Primary Care Trust or ”, and
 - (c) in subsection (7), for “Health Authority” there is substituted “ Primary Care Trust ”.
 - (2) This paragraph shall cease to have effect on the coming into force of paragraph 80 of Schedule 4 to the 1999 Act (which repeals section 18 of the National Health Service and Community Care Act 1990).
- 56 In section 47 (assessment of needs for community care services), in subsection (3)
- (a) before “Health Authority”, where it first occurs, there is inserted “ Primary Care Trust or ”, and
 - (b) before “Health Authority”, in each other place where it occurs, there is inserted “ Primary Care Trust, ”.
- 57 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after “Strategic Health Authority,” (inserted by paragraph 44 of Schedule 1 to this Act) there is inserted “ Primary Care Trust, ”.
- 58 In Schedule 2 (which makes provision about NHS trusts), in paragraph 31, after “Strategic Health Authority” (inserted by paragraph 46 of Schedule 1 to this Act) there is inserted “ Primary Care Trust, ”.

The Access to Health Records Act 1990 (c. 23)

- 59 (1) The Access to Health Records Act 1990 is amended as provided in this paragraph.
- (2) In section 1 (definitions of certain terms), in subsection (2)(a)(ii), before “Health Authority” there is inserted “ Primary Care Trust, ”.
 - (3) In section 7 (duty of health service bodies etc to take advice), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust, ”.

The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 60 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), before “Health Authority” there is inserted “ Primary Care Trust or ”.

The Health Service Commissioners Act 1993 (c. 46)

- 61 (1) The Health Service Commissioners Act 1993 is amended as provided in this paragraph.
- (2) In section 2 (bodies subject to investigation)—
 - (a) in subsection (1), in paragraph (da), “established for areas in England” is omitted, and
 - (b) in subsection (2), in paragraph (a), “whose areas are in Wales” is omitted.
 - (3) In section 6 (which provides for certain action by Health Authorities, etc not to be investigated), in each of subsections (3) and (5), after “taken by a” there is inserted “ Primary Care Trust or ”.

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The Health Authorities Act 1995 (c. 17)

- 62 In Schedule 2 to the Health Authorities Act 1995 (transitional provisions and savings), in paragraph 2, before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust, ”.

The Employment Rights Act 1996 (c. 18)

- 63 In section 43K of the Employment Rights Act 1996 (extended meaning of “worker” for Part 4A of that Act), in subsection (1)(c)(i), before “Health Authority” there is inserted “ Primary Care Trust or ”.

The Police Act 1997 (c. 50)

- 64 [^{F2}In section 115 of the Police Act 1997 (enhanced criminal record certificates), in subsection (6E), before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.]

Textual Amendments

- F2** Sch. 2 para. 64 repealed (6.4.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 7(f)

The School Standards and Framework Act 1998 (c. 31)

- 65 In Schedule 9 to the School Standards and Framework Act 1998 (which provides for the constitution of school governing bodies), in paragraph 10 (community special schools), in sub-paragraph (5)(a), after “by the” there is inserted “ Primary Care Trust or ”.

The Government of Wales Act 1998 (c. 38)

- 66 (1) The Government of Wales Act 1998 is amended as provided in this paragraph.
- (2) In Schedule 5 (bodies and offices covered by section 74), in paragraph 20, “for an area in, or consisting of, Wales” is omitted.
- (3) In Schedule 17 (audit, etc, of Welsh public bodies), in paragraph 12, “for an area in, or consisting of, Wales” is omitted.

The 1999 Act

- 67 The 1999 Act is amended as follows.
- 68 In section 10(1) (which substitutes new sections 43A and 43B in the 1977 Act), in the new section 43A (remuneration for Part 2 services), in subsection (2)(b), after “Health Authority” there is inserted “ , Primary Care Trust ”.
- 69 (1) Section 28 (plans for improving health care, etc) is amended as follows.
- (2) In each of subsections (1) and (2), after “Health Authority” there is inserted “ and each Primary Care Trust ”.
- (3) In subsection (3), after “Health Authority” there is inserted “ or Primary Care Trust ”.

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(4) For subsection (4) there is substituted—

“(4) Those bodies are—

- (a) any local authority whose area falls wholly or partly within the area of the Health Authority or Primary Care Trust, and
- (b) if the plan is a Health Authority’s, any NHS trust which provides services at or from a hospital or other establishment or facility which falls within the area of the Health Authority.”

(5) In subsection (5), after “Health Authority” there is inserted “ or Primary Care Trust ”.

(6) In subsection (6)(h), after “Health Authorities” there is inserted “ and Primary Care Trusts ”.

(7) For subsection (7) there is substituted—

“(7) In exercising their respective functions—

- (a) Health Authorities and Primary Care Trusts must have regard to any plan prepared or reviewed by them under this section,
- (b) Strategic Health Authorities must have regard to any plan prepared or reviewed by a Primary Care Trust any part of whose area falls within their area, and
- (c) NHS trusts and local authorities must have regard to any plan under this section in relation to which they have participated, and Primary Care Trusts must also do so in relation to plans in which they have participated by virtue of subsection (5).”

(8) In subsection (8)—

- (a) after “Health Authority” there is inserted “ or Primary Care Trust ”, and
- (b) in each of paragraphs (a) and (b), for “Authority’s area” there is substituted “ area of the Authority or Trust ”.

The Care Standards Act 2000 (c. 14)

70 In section 20 of the Care Standards Act 2000 (urgent procedure for cancellation, etc of registration of establishment or agency), in subsection (6)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.

The Health and Social Care Act 2001 (c. 15)

71 The Health and Social Care Act 2001 is amended as follows.

F³72

Textual Amendments

F3 Sch. 2 para. 72 repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(s) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(s) (as amended by S.I. 2004/1019 and S.I. 2006/345)

73 (1) Section 28 (pilot schemes for local pharmaceutical services) is amended as provided in this paragraph.

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- (2) In subsection (1), before “Health Authorities” there is inserted “ Primary Care Trusts and ”.
- (3) In subsection (2), before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.
- (4) In subsection (6)—
- (a) after “made by” there is inserted “ Primary Care Trusts and ”, and
 - (b) before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (5) In subsection (7), “or a Primary Care Trust” is omitted.
- 74 In section 30 (designation of priority neighbourhoods or premises), before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.
- 75 In section 31 (reviews of pilot schemes), in subsection (3)(a), after “the” there is inserted “ Primary Care Trust or ”.
- 76 In section 32 (variation and termination of pilot schemes)—
- (a) in subsection (1), after “authorising” there is inserted “ Primary Care Trusts or ”, and
 - (b) in each of subsections (2) and (3), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- 77 In section 34 (funding of preparatory work)—
- (a) in subsection (1), after “regulations for” there is inserted “ Primary Care Trusts and ”, and
 - (b) in subsection (3), before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.
- 78 In section 40(1) (which inserts a new section 28J into the 1977 Act), in that new section 28J (local pharmaceutical services schemes), after “made by” there is inserted “ Primary Care Trusts and ”.
- 79 In Schedule 1 (exempt information relating to health services), in paragraph 10, after “by a” there is inserted “ Primary Care Trust or ”.
- 80 In Schedule 2 (pilot schemes for local pharmaceutical services)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”,
 - (b) in paragraph 2(5)(d), before “Health Authorities” there is inserted “ Primary Care Trusts and ”, and
 - (c) in paragraph 5(1)(a), for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- 81 (1) Schedule 3 (which inserts a new Schedule 8A into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new Schedule 8A (local pharmaceutical services schemes)—
- (a) in paragraph 1(1), before “Health Authorities” there is inserted “ Primary Care Trusts and ”,
 - (b) in paragraph 1(2)—
 - (i) in paragraph (a), after “by” there is inserted “ a Primary Care Trust or ”, and

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- (ii) in paragraph (c), after “other” there is inserted “ Primary Care Trust or ”,
 - (c) in paragraph 1(7), after “a” there is inserted “ Primary Care Trust or ”,
 - (d) in paragraph 1(8), “or a Primary Care Trust” is omitted,
 - (e) in paragraph 2(1), after “allowing a” there is inserted “ Primary Care Trust or ”,
 - (f) in paragraph 2(2)(b), after “a” there is inserted “ Primary Care Trust or ”,
 - (g) in paragraph 3(2), after “than” there is inserted “ Primary Care Trusts and ”, and
 - (h) in paragraph 3(3)(k), after “authorise” there is inserted “ Primary Care Trusts and ”.
- 82 In Schedule 5 (minor and consequential amendments), in paragraph 9, before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.

Status:

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Changes to legislation:

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