

Status: Point in time view as at 01/12/2012.

Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, SCHEDULE 7 is up to date with all changes known to be in force on or before 31 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 7

Section 25(4)

[^{F1}THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE]

Textual Amendments

- F1** Sch. 7 title substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 66](#); S.I. 2012/2657, art. 2(3)

Status

- 1 [^{F2}The Authority] is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the [^{F3}Authority's] property is not to be regarded as property of, or property held on behalf of, the Crown.

Textual Amendments

- F2** Words in Sch. 7 para. 1 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 63](#); S.I. 2012/2657, art. 2(3)
- F3** Word in Sch. 7 para. 1 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 65](#); S.I. 2012/2657, art. 2(3)

- 2 For the purposes of—
- (a) section 23(2)(b) of the Scotland Act 1998 (c. 46) (power of Scottish Parliament to require persons outside Scotland to attend to give evidence or produce documents); and
 - (b) section 70(6) of that Act (accounts prepared by cross-border bodies),
- the [^{F4}Authority] is to be treated as a cross-border public authority within the meaning of that Act.

Textual Amendments

- F4** Word in Sch. 7 para. 2 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)

Powers

- 3 The power in section 26(1) includes the power to—
- (a) acquire and dispose of land and other property, and
 - (b) enter into contracts.

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Membership and chairman

- [^{F5}4 [^{F6}The Authority] is to consist of—
- (a) a chair appointed by the Privy Council,
 - (b) one non-executive member appointed by the Scottish Ministers,
 - (c) one non-executive member appointed by the Welsh Ministers,
 - (d) one non-executive member appointed by the Department of Health, Social Services and Public Safety in Northern Ireland,
 - (e) three non-executive members appointed by the Secretary of State, and
 - (f) [^{F7}one executive member] appointed in accordance with paragraph 11.]

Textual Amendments

- F5** Sch. 7 para. 4 substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 114\(2\), 170\(3\)\(4\); S.I. 2008/3244, art. 2\(b\)](#)
- F6** Words in Sch. 7 para. 4 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 63; S.I. 2012/2657, art. 2\(3\)](#)
- F7** Words in Sch. 7 para. 4(f) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 226\(2\)\(b\), 306\(4\); S.I. 2012/2657, art. 2\(3\)](#)

Appointment, procedure etc

^{F8}5

Textual Amendments

- F8** Sch. 7 para. 5 repealed (1.10.2006) by [Health Act 2006 \(c. 28\), s. 83\(7\), Sch. 8 para. 52, Sch. 9; S.I. 2006/2603, art. 4\(5\)\(c\)\(iv\)\(e\), Sch.](#)

- 6 The Secretary of State may by regulations provide for—
- [^{F9}(a) the conditions to be fulfilled for appointment as chair or other member of the [^{F10}Authority],]
 - (b) the tenure of office of the [^{F11}chair and non-executive members] of the [^{F10}Authority] (including the circumstances in which they cease to hold office or may be removed or suspended from office),
 - [^{F12}(ba) the appointment of a member as deputy chair and the circumstances in which that member ceases to hold, or may be removed from, office as deputy chair,]and
 - (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the [^{F10}Authority] (including committees and sub-committees which consist of or include persons who are not members of the [^{F10}Authority]).

Textual Amendments

- F9** Sch. 7 para. 6(a) substituted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\), ss. 114\(3\)\(a\), 170; S.I. 2008/3244, art. 2\(b\)](#)
- F10** Words in Sch. 7 para. 6(a)(b)(c) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(h\); S.I. 2012/2657, art. 2\(3\)](#)

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- F11** Words in Sch. 7 para. 6(b) substituted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 114\(3\)\(b\)](#), 170; [S.I. 2008/3244](#), [art. 2\(b\)](#)
- F12** Sch. 7 para. 6(ba) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 114\(3\)\(c\)](#), 170; [S.I. 2008/3244](#), [art. 2\(b\)](#)

Commencement Information

- I1** Sch. 7 para. 6 wholly in force at 27.8.2002; Sch. 7 para. 6 in force for certain purposes at Royal Assent, see s. 42(3); Sch. 7 para. 6 in force at 27.8.2002 by [S.I. 2002/2202](#), [art. 2\(1\)](#)

7 The [^{F13}Authority] may regulate its own procedure.

Textual Amendments

- F13** Word in Sch. 7 para. 7 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(h\)](#); [S.I. 2012/2657](#), [art. 2\(3\)](#)

8 The validity of any proceedings of the [^{F14}Authority] is not affected by a vacancy amongst its members or by a defect in the appointment of a member.

Textual Amendments

- F14** Word in Sch. 7 para. 8 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(h\)](#); [S.I. 2012/2657](#), [art. 2\(3\)](#)

Members' interests

- 9 (1) The [^{F15}Authority] must establish and maintain a system for the declaration and registration of private interests of its members.
- (2) The [^{F15}Authority] must publish entries recorded in the register of members' interests.

Textual Amendments

- F15** Words in Sch. 7 para. 9(1)(2) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(h\)](#); [S.I. 2012/2657](#), [art. 2\(3\)](#)

Remuneration and allowances

- 10 (1) The [^{F16}Authority] may pay to its [^{F17}chair], and to any other member of the [^{F16}Authority], such remuneration and allowances as the Secretary of State may determine.
- (2) The [^{F16}Authority] may pay to any member of a committee or sub-committee of the [^{F16}Authority] such allowances as the Secretary of State may determine.
- (3) If the Secretary of State so determines, the Council must provide for the payment of such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the [^{F17}chair] or any other member of the Council.

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- (4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as [F17 chair] of the Council to receive compensation, the Council must pay to him such compensation as the Secretary of State may determine.

Textual Amendments

- F16** Word in Sch. 7 para. 10(1)(2) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)
- F17** Word in Sch. 7 para. 10 substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 114\(4\), 170\(3\)\(4\)](#); S.I. 2008/3244, art. 2(b)

Employees

- [F18 11 (1) The [F19 Authority] may appoint the executive [F20 member] referred to in paragraph 4(f) on such terms and conditions as the [F19 Authority] may determine.
- (2) The executive [F21 member must be an employee] of the [F19 Authority] .
- (3) Any decision of the [F19 Authority] under sub-paragraph (1) must be taken by the members appointed under paragraph 4(a) to (e).
- (4) The [F19 Authority] may appoint such other employees as it considers appropriate on such terms and conditions as it may determine.]

Textual Amendments

- F18** Sch. 7 para. 11 substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 114\(5\), 170\(3\)\(4\)](#); S.I. 2008/3244, art. 2(b)
- F19** Words in Sch. 7 para. 11(1)(2)(3)(4) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)
- F20** Word in Sch. 7 para. 11(1) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 226\(5\)\(a\), 306\(4\)](#); S.I. 2012/2657, art. 2(3)
- F21** Words in Sch. 7 para. 11(2) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 226\(5\)\(b\), 306\(4\)](#); S.I. 2012/2657, art. 2(3)

Delegation of functions

- 12 (1) The [F22 Authority] may arrange for the discharge of any of its functions by—
- (a) a committee, sub-committee, member or employee of the [F22 Authority], or
- (b) any other person.
- (2) If the [F22 Authority] does arrange for the discharge of any function as mentioned in sub-paragraph (1)(b), the arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

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Textual Amendments

F22 Words in Sch. 7 para. 12(1)(2) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)

Assistance

- 13 (1) The [^{F23}Authority] may arrange for such persons as it thinks fit to assist it in the discharge of any of its functions in relation to a particular case or class of case.
- (2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Textual Amendments

F23 Word in Sch. 7 para. 13 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)

Payments and loans to [^{F24}Authority]

- 14 (1) The Secretary of State may make payments out of money provided by Parliament to the [^{F25}Authority] of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) An appropriate authority may make payments to the [^{F25}Authority] of such amounts, at such times and on such conditions (if any) as it considers appropriate.
- [^{F26}(2A) The Authority may borrow money for the purposes of or in connection with its functions; and sub-paragraphs (3) and (4) are without prejudice to the generality of this sub-paragraph.]
- (3) The Secretary of State may make loans out of money provided by Parliament to the [^{F25}Authority] on such terms (including terms as to repayment and interest) as he may determine.
- (4) An appropriate authority may make loans to the [^{F25}Authority] on such terms (including terms as to repayment and interest) as it may determine.
- (5) [^{F27}The approval of the Treasury is required as to the amount and terms of any loan under sub-paragraph (3).]
- (6) [^{F27}Except as provided by sub-paragraphs (3) and (4), the Council has no power to borrow money.]
- (7) The Secretary of State may give directions to the [^{F28}Authority] as to the application of any sums received by it under sub-paragraph (1) or (3).
- (8) An appropriate authority may give directions to the [^{F28}Authority] as to the application of any sums received by it from the authority under sub-paragraph (2) or (4).
- (9) The [^{F28}Authority] must comply with any directions under sub-paragraph (7) or (8).

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- (10) In this paragraph, “appropriate authority” means the National Assembly for Wales, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland.

Textual Amendments

- F24** Word in Sch. 7 para. 14 cross-heading substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(j\)](#); S.I. 2012/2657, art. 2(3)
- F25** Words in Sch. 7 para. 14(1)(2)(3)(4) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)
- F26** Sch. 7 para. 14(2A) inserted (27.3.2012 for specified purposes, 16.3.2015 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 224\(4\), 306\(1\)\(d\)\(4\)](#); S.I. 2015/409, art. 2
- F27** Sch. 7 para. 14(5)(6) omitted (27.3.2012 for specified purposes, 16.3.2015 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\), ss. 224\(5\), 306\(1\)\(d\)\(4\)](#); S.I. 2015/409, art. 2
- F28** Words in Sch. 7 para. 14(7)(8)(9) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)

Accounts

- 15 (1) The [^{F29}Authority] must keep accounts in such form as the Secretary of State may determine.
- (2) The [^{F29}Authority] must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The [^{F29}Authority] must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) Within that period the [^{F29}Authority] must also send copies of the annual accounts to—
- (a) the Scottish Ministers,
 - (b) the National Assembly for Wales, and
 - (c) the Department of Health, Social Services and Public Safety in Northern Ireland.
- (5) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.
- (6) A copy of the accounts shall be laid before—
- (a) the Scottish Parliament by the Scottish Ministers,
 - (b) the Northern Ireland Assembly by the Department of Health, Social Services and Public Safety there,
- and the National Assembly for Wales shall publish the accounts.
- (7) In this paragraph and paragraph 16, “financial year” means—
- (a) the period beginning with the date on which the [^{F30}Authority] is established and ending with the next 31st March following that date, and
 - (b) each successive period of 12 months ending with 31st March.

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Textual Amendments

- F29** Word in Sch. 7 para. 15(1)(2)(3)(4) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)
- F30** Word in Sch. 7 para. 15(7)(a) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)

Reports and other information

16 (1) The [^{F31}Authority] must prepare a report on the exercise of its functions during each financial year.

[^{F32}(1A) The report must state—

- (a) how the [^{F33}Authority], in exercising its functions, has promoted the health, safety and well-being of [^{F34}users of health care, users of social care in England, users of social work services in England] and other members of the public, and
- (b) how far, in the opinion of the [^{F33}Authority], each regulatory body has complied with any duty imposed on it to promote the health, safety and well-being of such persons.]

(2) As soon as possible after the end of each financial year, the [^{F35}Authority] must lay a copy of its report for that year before Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

(3) The [^{F35}Authority] must comply with any request by Parliament to prepare, and lay before it, other reports or to provide Parliament with other information.

(4) The [^{F35}Authority] must also comply with any corresponding request by—

- (a) the Scottish Parliament, in relation to matters which concern a subject for which any member of the Scottish Executive has general responsibility,
- (b) the Northern Ireland Assembly, in relation to transferred matters concerning Northern Ireland (“transferred matters” having the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47)).

Textual Amendments

- F31** Word in Sch. 7 para. 16(1) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)
- F32** Sch. 7 para. 16(1A) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 114\(6\), 170\(3\)\(4\)](#); S.I. 2008/3244, art. 2(b)
- F33** Words in Sch. 7 para. 16(1A)(a)(b) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)
- F34** Words in Sch. 7 para. 16(1A)(a) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 223\(14\), 306\(4\)](#); S.I. 2012/1319, art. 2(4)
- F35** Words in Sch. 7 para. 16(2)(3)(4) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)

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Commencement Information

- I2** Sch. 7 para. 16 wholly in force at 1.4.2003; Sch. 7 para. 16 not in force at Royal Assent, see s. 42(3); Sch. 7 para. 16(1)(2) in force at 1.12.2002 by [S.I. 2002/2202](#), [art. 2\(2\)](#); Sch. 7 para. 16(3)(4) in force at 1.4.2003 by [S.I. 2002/2202](#), [art. 2\(3\)](#)

Application of seal and evidence

- 17 The application of the seal of the [^{F36}Authority] must be authenticated by the signature of—
- (a) any member of the [^{F36}Authority], or
 - (b) any other person who has been authorised by the [^{F36}Authority] (whether generally or specially) for that purpose.

Textual Amendments

- F36** Words in Sch. 7 para. 17 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(h\)](#); [S.I. 2012/2657](#), [art. 2\(3\)](#)

- 18 A document purporting to be duly executed under the seal of the [^{F37}Authority] or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Textual Amendments

- F37** Word in Sch. 7 para. 18 substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(h\)](#); [S.I. 2012/2657](#), [art. 2\(3\)](#)

Meetings of the [^{F38}Authority] in Northern Ireland

- 19 (1) Sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 (c.9) (which provides for public access to meetings of a district council and for the publication of information concerning such meetings) shall, with the modifications set out below, apply in relation to meetings of the [^{F39}Authority] in Northern Ireland as they apply in relation to meetings of a district council.
- (2) The modifications are—
- (a) any reference to a district council shall be read as a reference to the [^{F40}Authority], and
 - (b) any reference to councillors or members of the council shall be read as references to members of the [^{F40}Authority].

Textual Amendments

- F38** Word in Sch. 7 para. 19 cross-heading substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(j\)](#); [S.I. 2012/2657](#), [art. 2\(3\)](#)
- F39** Word in Sch. 7 para. 19(1) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(h\)](#); [S.I. 2012/2657](#), [art. 2\(3\)](#)

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F40 Words in Sch. 7 para. 19(2)(a)(b) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 62\(h\)](#); S.I. 2012/2657, art. 2(3)

Miscellaneous amendments

F4120

Textual Amendments

F41 Sch. 7 paras. 20-24 repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 15 Pt. 2](#); S.I. 2008/3244, art. 2(j)

F4121

Textual Amendments

F41 Sch. 7 paras. 20-24 repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 15 Pt. 2](#); S.I. 2008/3244, art. 2(j)

F4122

Textual Amendments

F41 Sch. 7 paras. 20-24 repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 15 Pt. 2](#); S.I. 2008/3244, art. 2(j)

F4123

Textual Amendments

F41 Sch. 7 paras. 20-24 repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 15 Pt. 2](#); S.I. 2008/3244, art. 2(j)

F4124

Textual Amendments

F41 Sch. 7 paras. 20-24 repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 15 Pt. 2](#); S.I. 2008/3244, art. 2(j)

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