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# National Health Service Act 1977

## 1977 CHAPTER 49

### PART I

#### SERVICES AND ADMINISTRATION

##### *Local administration*

#### [<sup>F18</sup> **Health Authorities.**

- (1) It is the duty of the Secretary of State by order to establish, in accordance with Part I of Schedule 5 to this Act, authorities to be called Health Authorities.
- (2) Subject to subsection (4) below, a Health Authority shall act for such area of England or of Wales as is specified in the order establishing the authority.
- (3) A Health Authority shall be known by such name, in addition to the title "Health Authority", as—
  - (a) appears to the Secretary of State appropriately to signify the connection of the Health Authority with the area for which the authority are to act; and
  - (b) is specified in the order establishing the authority.
- (4) The Secretary of State may by order—
  - (a) vary a Health Authority's area;
  - (b) abolish a Health Authority; or
  - (c) establish a new Health Authority.
- (5) The Secretary of State shall act under this section so as to secure—
  - (a) that the areas for which Health Authorities are at any time acting together comprise the whole of England and Wales; but
  - (b) that no area for which a Health Authority act extends both into England and into Wales.

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- (6) The power to make incidental or supplemental provision conferred by section 126(4) below includes in particular, in its application to orders made under this section, power to make provision for the transfer of staff, property, rights and liabilities.]

**Textual Amendments**

**F1** S. 8 substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) for ss. 8, 10 by 1995 c. 17, ss. 1(1)(2), 8(1) (with Sch. 2 para. 6)

9 ..... F2

**Textual Amendments**

**F2** S. 9, Sch. 5 Pt. I para. 4, Sch. 8 paras. 1(2), 2(5), 3(2), repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), ss. 13, 30, Sch. 10 Pt. I

**11 [F6Special Health Authorities.]**

- (1) If the Secretary of State considers that a special body should be established for the purpose of performing any functions which he may direct the body to perform on his behalf, or on behalf of an . . . F7 . . . [F8a Health Authority], he may by order establish a body for that purpose.
- (2) The Secretary of State may, subject to the provisions of Part III of Schedule 5 to this Act, make such further provision relating to that body as he thinks fit.
- (3) A body established in pursuance of this section shall (without prejudice to the power conferred by subsection (4) below allocate a particular name to the body) be called a [F9Special Health Authorities].
- (4) Without prejudice to the generality of the power conferred by this section to make an order (or of section 126(4) below), that order may in particular contain provisions as to—
  - (a) the membership of the body established by the order;
  - (b) the transfer to the body of officers, property, rights and liabilities; and
  - (c) the name by which the body is to be known.
- (5) It is the Secretary of State’s duty before he makes such an order to consult with respect to the order such bodies as he may recognise as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the order.

**Textual Amendments**

**F6** S. 11 sidenote substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), Sch. 1 Pt. I para. 2(c) (with Sch. 2 para. 6)

**F7** Words repealed by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), Sch. 10

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- F8** Words in s. 11(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 2(a)** (with Sch. 2 para. 6)
- F9** Words in s. 11(3) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 2(b)** (with Sch. 2 para. 6)

## 12 Supplementary provisions for ss. 8 <sup>F10</sup> and] 11.

[<sup>F11</sup>(1) Every Health Authority shall make arrangements for securing that they receive from—  
(a) medical practitioners, registered nurses and registered midwives; and  
(b) other persons with professional expertise in and experience of health care, advice appropriate for enabling the Health Authority effectively to exercise the functions conferred or imposed on them under or by virtue of this or any other Act.]

[<sup>F12</sup>(2)] The provisions of Part III of Schedule 5 to this Act have effect, so far as applicable, in relation to—

- [<sup>F13</sup>(a) Health Authorities established under section 8 above; and
- (b) any Special Health Authority established under section 11 above.]

### Textual Amendments

- F10** Word in s. 12 sidenote substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 3(c)** (with Sch. 2 para. 6)
- F11** S. 12(1) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 3(a)** (with Sch. 2 para. 6)
- F12** S. 12 renumbered as s. 12(2) (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 3** (with Sch. 2 para. 6)
- F13** S. 12(2)(a)(b) (as so renumbered) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) for s. 12(2)(a)-(c) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 3(b)** (with Sch. 2 para. 6)

## 13 Secretary of State's directions.

- (1) The Secretary of State may direct a [<sup>F14</sup>Health Authority or Special Health Authority] to exercise on his behalf such of his functions relating to the health service as are specified in the directions, and <sup>F15</sup> . . . it shall be the duty of the [<sup>F16</sup>Health Authority or Special Health Authority] to comply with the directions.
- (2) The Secretary of State's functions under subsection (1) above—
  - (a) include any of his functions under enactments relating to mental health and nursing homes, <sup>F17</sup> . . .
  - (b) . . . . .

### Textual Amendments

- F14** Words in s. 13(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 4(a)(i)** (with Sch. 2 para. 6)
- F15** Words in s. 13(1) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), Sch. 1 Pt. I para. 4(a)(ii), **Sch. 3** (with Sch. 2 paras. 6, 16)
- F16** Words in s. 13(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 4(a)(iii)** (with Sch. 2 para. 6)

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**F17** S. 13(2)(b) and preceding word omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), Sch. 1 Pt. 1 para. 4(b), **Sch. 3** (with Sch. 2 paras. 6, 16)

**F18** 14 .....

**Textual Amendments**  
**F18** S. 14 omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), Sch. 1 Pt. 1 para. 5, **Sch. 3** (with Sch. 2 paras. 6, 16)

**15** [<sup>F19</sup>**Duty of Health Authority in relation to family health services.**]

- (1) It is the duty of [<sup>F20</sup>each Health Authority, in accordance with regulations]—
  - [<sup>F21</sup>(a) to administer the arrangements made in pursuance of this Act for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services for their [<sup>F22</sup>area];]
  - (b) to perform such [<sup>F23</sup>management and] other functions relating to those services as may be prescribed.

..... <sup>F24</sup>

[<sup>F25</sup>(1ZA) It is the duty of each Health Authority, in accordance with regulations, to perform such functions in relation to section 28C arrangements as may be prescribed.

- (1ZB) Regulations under subsection (1ZA) may, in particular—
  - (a) prescribe functions in relation to training;
  - (b) provide for appeals to the Secretary of State or a prescribed body in relation to functions prescribed by the regulations.]

<sup>F26</sup>(1A) .....

- [<sup>F27</sup>(1B) In relation to a Part II medical practitioner—
  - (a) whose name is included in the medical list of only one Health Authority, and
  - (b) who practises on his own or in partnership with others all of whom are Part II medical practitioners whose names are included only in that Authority’s medical list,

any reference in this Act or the <sup>M1</sup>National Health Service and Community Care Act 1990 to the relevant Health Authority is to be construed as a reference to that Authority.

(1BA) In relation to a medical practitioner who is not within subsection (1B), any reference in this Act or the National Health Service and Community Care Act 1990 to the relevant Health Authority is to be construed as a reference to the Authority in whose area most of the practice patients live.]

[<sup>F28</sup>(1C) In relation to the operation of a fund-holding practice by medical practitioners the relevant Health Authority in respect of one or more of whom would (apart from this subsection) be different from that in respect of the other or others, the relevant Health Authority for each of them shall be determined for the purposes of the application of any provision relating to fund-holding practices as if they were all practising in a single partnership.]

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[<sup>F29</sup>(1D) In this section—

”Part II medical practitioner” means a medical practitioner who provides general medical services under Part II and does not perform personal medical services under section 28C arrangements; and

”practice patient” means—

- (a) in relation to a medical practitioner who practises otherwise than in partnership, an individual who is on that practitioner’s list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with section 28C arrangements, an individual who is on that single list);
- (b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with section 28C arrangements, an individual who is on that single list).]

(2) . . . . . <sup>F30</sup>

**Textual Amendments**

- F19** S. 15 sidenote substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 6(e)** (with Sch. 2 para. 6)
- F20** Words in s. 15(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 6(a)(i)** (with Sch. 2 para. 6)
- F21** S. 15(1)(a) substituted by **Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 5(2)**
- F22** Words in s. 15(1)(a) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 6(a)(ii)** (with Sch. 2 para. 6)
- F23** Words inserted by **National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 12(1)(b)**
- F24** Words repealed by **Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. I**
- F25** S. 15(1ZA)(1ZB) inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 4(2)**; S.I. 1998/631, art. 2(1), Schs. 1, 2
- F26** S. 15(1A) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), Sch. 1 Pt. I para. 6(b), **Sch. 3** (with Sch. 2 paras. 6, 16)
- F27** S. 15(1B)(1BA) substituted (1.4.1998) for s. 15(1B) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 4(3)**; S.I. 1998/631, art. 2(1), Schs. 1, 2
- F28** S. 15(1C) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 6(d)** (with Sch. 2 para. 6)
- F29** S. 15(1D) inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 4(4)**; S.I. 1998/631, art. 2(1), Schs. 1, 2
- F30** S. 15(2), Sch. 12 para. 2(5) repealed by **Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, Sch. 8 Pt. I**

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

- C1** S. 15(1)(b) modified (1.4.1995) by S.I. 1995/692, **art. 2**

**Marginal Citations**

- M1** 1990 c. 19.

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### [<sup>F31</sup>16 Exercise of functions.

- (1) Regulations may provide for functions exercisable by a Health Authority under or by virtue of this Act or the <sup>M2</sup>National Health Service and Community Care Act 1990, or under or by virtue of any prescribed provision of any other Act, to be exercisable—
  - (a) on behalf of the Health Authority—
    - (i) by another Health Authority;
    - (ii) by a committee or sub-committee, or an officer, of the Health Authority or another Health Authority;
    - (iii) by a joint committee, or joint sub-committee, of the Health Authority and one or more other Health Authorities;
    - (iv) by a Special Health Authority; or
    - (v) by an officer of a Special Health Authority; or
  - (b) by the Health Authority jointly with one or more other Health Authorities.
- (2) Regulations may provide for functions exercisable by a Special Health Authority by virtue of section 11 or 13 above to be exercisable—
  - (a) on behalf of the Special Health Authority—
    - (i) by another Special Health Authority;
    - (ii) by a committee or sub-committee, or an officer, of the Special Health Authority or another Special Health Authority; or
    - (iii) by a joint committee, or joint sub-committee, of the Special Health Authority and one or more other Special Health Authorities; or
  - (b) by the Special Health Authority jointly with one or more other Special Health Authorities.]

#### Textual Amendments

**F31** S. 16 substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), Sch. 1 Pt. I para. 7 (with Sch. 2 para. 6)

#### Marginal Citations

**M2** 1990 c. 19.

VALID FROM 08/09/1999

### [<sup>F32</sup>16A Primary Care Trusts.

- (1) The Secretary of State may establish bodies to be known as Primary Care Trusts with a view, in particular, to their—
  - (a) providing or arranging for the provision of services under this Part of this Act,
  - (b) exercising functions in relation to the provision of general medical services under Part II of this Act, and
  - (c) providing services in accordance with section 28C arrangements.
- (2) Each Primary Care Trust shall be established by an order made by him (referred to in this Act as a PCT order).

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- (3) A Primary Care Trust shall be established for the area specified in its PCT order and shall exercise its functions in accordance with any prohibitions or restrictions in the order.
- (4) If any consultation requirements apply, they must be complied with before a PCT order is made.
- (5) In this section, "consultation requirements" means requirements about consultation contained in regulations (and the regulations must impose requirements where a PCT order establishes a Primary Care Trust).
- (6) Schedule 5A to this Act (which makes further provision about Primary Care Trusts) shall have effect.]

#### Textual Amendments

**F32** Ss. 16A, 16B inserted (8.9.1999 for specified purposes for E. and 4.1.2000 insofar as not already in force for E.) by 1999 c. 8, s. 2(1); S.I. 1999/2342, art. 2(2)(a)(3), Sch. 2

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

**C2** S. 16A extended (19.12.2001 for E.) by 2001 c. 15, ss. 45(5), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/4149, art. 2(a)

VALID FROM 08/09/1999

#### <sup>F33</sup>16B Exercise of functions by Primary Care Trusts.

- (1) This section applies to functions which are exercisable by a Primary Care Trust under or by virtue of this Act (including this section), the <sup>M3</sup>National Health Service and Community Care Act 1990 or any prescribed provision of any other Act.
- (2) Regulations may provide for any functions to which this section applies to be exercised—
  - (a) by another Primary Care Trust,
  - (b) by a Special Health Authority, or
  - (c) jointly with any one or more of the following: Health Authorities, NHS trusts and other Primary Care Trusts.
- (3) Regulations may provide—
  - (a) for any functions to which this section applies to be exercised, on behalf of the Primary Care Trust by whom they are exercisable, by a committee, sub-committee or officer of the trust,
  - (b) for any functions which, under this section, are exercisable by a Special Health Authority to be exercised, on behalf of that authority, by a committee, sub-committee or officer of the authority,
  - (c) for any functions which, under this section, are exercisable by a Primary Care Trust jointly with one or more Health Authorities or other Primary Care Trusts (but not with any NHS trusts) to be exercised, on behalf of the health service bodies in question, by a joint committee or joint sub-committee.

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#### Textual Amendments

**F33** Ss. 16A, 16B inserted (8.9.1999 for specified purposes for E., 4.1.2000 insofar as not already in force for E. and otherwise *prosp.*) by 1999 c. 8, s. 2(1); S.I. 1999/2342, art. 2(2)(a)(3), Sch. 2

#### Marginal Citations

**M3** 1990 c.19

VALID FROM 10/10/2002

### [<sup>F34</sup>16BALocal Health Boards

- (1) The National Assembly for Wales may establish bodies to be known as Local Health Boards with a view, in particular, to their exercising—
  - (a) functions of Health Authorities transferred or to be transferred to the Assembly by order under section 27 of the Government of Wales Act 1998 (reform of Welsh health authorities),
  - (b) other functions of the Assembly relating to the health service.
- (2) Each Local Health Board shall be established by order made by the Assembly (referred to in this Act as an LHB order), and an order may establish more than one Local Health Board.
- (3) A Local Health Board shall be established for the area of Wales specified in its LHB order.
- (4) If any consultation requirements apply, they must be complied with before an LHB order is varied or revoked.
- (5) In this section, “consultation requirements” means requirements about consultation contained in regulations made by the Assembly.
- (6) Schedule 5B to this Act (which makes further provision about Local Health Boards) shall have effect.

#### Textual Amendments

**F34** Ss. 16BA, 16BB, 16BC inserted (10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(1), 42(3); S.I. 2002/2532, art. 2

VALID FROM 10/10/2002

### 16BB Local Health Boards: functions

- (1) The National Assembly for Wales may direct a Local Health Board to exercise in relation to its area any functions which—
  - (a) were exercised by a Health Authority in relation to any part of the same area, and



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- (b) have been transferred to the Assembly as mentioned in section 16BA(1) above.
- (2) The Assembly may also direct a Local Health Board to exercise in relation to its area such other functions of the Assembly relating to the health service as are specified in the directions.
- (3) The functions which may be specified in directions under this section include functions under enactments relating to mental health and nursing homes.
- (4) The Assembly may give directions to a Local Health Board about its exercise of any functions.
- (5) Directions under subsection (1) above must be given in regulations made by the Assembly; but other directions under this section and directions under section 16BC below may be given in such regulations or by instrument in writing.

#### Textual Amendments

**F34** Ss. 16BA, 16BB, 16BC inserted (10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(1), 42(3); S.I. 2002/2532, art. 2

VALID FROM 10/10/2002

#### 16BC Exercise of functions by Local Health Boards

- (1) This section applies to functions which are exercisable by a Local Health Board under or by virtue of section 16BB above or this section.
- (2) The Assembly may give directions providing for any functions to which this section applies to be exercised—
- (a) by another Local Health Board;
  - (b) by a Special Health Authority; or
  - (c) jointly with any one or more of the following: Health Authorities, NHS trusts, Primary Care Trusts and other Local Health Boards.
- (3) Directions given by the Assembly may provide—
- (a) for any functions to which this section applies to be exercised, on behalf of the Local Health Board by whom they are exercisable, by a committee, sub-committee or officer of the Board,
  - (b) for any functions which, under this section, are exercisable by a Special Health Authority to be exercised, on behalf of that authority, by a committee, sub-committee or officer of the authority,
  - (c) for any functions which, under this section, are exercisable by a Local Health Board jointly with one or more Health Authorities or other Local Health Boards (but not with any NHS trusts) to be exercised, on behalf of the health service bodies in question, by a joint committee or joint sub-committee.]

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#### Textual Amendments

**F34** Ss. 16BA, 16BB, 16BC inserted (10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(1), 42(3); S.I. 2002/2532, art. 2

VALID FROM 04/01/2000

#### [<sup>F35</sup>16C Advice for Health Authorities and Primary Care Trusts.

(1) Every Health Authority shall make arrangements with a view to securing that they receive advice appropriate for enabling them effectively to exercise the functions exercisable by them from persons with professional expertise relating to the physical or mental health of individuals.

(2) This section applies to Primary Care Trusts as it applies to Health Authorities.]

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#### Textual Amendments

**F35** S. 16C inserted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, s. 65, Sch. 4 para. 10; S.I. 1999/2342, art. 2(3)(a), Sch. 2

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