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SCHEDULES

SCHEDULE 1

ADDITIONAL PROVISIONS AS TO THE MEDICAL AND DENTAL INSPECTION AND TREATMENT OF PUPILS [F1] AND THEIR EDUCATION IN DENTAL HEALTH]

Textual Amendments

F1 Words added by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(1), [Sch. 2 para. 7\(1\)](#)

- 1 Without prejudice to the Secretary of State's powers apart from this paragraph, he may—
- (a) by arrangement with any local education authority, provide for any medical or dental inspection or treatment [F2] or for education in dental health] of—
 - (i) senior pupils in attendance at any educational establishment, other than a school, which is maintained by the authority and at which full-time further education is provided, or
 - (ii) any child or young person who, in pursuance of [F3] section 19 or 319 of the Education Act 1996] is receiving primary or secondary education otherwise than at a school;
 - (b) by arrangement with the proprietor of any educational establishment which is not maintained by a local education authority, make any such provision in respect of junior or senior pupils in attendance at the establishment.

Textual Amendments

F2 Words inserted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(1), [Sch. 2 para. 7\(2\)](#)

F3 Words in [Sch. 1 para. 1\(a\)\(ii\)](#) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\)](#), [Sch. 37 Pt. I para. 46\(a\)](#) (with s. 1(4), [Sch. 39](#))

Modifications etc. (not altering text)

C1 [Sch. 1 para. 1](#): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of [S.I. 2000/695, reg. 3\(1\)\(a\)](#), [Sch. 1](#)

C2 [Sch. 1 para. 1](#): transfer of functions (E.) (1.4.2001) by [S.I. 2001/747, regs. 2\(1\), 3, 4](#), [Sch. 1](#)

- 2 A local education authority shall not arrange in pursuance of paragraph 1 above in respect of such an establishment as is mentioned in sub-paragraph (a)(i) of that paragraph except by agreement with the governors of the establishment; and an arrangement in pursuance of sub-paragraph (b) of paragraph 1 may provide for payments by the proprietor in question.

- 3 It is the duty of the local education authorities [F4] in respect of the schools (other than foundation, voluntary or foundation special schools) which they maintain or the governing bodies of foundation, voluntary or foundation special schools in respect of those schools] to make available to the Secretary of State such accommodation

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as is appropriate for the purpose of assisting him so to provide as is mentioned in [F5 section 5] above for pupils in attendance at the schools.

Textual Amendments

- F4** Words in Sch. 1 para. 3 substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 8(a); S.I. 1999/2323, art. 2(1), Sch. (with ss. 3-23)
- F5** Words substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), Sch. 2 para. 7(3)

Modifications etc. (not altering text)

- C3** Sch. 1 para. 3 applied (1.4.1994) by S.I. 1994/653, reg. 42(1), Sch. Pt. I
 Sch. 1 para. 3 applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), Sch. 2 Pt. I

- 4 In [F6 section 5] above, and in this Schedule expressions to which meanings are given [F7 for the purposes of the Education Act 1996][F8 or (as the case may be) the School Standards and Framework Act 1998] have those meanings.

Textual Amendments

- F6** Words substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), Sch. 2 para. 7(4)
- F7** Words in Sch. 1 para. 4 substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 46(b) (with s. 1(4), Sch. 39)
- F8** Words in Sch. 1 para. 4 inserted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 8(b); S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-23)

SCHEDULE 2

ADDITIONAL PROVISIONS AS TO VEHICLES FOR THOSE SUFFERING DISABILITY

- 1 The Secretary of State has power, in the case of an invalid carriage or other vehicle provided by him for or belonging to any such person as is mentioned in paragraph (a) of section 5(2) above, on such terms and subject to such conditions as he may determine—
- (a) to adapt the vehicle for the purposes of making it suitable for the circumstances of that person;
 - (b) to maintain and repair the vehicle;
 - (c) to take out insurance policies relating to the vehicle and pay the duty, if any, with which the vehicle is chargeable under [F9 the Vehicle Excise and Registration Act 1994];
 - (d) to provide a structure in which the vehicle may be kept, and to provide all material and execute all works necessary for the structure's erection.

Textual Amendments

- F9** Words in Sch. 2 para. 1(c) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), Sch. 3 para. 10 (with s. 57(4))

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- 2 The Secretary of State may, on such terms and subject to such conditions as he may determine, make payments by way of grant towards costs incurred by any such person as is mentioned in paragraph (a) of section 5(2) above in respect of all or any of the following matters in relation to an invalid carriage or other vehicle provided by the Secretary of State for or belonging to that person—
- (a) the taking of any such action as is referred to in paragraph 1 above;
 - (b) the purchase of fuel for the purposes of the vehicle, so far as the cost of the purchase is attributable to duties of excise payable in respect of fuel; and
 - (c) the taking of instruction in the driving of the vehicle.
- 3 Regulations may provide for any incidental or supplementary matter for which it appears to the Secretary of State necessary or expedient to provide in connection with the taking of action under paragraph 1 above or the making of any payment under paragraph 2 above.
- 4 In paragraph (a) of section 5(2) above, and in this Schedule. “invalid carriage” means a mechanically propelled vehicle specially designed and constructed (and not merely adapted) for the use of a person suffering some physical defect or disability and used solely by such a person.

SCHEDULE 3

PUBLIC HEALTH LABORATORY SERVICE BOARD

PART I

CONSTITUTION OF THE PUBLIC HEALTH LABORATORY SERVICE BOARD

- 1 The Public Health Laboratory Service Board shall be a body corporate.
- 2 The Board may accept, hold and administer properly on trust for any purposes relating to ^{F10}its functions].

Textual Amendments

F10 Words substituted by [Public Health Laboratory Service Act 1979 \(c. 23, SIF 113:1\), s. 1\(4\)](#)

- 3 The Board shall consist of a chairman appointed by the Secretary of State and such other members so appointed as the Secretary of State thinks fit, and the members shall include—
- (a) not less than two persons appointed after consultation with the Medical Research Council; and
 - (b) not less than two persons with experience as microbiologists, appointed after consultation with such organisations as the Secretary of State thinks appropriate; and
 - (c) not less than two proper officers appointed by a local authority; and
 - (d) not less than one person with experience of service in hospitals; and
 - (e) not less than one medical practitioner engaged in general medical practice, appointed after consultation with such organisations as the Secretary of State may recognise as representative of practitioners so engaged.

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- 4 Subject to paragraph 5 below members shall be appointed for a term of three years.
- 5 Any member appointed to fill a casual vacancy shall be appointed for the remainder of the term for which his predecessor was appointed.
- 6 A member may at any time resign his office.
- 7 A person who is or has been a member of the Board shall be eligible for re-appointment as a member.
- 8 The Board may elect a deputy chairman and may appoint one or more committees consisting wholly or partly of members of the Board and may delegate to any such committee any of the Board's functions.
- 9 The proceedings of the Board or any committee appointed by the Board shall not be invalidated by any vacancy in the membership of the Board or committee, or by any defect in the appointment or qualification of any such member.
- 10 The Board and, subject to any directions of the Board, any committee appointed by them, may regulate their own procedure and fix a quorum for any of their proceedings.

PART II

ADDITIONAL PROVISIONS AS TO THE PUBLIC HEALTH LABORATORY SERVICE BOARD

- 11 The Board may appoint such officers and servants, on such terms as to remuneration and conditions of service, as the Board may, with the Secretary of State's approval, determine.
- 12 The Board may pay to its members and to the members of any committee appointed by the Board such [^{F11}remuneration and allowances, and may make such provision for the payment of pensions, gratuities or allowances to or in respect of persons who have ceased to be members of the Board, as the Secretary of State may with the approval of [^{F12}the Treasury] determine].

Textual Amendments

F11 Words substituted by Public Health Laboratory Service Act 1979 (c. 23, SIF 113:1), s. 2

F12 Words substituted by virtue of S.I. 1981/1670, arts. 2, 3(5)

- 13 The Board shall exercise their functions in accordance with any direction which the Secretary of State may give to them but shall in the exercise of those functions be deemed for all purposes to act as principal.
- 14 The Secretary of State shall pay to the Board, out of moneys provided by Parliament, such sums as may be necessary to defray the expenditure of the Board incurred with his approval.
- 15 Any sums received by the Board (otherwise than in exercise of their power under paragraph 2 above, or under paragraph 14 above) shall be paid into the Consolidated Fund.
- 16 The Board shall keep proper accounts and other records in such form as the Secretary of State may, with the approval of the Treasury, determine.

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- 17 The Board shall prepare and transmit to the Secretary of State in respect of each financial year statements of account in such form as the Secretary of State may, with the approval of the Treasury, determine.
- 18 The Secretary of State shall transmit these statements of accounts on or before 30th November following the financial year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his report on them before each House of Parliament.

SCHEDULE 4

CENTRAL HEALTH SERVICES COUNCIL AND ADVISORY COMMITTEES

1 ^{F13}

Textual Amendments

F13 Ss. 6(1)(2)(6)(7), 30(2), 59, 60, 67–71, 73–76, Sch. 4 para. 1, Sch. 15 paras. 11, 41, 68—70 repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**

Supplementary provisions

- 2 Regulations may make provision with respect to the appointment, tenure of office and vacation of office of the members of . . . ^{F14} and of any standing advisory committee constituted under section 6 above.

Textual Amendments

F14 Words repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**

- 3 The Secretary of State shall appoint a secretary to . . . ^{F15} each standing advisory committee.

Textual Amendments

F15 Words repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**

- 4 ^{F16} . . . any standing advisory committee may appoint such sub-committees, as they think fit, and as are approved by the Secretary of State, to consider and report upon questions referred to them by the ^{F16} . . . standing advisory committee as the case may be.

Any such committee or sub-committee may include persons who are not members of the . . . ^{F16} standing advisory committee . . . ^{F16}.

Textual Amendments

F16 Words repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**

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- 5 . . . ^{F17} and any standing advisory committee shall elect one of the members of the . . . ^{F17} committee. . . ^{F17} to be chairman of the . . . ^{F17} committee, and shall have power to regulate their own procedure.

Textual Amendments

F17 Words repealed by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [Sch. 7](#)

- 6 The proceedings of . . . ^{F18} any standing advisory committee shall not be invalidated by any vacancy in the membership of the . . . ^{F18} committee, or by any defect in a member's appointment or qualification.

Textual Amendments

F18 Words repealed by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [Sch. 7](#)

SCHEDULE 5

[^{F19}HEALTH AUTHORITIES AND SPECIAL HEALTH AUTHORITIES]

Textual Amendments

F19 [Sch. 5](#) heading 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. 59](#) (with [Sch. 2 para. 6](#))

[^{F20}PART I

[^{F21}MEMBERSHIP OF STRATEGIC HEALTH AUTHORITIES AND HEALTH AUTHORITIES]

Textual Amendments

F20 By [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\)](#), [Sch. 1 Pt. I para. 59](#) (with [Sch. 2 para. 6](#)) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that [Sch. 5 Pt. I](#) shall be inserted

F21 Words in [Sch. 5 Pt. 1](#) heading substituted (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. 34\(2\)\(d\)](#); S.I. 2002/2478, [art. 3\(1\)\(c\)](#)

- ^{F22}1 A [^{F23}Strategic Health Authority] shall consist of—
- (a) a chairman appointed by the Secretary of State;
 - (b) not more than a prescribed number of persons (not being officers of the [^{F23}Strategic Health Authority]) appointed by the Secretary of State; and
 - (c) a prescribed number of officers of the [^{F23}Strategic Health Authority] .

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Textual Amendments

- F22** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with **Sch. 2 para. 6**) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that Sch. 5 Pt. I shall be inserted
- F23** Words in **Sch 5 Pt. 1** substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**

- ^{F24}₂ Regulations may provide that all or any of the persons appointed as members of a [^{F25}Strategic Health Authority] under paragraph 1(b) above—
- (a) must hold posts of a prescribed description; or
 - (b) must fulfil any other prescribed conditions.

Textual Amendments

- F24** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with **Sch. 2 para. 6**) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that Sch. 5 Pt. I shall be inserted
- F25** Words in **Sch 5 Pt. 1** substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**

- ^{F26}₃ Regulations shall provide that each of the persons who is a member of a [^{F27}Strategic Health Authority] under paragraph 1(c) above must either—
- (a) hold an office of the [^{F27}Strategic Health Authority] of a prescribed description; or
 - (b) be appointed by the chairman of the [^{F27}Strategic Health Authority] and the persons appointed as members of the [^{F27}Strategic Health Authority] under paragraph 1(b) above.

Textual Amendments

- F26** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with **Sch. 2 para. 6**) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that Sch. 5 Pt. I shall be inserted
- F27** Words in **Sch 5 Pt. 1** substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**

- ^{F28}₄ Regulations may provide for a person of a prescribed description who is not an officer of a [^{F29}Strategic Health Authority] to be treated for the purposes of this Part of this Schedule, and any other prescribed provision relating to members of (or of committees or sub-committees of) [^{F30}Strategic Health Authorities] , as if he were such an officer.

Textual Amendments

- F28** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with **Sch. 2 para. 6**) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that Sch. 5 Pt. I shall be inserted
- F29** Words in **Sch 5 Pt. 1** substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**
- F30** Words in **Sch 5 Pt. 1 para. 4** substituted (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. 34(2)(b)**; S.I. 2002/2478, **art. 3(1)(c)**

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[^{F31}4A Paragraphs 1 to 4 above apply in relation to Health Authorities as they apply in relation to Strategic Health Authorities.]]

Textual Amendments

F31 Sch 5 Pt. 1 para. 4A 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. 34(2)(c)**; S.I. 2002/2478, **art. 3(1)(c)**

[^{F32}**PART I**

MEMBERSHIP OF REGIONAL [^{F33}AREA AND DISTRICT] HEALTH AUTHORITIES

Textual Amendments

F32 Sch. 5 Pt. 1 repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**

F33 Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 1**, para. 78(1)(2)

Modifications etc. (not altering text)

C4 Sch. 5 Pt. 1: by s. 1(2) of the National Health Service and Community Care Act 1990 (c. 19, SIF 113:2) it is provided that Part I of Schedule 1 to that Act shall have effect in place of Part I of Schedule 5

Regional Health Authorities

- 1 (1) A Regional Health Authority shall consist of a chairman appointed by the Secretary of State, and of such number of other members appointed by him as he thinks fit.
- (2) Except in prescribed cases, it is the Secretary of State's duty, before he appoints a member of a Regional Health Authority other than the chairman, to consult with respect to the appointment—
- (a) such of the following bodies of which the areas or parts of them are within the region of the Authority, namely, county councils, metropolitan district councils, . . . ^{F34} London borough councils, and the Common Council of the City of London;
 - (b) the university or universities with which the provision of health services in that region is, or is to be, associated;
 - (c) such bodies as the Secretary of State may recognise as being, either in that region or generally, representative respectively of medical practitioners [^{F35}including medical practitioners qualified in homoeopathy], dental practitioners, nurses, midwives, registered pharmacists and ophthalmic . . . ^{F36}opticians, or representative of such other professions as appear to him to be concerned;
 - (d) any federation of workers' organisations which appears to the Secretary of State to be concerned, and any voluntary organisation within the meaning of section 23 above and any other body which appear to him to be concerned; and
 - (e) in the case of an appointment of a member falling to be made after the establishment of the Regional Health Authority in question, that Authority.

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Textual Amendments

- F34** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102(2), [Sch. 17](#)
- F35** Words inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [s. 22](#)
- F36** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

Area Health Authorities

- 2 (1) . . . ^{F37} an Area [^{F38}or District] Health Authority for an area [^{F38}or district] in England shall consist of the following members—
- (a) a chairman appointed by the Secretary of State;
 - (b) the specified number of members appointed by the relevant Regional Authority after consultation (except in prescribed cases) with the bodies mentioned in sub-paragraph (2) below;
 - (c) the specified number of members appointed by the relevant Regional Authority on the nomination of the university or universities specified as being associated with the provision of health services in that Authority's region; and
 - (d) the specified number (not less than four) of members appointed by the specified local authority or local authorities.
- (2) The bodies referred to in sub-paragraph (1)(b) above are—
- (a) such bodies as the relevant Regional Authority may recognise as being, either in its region or in the area [^{F38}or district] of the Area [^{F38}or District] Health Authority or generally, representative respectively of medical practitioners, dental practitioners, nurses, midwives, registered pharmacists and ophthalmic . . . ^{F39}opticians, or representative of such other professions as appear to the relevant Regional Authority to be concerned;
 - (b) such other bodies (including any federation of workers' organisations) as appear to the relevant Regional Authority to be concerned, excluding any university which has nominated, or is entitled to nominate, a member, and any local authority which has appointed, or is entitled to appoint, a member; and
 - (c) in the case of an appointment of a member falling to be made after the establishment of the Area [^{F38}or District] Health Authority in question, that Authority.

Textual Amendments

- F37** Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, [Sch. 10 Pt. I](#)
- F38** Words inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [Sch. 1](#), para. 78(3)
- F39** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#)

- 3 Paragraph 2 above applies to an Area [^{F40}or District] Health Authority for an area [^{F40}or district] in Wales as if, for any reference to the relevant Regional Authority, there were substituted a reference to the Secretary of State, and for any reference to England or the region of that Authority there were substituted a reference to Wales.

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Textual Amendments

F40 Words inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [Sch. 1, para. 78\(4\)](#)

4

F41

Textual Amendments

F41 [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](#)

Supplemental

- 5 (1) For the purposes of paragraphs 2 to 4 above—
- (a) “local authority” means the council of a non-metropolitan county, a metropolitan district, [^{F42}a non-metropolitan district] and a London borough, . . . ^{F43} and the Common Council of the City of London;
 - (b) “the relevant Regional Authority” means the Regional Health Authority of which the region includes [^{F44}the area or district of the Area or District] Health Authority in question; and
 - (c) “specified” means specified in the order establishing the Area [^{F42}or District] Health Authority in question, . . . ^{F45}.
- (2) Where—
- (a) an order establishing an Area [^{F42}or District] Health Authority, . . . ^{F45}, specifies more than one university in pursuance of paragraph 2(1)(c) above, the order may contain provision as to which of the universities shall (either severally or jointly) nominated all or any of the members falling to be nominated in pursuance of that provision;
 - (b) such an order specifies more than one local authority in pursuance of paragraph 2(1)(d) above, the order may provide for each of the local authorities to appoint in pursuance of paragraph 2(1)(d) the number of members specified in the order in relation to that local authority.]

Textual Amendments

F42 Words inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [Sch. 1, para. 78\(6\)](#)

F43 Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1, 2\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

F44 Words substituted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), [Sch. 1 para. 78\(6\)](#)

F45 Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, [Sch. 10 Pt. I](#)

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[^{F46}[^{F47}PART II

FAMILY PRACTITIONER COMMITTEES

Textual Amendments

- F46** Pt. II substituted by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 12**.
F47 Sch. 5 Pt. II repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), 67(2), **Sch. 10**

Modifications etc. (not altering text)

- C5** Sch. 5 Pt. II: by s. 2(4)(6) of the National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), it is provided that Part II of Schedule 1 of that Act shall have effect in place of Part II of Schedule 5
C6 Pt. II modified by S.I. 1984/1735, **art. 2(1)**

- 6 (1) Subject to paragraph 7 below, a Family Practitioner Committee shall consist of a chairman and 30 other members.
- (2) The chairman shall be appointed by the Secretary of State.
- (3) The other members shall be appointed by the Secretary of State, as follows—
- (a) 8 shall be appointed from persons nominated by the Local Medical Committee for the locality of the Family Practitioner Committee, and one of them must be, but not more than one of them shall be, a medical practitioner having the qualifications prescribed in pursuance of section 38 above;
- (b) 3 shall be appointed from persons nominated by the Local Dental Committee for that locality;
- (c) 2 shall be appointed from persons nominated by the Local Pharmaceutical Committee for that locality;
- (d) 1 shall be an ophthalmic optician appointed from persons nominated by such members of the Local Optical Committee for that locality as are ophthalmic opticians;
- [1 shall be appointed from persons nominated—
- ^{F48}(e) (i) by the Local Medical Committee for the locality of the Family Practitioner Committee;
- (ii) by the Local Dental Committee for that locality;
- (iii) by the Local Pharmaceutical Committee for that locality; or
- (iv) by the Local Optical Committee for that locality;]
- (f) 4 shall be appointed from persons nominated by local authorities any part of whose area is in the locality of the Family Practitioner Committee;
- (g) 4 shall be appointed from persons nominated by District Health Authorities any part of whose district is in the locality of the Family Practitioner Committee; and
- (h) 7 shall be appointed after such consultations with such bodies as the Secretary of State considers appropriate.
- (4) One member must be a person who—
- (a) is registered in the register of qualified nurses, midwives and health visitors—
- (i) as a nurse recorded in the register as having an additional qualification in district nursing;

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- (ii) as a midwife; or
 - (iii) as a health visitor; and
 - (b) has recent experience of providing services to patients (other than patients resident in hospital) in any such capacity.
- (5) If a nomination required for the purposes of sub-paragraph (3) above is not made before such date as the Secretary of State may determine, he may appoint a member without waiting any longer for the nomination.
- (6) No person—
- (a) shall be nominated for appointment to a Family Practitioner Committee under sub-paragraph (3)(f) or (g) above or sub-paragraph (5) above; or
 - (b) shall be appointed to such a Committee under sub-paragraph (3)(f), (g) or (h) above,
- if he is—
- (i) a medical practitioner;
 - (ii) a dental practitioner;
 - (iii) an ophthalmic optician;
 - (iv) F49
 - (v) a registered pharmacist; or
 - (vi) a person conducting a business providing any service for the purposes of Part II of this Act.
- (7) If a Local Medical Committee so require, the Secretary of State shall appoint from among medical practitioners having the qualifications prescribed in pursuance of section 38 above and nominated by the Local Medical Committee under sub-paragraph (3)(a) above a medical practitioner to be the deputy of such a practitioner appointed from among persons nominated by them under sub-paragraph (3)(a) above.
- [If a Local Optical Committee so require, the Secretary of State shall appoint from
- ^{F50}(8) among ophthalmic opticians nominated by the Committee under sub-paragraph (3) (d) above an ophthalmic optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(d) above.]
- (9) If a Local Optical Committee so require, the Secretary of State shall appoint from among dispensing opticians nominated by the Committee under sub-paragraph (3) (e) above a dispensing optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(e) above.
- (10) A deputy may, while the member for whom he is deputy is absent from any meeting of the relevant Family Practitioner Committee, act as a member of that Committee in the place of the absent member.
- (11) The Committee shall appoint one of their members to be vice-chairman.

Textual Amendments

- F48** Para. 6(3)(e) repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. I](#) and substituted (1.7.1986) by virtue of para. 7A(2) below
- F49** Para. 6(5)(iv) repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. 1](#)
- F50** Para. 6(8) repealed (prosp.) by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), ss. 24, 27(1), [Sch. 8 Pt. 1](#)

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Modifications etc. (not altering text)

C7 Para. 6 modified by S.I. 1985/66, art. 2 and S.I. 1985/303, art. 2

- 7 (1) If it appears to the Secretary of State that, by reason of special circumstances affecting a locality, it is appropriate that the Family Practitioner Committee for that locality should not be in accordance with paragraph 6 above, he may by order provide that that paragraph shall apply in relation to the Committee for that locality with such modifications as are specified in the order.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, before he makes an order under sub-paragraph (1) above, to consult the Family Practitioner Committee for the locality and any District Health Authority any part of whose district is in the locality of the Family Practitioner Committee with respect to the order.
- (3) It shall also be his duty, in making any such order, to have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between members falling to be appointed in pursuance of paragraph 6 above as there would be if no modification were made.
- 7A (1) Any member of a Family Practitioner Committee appointed by virtue of paragraph 6(3)(e) above shall cease to be a member of the Committee on the day on which the repeal of that paragraph by section 24 of the Health and Social Security Act 1984 comes into force.
- (2) The following paragraph shall be substituted on that day for paragraph 6(3)(e) above—
- “(e) 1 shall be appointed from persons nominated—
- (i) by the Local Medical Committee for the locality of the Family Practitioner Committee;
 - (ii) by the Local Dental Committee for that locality;
 - (iii) by the Local Pharmaceutical Committee for that locality; or
 - (iv) by the Local Optical Committee for that locality;”]

PART III

SUPPLEMENTARY PROVISIONS

Corporate status

- 8 Each [^{F51}Strategic Health Authority, each]^{F52}Health Authority and each Special Health Authority] (hereinafter in this Schedule referred to severally as “an authority”) shall be a body corporate.

Textual Amendments

- F51** Words in Sch. 5 Pt. 3 para. 8 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. 34(3)(a); S.I. 2002/2478, art. 3(1)(c)
- F52** Words in Sch. 1 Pt. III para. 8 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. 60(a) (with Sch. 2 para. 6)

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Pay and allowances

- 9 (1) The Secretary of State may pay to the chairman of an authority [^{F53}and to any member of a relevant authority who is appointed by the Secretary of State ^{F54}. . . . ^{F55} such remuneration as he may determine with the approval of [^{F56}the Treasury].
- (2) The Secretary of State may provide as he may determine with the approval of [^{F57}the Treasury] for the payment of a pension, allowance or gratuity to or in respect of the chairman of an authority . . . ^{F55}.
- (3) Where a person ceases to be chairman of an authority . . . ^{F55}, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to him a payment of such amount as the Secretary of State may determine with the approval of [^{F58}the Treasury].
- (4) The Secretary of State may pay to a member of an authority, or of a committee or sub-committee of [^{F59}, or joint committee or joint sub-committee including,] an authority, such travelling and other allowances (including attendance allowance or compensation for the loss of remunerative time) as he may determine with the approval of [^{F60}the Treasury].
- (5) Allowances shall not be paid in pursuance of sub-paragraph (4) above except in connection with the exercise, in such circumstances as the Secretary of State may determine with the approval of [^{F60}the Treasury], of such functions as he may so determine.
- (6) Payments under this paragraph shall be made at such times, and in such manner and subject to such conditions, as the Secretary of State may determine with the approval of [^{F61}the Treasury].
- [^{F62}(7) In sub-paragraph (1) above “relevant authority” [^{F63}means—
- (a) a [^{F64}Strategic Health Authority or] Health Authority; or
 - (b) any Special Health Authority which is specified] in Schedule 1 to the Authorities for London Post-Graduate Teaching Hospitals (Establishment and Constitution) Order ^{M1}1982, in the Board of Governors of the Eastman Dental Hospital (Establishment and Constitution) Order ^{M2}1984 or in any other provision of an order under this Act which specifies an authority for the purposes of this sub-paragraph.]

Textual Amendments

- F53** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 1(3), 2, [Sch. 1 para. 7](#)
- F54** Words in [Sch. 5 Pt. III para. 9\(1\)](#) 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\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(b\)\(i\), Sch. 3](#) (with [Sch. 2 para. 6](#))
- F55** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), ss. 5, 24, [Sch. 3 para. 13, Sch. 8 Pt. I](#)
- F56** Words substituted by virtue of [S.I. 1981/1670, arts. 2\(2\), 3\(5\)](#)
- F57** Words substituted by virtue of [S.I. 1981/1670, arts. 2\(1\)\(c\), 3\(5\)](#)
- F58** Words substituted by virtue of [S.I. 1981/1670, arts. 2\(1\)\(d\), 3\(5\)](#)

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- F59** Words in Sch. 5 Pt. III para. 9(4) inserted (1.9.1999 for E. and 1.12.1999 for W.) by 1999 c. 8, s. 65, **Sch. 4 para. 39(2)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**
- F60** Words substituted by virtue of S.I. 1981/1670, **arts. 2(1)(d)(2), 3(5)**
- F61** Words substituted by virtue of S.I. 1981/1670, **arts 2(1)(2), 3(5)**
- F62** Sch. 5 para. 9(7) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 7(2)**
- F63** Words in Sch. 5 Pt. III para. 9(7) and sub-paras. (a)(b) 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. 60(b)(ii)** (with Sch. 2 para. 6)
- F64** Words in Sch. 5 Pt. 3 para. 9(7)(a) 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. I para. 34(3)(b)**; S.I. 2002/2478, **art. 3(1)(c)**

Modifications etc. (not altering text)

- C8** Para. 9 modified by Mental Health Act 1983 (c. 20, SIF 85), s. **121(11)**
- C9** Sch. 5 para. 9(1)(4): functions not to be exercised by a primary care trust (1.4.2000) by S.I. 2000/695, reg. 4(1), **Sch. 4**
- C10** Sch. 5 para. 9(1)(4): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

Marginal Citations

- M1** S.I. 1982/314.
M2 S.I. 1984/188.

Staff

- 10 ^{F65}(1) Subject to and in accordance with regulations and such directions as may be given by the Secretary of State, an authority . . . ^{F66} may employ such officers as it may determine [^{F67}and pay its officers such remuneration and allowances, and employ them on such other terms and conditions,] as it may determine; and regulations and directions under] this sub-paragraph [^{F68}may make provision with respect to any matter connected with the employment by an authority of its officers, including in particular provision—]
- (a) with respect to the qualifications of persons who may be employed as officers of an authority;
- (b) requiring an authority to employ [^{F69}a chief officer and officers of such other descriptions as may be prescribed and to employ], for the purpose of performing prescribed functions of the authority or any other body, officers having prescribed qualifications or experience; and
- (c) as to the manner in which any officers of an authority are to be appointed.
- ^{F70}(1A) Regulations or directions under sub-paragraph (1) above may provide for approvals or determinations to have effect from a date specified in them [^{F71}and a direction under that sub-paragraph may relate to a particular officer or class of officer specified in the direction].
- (1B) The date may be before or after the date of giving the approvals or making the determinations but may not be before if it would be to the detriment of the officers to whom the approvals or determinations relate.]
- (2) Regulations may provide for the transfer of officers from one authority to another . . . ^{F72}, and for arrangements under which the services of an officer of an authority are placed at the disposal of another authority or a local authority.
- ^{F73}(2A) Where the registration of a dental practitioner in the dentists register is suspended—

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- (a) by an order under [^{F74}section 32 of the ^{M3}Dentists Act 1984] (interim suspension); or
- (b) by a direction or [^{F74}an order of the Health Committee under] that Act (health cases),

the suspension shall not terminate any contract of employment made between him and an authority but a person whose registration is suspended under that Part of that Act shall not perform any duties under a contract made between him and an authority which involves the practice of dentistry within the meaning of [^{F74}the ^{M4}Dentists Act 1984.]]

(3) Directions may be given—

- (a) by the Secretary of State to an authority to place services of any of its officers at the disposal of another authority,
- ^{F75}(b)
- (c) by the Secretary of State to any authority . . . ^{F76} to employ as an officer of the authority any person who is or was employed by another authority and is specified in the direction,
- ^{F75}(d)
- ^{F77}

(4) Regulations made in pursuance of this paragraph shall not require that all consultants employed by an authority are to be so employed whole-time.

Textual Amendments

- F65** Words substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 14, **Sch. 6 para. 3(1)**
- F66** Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), ss. 5, 24, Sch. 3 para. 14, **Sch. 8 Pt. I**
- F67** Words in Sch. 5 Pt. III para. 10(1) substituted (1.10.2001 for E. and otherwise *prosp.*) by 2001 c. 15, ss. **6(1)(a)**, 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3294, **art. 2**
- F68** Words in Sch. 5 Pt. III para. 10(1) substituted (1.10.2001 for E. and otherwise *prosp.*) by 2001 c. 15, ss. **6(1)(b)**, 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3294, **art. 2**
- F69** Words in Sch. 5 Pt. III para. 10(1)(b) 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. 60(c)(i)** (with Sch. 2 para. 6)
- F70** Para. 10(1A)(1B) inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 14, **Sch. 6 para. 3(2)**
- F71** Words added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 8**
- F72** Words repealed by S.I. 1985/39, **art. 7(22)(a)(i)**
- F73** Para. 10(2A) inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. **15(b)**
- F74** Words substituted by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(1), Sch. 5 paras. 8, **10**
- F75** Sch. 5 Pt. III para. 10(3)(b)(d) 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), 8(1), Sch. 1 Pt. I para. 60(c)(ii), **Sch. 3** (with Sch. 2 para. 6)
- F76** Words repealed by S.I. 1985/39, **art. 7(22)(a)(ii)**
- F77** Words in Sch. 5 Pt. III para. 10(3) omitted (1.9.1999 for E. and 1.12.1999 for W.) and repealed (1.4.2000) by 1999 c. 8, s. 65, Sch. 4 para. 39(3), **Sch. 5**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**; S.I. 2000/1041, art. 2(d), **Sch.**

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Marginal Citations

M3 1984 c. 24(83:1).

M4 1984 c. 24(83:1).

- 11 (1) It shall be the duty of the Secretary of State, before he makes regulations in pursuance of paragraph 10 above, to consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, ^{F78} . . . before he ^{F78} . . . gives directions to an authority in pursuance of sub-paragraph (3) of paragraph 10 above in respect of any officer of an authority—
- (a) to consult the officer about the directions; or
 - (b) to satisfy himself. . . that the authority of which he is an officer has consulted the officer about the placing or employment in question; or
 - (c) to consult, except in the case of a direction in pursuance of paragraph (c) ^{F78} . . . of paragraph 10(3), with respect to the directions such body as he ^{F78} . . . may recognise as representing the officer.
- (3) If the Secretary of State ^{F79} . . . —
- (a) considers it necessary to give directions in pursuance of paragraph (a) ^{F79} . . . of paragraph 10(3) for the purpose of dealing temporarily with an emergency, and
 - (b) has previously consulted bodies recognised by him ^{F79} . . . as representing the relevant officers about the giving of directions for that purpose,
- the Secretary of State ^{F79} . . . shall be entitled to disregard sub-paragraph (2) above in relation to the directions.

Textual Amendments

F78 Words in [Sch. 5 Pt. III para. 11\(2\)](#) 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\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(d\)\(i\), Sch. 3](#) (with [Sch. 2 para. 6](#))

F79 Words in [Sch. 5 Pt. III para. 11\(3\)](#) 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\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(d\)\(ii\), Sch. 3](#) (with [Sch. 2 para. 6](#))

Miscellaneous

- 12 Provision may be made by regulations as to—
- (a) the appointment and tenure of office of the chairman [^{F80}vice-chairman] and members of an authority [^{F81}and any members of a committee or sub-committee of [^{F82}, or joint committee or joint sub-committee including,] an authority who are not members of the authority];
 - ^{F83}(aa) the circumstances in which a member of an authority who is (or is to be regarded as) an officer of the authority may be suspended from performing his functions as a member]
 - (b) the appointment [^{F84}and constitution] of ^{F85} . . . committees and sub-committees [^{F86}(and joint committees and joint sub-committees) of (or

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- including) an authority (including any such committees] consisting wholly or partly of persons who are not members of the authority in question); and
- (c) the procedure of an authority, and of such committees and sub-committees as are mentioned in sub-paragraph (b) above.

Textual Amendments

- F80** Word inserted by S.I. 1985/39, **art. 7(22)(b)**
- F81** Words added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 9(a)**
- F82** Words in Sch. 5 Pt. III para. 12(a) inserted (1.9.1999 for E. and 1.12.1999 for W.) by 1999 c. 8, s. 65, **Sch. 4 para. 39(4)(a)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**
- F83** Sch. 5 para. 12(aa) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 9(b)**
- F84** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 9(c)**
- F85** Words in Sch. 5 Pt. III para. 12(b) 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. 60(e)**, **Sch. 3** (with Sch. 2 para. 6)
- F86** Words in Sch. 5 Pt. III para. 12(b) substituted (1.9.1999 for E., and 1.12.1999 for W.) by 1999 c. 8, s. 65, **Sch. 4 para. 39(4)(b)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**

- [^{F87}12A Regulations made by virtue of this Schedule [^{F88}may make provision (including provision modifying this Schedule)] to deal with cases where the post of chief officer or any other officer of an authority is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.]

Textual Amendments

- F87** Sch. 5 para. 12A inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 10**
- F88** Words in Sch. 5 Pt. III para. 12A 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. 60(f)** (with Sch. 2 para. 6)

- 13 An authority may pay subscriptions, of such amounts as the Secretary of State may approve, to the funds of such bodies as he may approve.
- 14 The proceedings of an authority shall not be invalidated by any vacancy in its membership, or by any defect in a member's appointment.

- 15 [^{F89}(1) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by an authority of any function exercisable by them by virtue of section 16 or 16D above are enforceable by or (as the case may be) against that authority (and no other health service body).

(1A) This paragraph does not apply in relation to the joint exercise of any functions by an authority with another body under section 16(2)(c) or (3)(b) above.]

- [^{F90}(2) An authority shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the discovery or production of documents.

This sub-paragraph shall not prejudice any right of the Crown to withhold or procure the withholding from production of any document on the ground that its disclosure would be contrary to the public interest.]

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^{F91}(3)

Textual Amendments

- F89** Sch. 5 Pt. III para. 15(1)(1A) substituted (1.9.1999 for E. and 1.12.1999 for W.) for Sch. 15 Pt. III para. 15(1) by 1999 c. 8, s. 65, **Sch. 4 para. 39(5)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**
- F90** Sch. 5 para. 15(2) repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**
- F91** Sch. 5 Pt. III para. 15(3) 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. 60(g), **Sch. 3** (with Sch. 2 para. 6)

- 16 Provision may be made by regulations with respect to the recording of information by an authority, and the furnishing of information by an authority to the Secretary of State or another authority.

[^{F92}SCHEDULE 5A

PRIMARY CARE TRUSTS

Textual Amendments

- F92** Sch. 5A inserted (8.9.1999, 4.1.2000 and 1.4.2000 for specified purposes for E., and otherwise *prosp.*) by 1999 c. 8, s. 2(2), **Sch. 1**; S.I. 1999/2342, art. 2(2)(b)(3)(a)(4)(a), Schs. 1, 2, **3**

PART I

PCT ORDERS

- 1 (1) A PCT order shall specify—
- (a) the name of the trust, and
 - (b) the operational date of the trust.
- (2) The operational date of a Primary Care Trust is the date on which the functions exercisable by it may be undertaken fully by the trust.
- 2 (1) A PCT order may provide for the establishment of a Primary Care Trust with effect from a date earlier than the operational date.
- (2) During the period beginning with that earlier date and ending with the day immediately preceding the operational date (referred to in this Schedule as the preparatory period), the exercise of any functions by the trust shall be limited to such exercise as may be specified in the PCT order for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date.
- (3) A PCT order may require [^{F93}a Strategic Health Authority whose area includes any part of the area of a Primary Care Trust to meet costs] of the trust performing its functions during the preparatory period by doing either or both of the following—

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- (a) discharging such liabilities of the trust as may be incurred during the preparatory period and are of a description specified in the order,
 - (b) paying the trust sums to enable it to meet [^{F94}(or to contribute towards its meeting)] expenditure of a description specified in the order.
- (4) A PCT order may require [^{F95}a Strategic Health Authority whose area includes any part of the area of a Primary Care Trust] or an NHS trust to make available to the Primary Care Trust during the preparatory period—
- (a) premises and other facilities of the authority or NHS trust,
 - (b) officers of the authority,
 - (c) staff of the NHS trust.

Textual Amendments

- F93** Words in Sch. 5A para. 2(3) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(4)(a)(i), 42(3); S.I. 2002/2478, art. 3(1)(a)
- F94** Words in Sch. 5A para. 2(3)(b) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(4)(a)(ii), 42(3); S.I. 2002/2478, art. 3(1)(a)
- F95** Words in Sch. 5A para. 2(4) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(4)(b), 42(3); S.I. 2002/2478, art. 3(1)(a)

PART II

CONSTITUTION AND MEMBERSHIP

Corporate status

- 3 Every Primary Care Trust shall be a body corporate.

Membership

- 4 The members of a Primary Care Trust shall be—
- (a) a chairman appointed by the Secretary of State,
 - (b) officers of the trust, and
 - (c) a number of persons who are not officers of the trust.
- 5 (1) Regulations may make provision about—
- (a) the appointment of the chairman and other members of a Primary Care Trust (including any conditions to be fulfilled for appointment),
 - (b) the tenure of office of the chairman and other members of a trust (including the circumstances in which they cease to hold office or may be removed or suspended from office),
 - (c) how many persons may be appointed as members of a trust and how many of those members may be officers (a minimum and maximum number may be specified for both purposes),
 - (d) the appointment and constitution of any committees of a trust (which may include or consist of persons who are not members of the trust),
 - (e) the appointment and tenure of office of the members of any committees of a trust,

Status: Point in time view as at 01/10/2002.

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- (f) the procedure to be followed by a trust, and by any committee of the trust, in the exercise of its functions,
 - (g) the circumstances in which a person who is not an officer of the trust is to be treated as if he were such an officer.
- (2) The power to make provision under paragraphs (c) and (f) of sub-paragraph (1) above includes power to make regulations about the number of persons who may be appointed and the procedure to be followed during the preparatory period.
- (3) Any regulations under this paragraph may, in particular, make provision to deal with cases where the post of any officer of a Primary Care Trust is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.
- 6 Any reference in this Part of this Schedule to a committee of a Primary Care Trust includes a reference to sub-committees of, and joint committees and joint sub-committees including, the trust.
- 7 The validity of any proceedings of a Primary Care Trust, or of any of its committees, shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

Staff

- [
F96g
- (1) A Primary Care Trust may employ such officers as it thinks fit.
 - (2) Subject to sub-paragraph (3) below, a trust may—
 - (a) pay its officers such remuneration and allowances, and
 - (b) employ them on such other terms and conditions,as it thinks fit.
 - (3) A trust shall—
 - (a) in exercising its powers under sub-paragraph (2) above, and
 - (b) otherwise in connection with the employment of its officers,act in accordance with regulations and any directions given by the Secretary of State.
 - (4) Before making any regulations under sub-paragraph (3) above, the Secretary of State shall consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.]

Textual Amendments

F96 Sch. 5A para. 8 substituted (1.10.2001 for E. and otherwise *prosp.*) by 2001 c. 15, ss. 6(2)(a), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3294, art. 2

- 9
- (1) Without prejudice to the generality of section 17 above the Secretary of State may direct a Primary Care Trust—
 - (a) to make the services of any of its officers available to another Primary Care Trust, or
 - (b) to employ any person who is or was employed by another Primary Care Trust and is specified in the direction.
 - (2) Before he gives a direction under sub-paragraph (1) above the Secretary of State shall—

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- (a) consult the person whose services are to be made available or who is to be employed,
 - (b) satisfy himself that the trust has consulted that person, or
 - (c) consult such body as he may recognise as representing that person.
- (3) Sub-paragraph (2) above does not apply in relation to a direction under sub-paragraph (1)(a) above if the Secretary of State—
- (a) considers it necessary to give the direction for the purpose of dealing temporarily with an emergency, and
 - (b) has previously consulted bodies recognised by him as representing the person whose services are to be made available about the giving of directions for that purpose.
- 10 In addition to making provision in relation to [^{F97}Strategic Health Authorities,] Health Authorities and Special Health Authorities, regulations under paragraph 10(2) of Schedule 5 to this Act may also provide—
- (a) for the transfer of officers from one Primary Care Trust to another, and
 - (b) for arrangements under which the services of officers of a Primary Care Trust are placed at the disposal of another Primary Care Trust or a local authority.

Textual Amendments

F97 Words in *Sch. 5A Pt. 2 para. 10* 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. 35(2)**; S.I. 2002/2478, **art. 3(1)(c)**

- [^{F98}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 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.]

Textual Amendments

F98 *Sch. 5A para. 10A* 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. 1 para. 37**; S.I. 2002/2478, **art. 3(1)(d)**

Remuneration, pensions etc

- 11 (1) A Primary Care Trust may pay the chairman and any other members of the trust such remuneration and such travelling and other allowances as may be determined by the Secretary of State.
- [A trust may pay its officers such remuneration and allowances as it may determine.]
^{F99}(2)

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- (3) A trust may pay the chairman or any person who has been chairman of the trust such pension, allowance or gratuity as may be determined by the Secretary of State.
- (4) A trust may pay the members of any committee of a trust such travelling and other allowances as may be determined by the Secretary of State.
- (5) If, when a person ceases to be chairman of a trust, the Secretary of State determines that there are special circumstances which make it right that that person should receive compensation, the trust shall pay to him a sum by way of compensation of such amount as the Secretary of State may determine.

Textual Amendments

F99 Sch. 5A para. 11(2) repealed (1.10.2001 for E. and otherwise *prosp.*) by 2001 c. 15, ss. 6(2)(b), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3294, art. 2

PART III

POWERS AND DUTIES

General powers

- 12 (1) A Primary Care Trust may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its functions.
 - (2) That includes, in particular—
 - (a) acquiring and disposing of land and other property,
 - (b) entering into contracts,
 - (c) accepting gifts of money, land and other property, including money, land or other property held on trust, either for the general or any specific purposes of the Primary Care Trust or for all or any purposes relating to the health service.
- 13 (1) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by a Primary Care Trust of any function exercisable by it by virtue of section 16B or 17A above are enforceable by or (as the case may be) against that trust (and no other health service body).
 - (2) This paragraph does not apply in relation to the joint exercise of any functions by a Primary Care Trust with another body under section 16B(2)(c) above.

Specific powers

- 14 (1) A Primary Care Trust may conduct, commission or assist the conduct of research.
 - (2) A trust may, in particular, make officers available or provide facilities under sub-paragraph (1) above.
- 15 A Primary Care Trust may—
 - (a) make officers available in connection with any instruction provided under section 63 of the ^{M5}Health Services and Public Health Act 1968,

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- (b) make officers and facilities available in connection with training by a university or any other body providing training in connection with the health service.

Marginal Citations

M5 1968 c.46.

Specific duties

- 16 (1) As soon as is practicable after the end of each financial year every Primary Care Trust shall prepare a report on the trust's activities during that year and shall send a copy of the report to [^{F100}each Strategic Health Authority whose area includes any part of the trust's area] and to the Secretary of State.
- (2) The report shall give details of the measures the trust has taken to promote economy, efficiency and effectiveness in using its resources for the exercise of its functions.
- (3) A Primary Care Trust shall prepare and send such other reports, and supply such information, to [^{F101}any Strategic Health Authority whose area includes any part of the trust's area] or to the Secretary of State as they or, as the case may be, he require.

Textual Amendments

F100 Words in Sch. 5A para. 16(1) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(4)(c), 42(3); S.I. 2002/2478, art. 3(1)(a)

F101 Words in Sch. 5A para. 16(3) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(4)(d), 42(3); S.I. 2002/2478, art. 3(1)(a)

- 17 Provision must be made by regulations requiring Primary Care Trusts to publicise—
- the trust's audited accounts,
 - the trust's annual reports prepared under paragraph 16 above,
 - any report on the trust's accounts made pursuant to section 8 of the ^{M6}Audit Commission Act 1998 (report of auditor on matter of public interest), and
 - any other document as may be prescribed,
- by taking such steps as may be specified in the regulations.

Marginal Citations

M6 1998 c.18.

Status

- 18 A Primary Care Trust 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 a Primary Care Trust's property is not to be regarded as property of, or property held on behalf of, the Crown.

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Compulsory acquisition

- 19 (1) A Primary Care Trust may be authorised to purchase land compulsorily for the purposes of its functions by means of an order made by the trust and confirmed by the Secretary of State.
- (2) The ^{M7}Acquisition of Land Act 1981 applies to the compulsory purchase of land under this paragraph.
- (3) No order is to be made by a Primary Care Trust under Part II of the Acquisition of Land Act 1981 in respect of any land unless the proposal to acquire the land compulsorily—
- (a) has been submitted to the Secretary of State in the form, and with the information, required by him, and
 - (b) has been approved by him.

Marginal Citations

M7 1981 c.67.

Dissolution

- 20 (1) The Secretary of State may, if a Primary Care Trust is dissolved, by order transfer (or provide for the transfer) to himself or to a [^{F102}Strategic Health Authority], a Special Health Authority, an NHS trust or another Primary Care Trust any property, rights or liabilities of the dissolved trust.
- (2) If any consultation requirements apply, they must be complied with before the order is made.
- (3) In this paragraph, “consultation requirements” means requirements about consultation contained in regulations.

Textual Amendments

F102 Words in Sch. 5A Pt. 3 para. 20 substituted (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. 35(3); S.I. 2002/2478, art. 3(1)(c)

PART IV

TRANSFER OF PROPERTY

- 21 (1) The Secretary of State may by order (referred to in this paragraph and paragraph 22 below as a transfer order)—
- (a) transfer (or provide for the transfer of) any of the property, rights and liabilities of a health service authority to a Primary Care Trust,
 - (b) create or impose (or provide for the creation or imposition of) new rights or liabilities in respect of property transferred or retained.
- (2) Any property, rights and liabilities which—
- (a) belong to a health service authority other than the Secretary of State or are used or managed by a [^{F103}Strategic Health Authority], and

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- (b) are to be transferred to a Primary Care Trust by or under a transfer order, must be identified by agreement between the health service authority (or [F103Strategic Health Authority]) and the Primary Care Trust or, in default of agreement, by direction of the Secretary of State.
- (3) Where a transfer order transfers (or provides for the transfer of)—
- (a) land held on lease from a third party, or
 - (b) any other asset leased or hired from a third party or in which a third party has an interest,
- the transfer is binding on the third party despite the fact that, apart from this sub-paragraph, the transfer would have required the third party's consent or concurrence.
- (4) In sub-paragraph (3) above, “third party” means a person other than a health service authority.
- (5) In this paragraph and paragraph 22 below, “health service authority” means the Secretary of State, a [F103Strategic Health Authority] , a Primary Care Trust or an NHS trust.

Textual Amendments

F103 Words in [Sch. 5A Pt. 4 para. 21](#) substituted (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. 35\(4\)](#); S.I. 2002/2478, [art. 3\(1\)\(c\)](#)

- 22 (1) Stamp duty is not chargeable in respect of any transfer to a Primary Care Trust effected by or under a transfer order.
- (2) Where it becomes necessary, for the purpose of a transfer by or under a transfer order, to apportion any property, rights or liabilities, the order may contain such provisions as appear to the Secretary of State to be appropriate for the purpose.
- (3) Where a transfer order transfers (or provides for the transfer of) any property or rights to which paragraph 21(3) above applies, the order must contain such provisions as appear to the Secretary of State to be appropriate to safeguard the interests of third parties (within the meaning of that sub-paragraph), including, where appropriate, provision for the payment of compensation of an amount to be determined in accordance with the order.
- (4) A certificate issued by the Secretary of State that—
- (a) any specified property,
 - (b) any specified interest in or right over any property, or
 - (c) any specified right or liability,
- has been vested in a Primary Care Trust by or under a transfer order is conclusive evidence of that fact for all purposes.
- In this sub-paragraph, “specified” means specified in the certificate.
- (5) A transfer order may include provision for matters to be settled by arbitration by a person determined in accordance with the order.
- (6) Paragraph 21 above and this paragraph do not prejudice—
- (a) any existing power of a health service authority to transfer property, rights or liabilities to a Primary Care Trust,
 - (b) the extent of the power conferred by section 126(4) above.

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PART V

TRANSFER OF STAFF

- 23 (1) The Secretary of State may by order transfer to a Primary Care Trust any specified description of employees to which this paragraph applies.
- (2) This paragraph applies to employees of—
- [^{F104}(a) a Strategic Health Authority,]
 - (b) an NHS trust,
 - (c) a Primary Care Trust.
- (3) An order may be made under this paragraph only if any prescribed requirements about consultation have been complied with in relation to each of the employees to be transferred.

Textual Amendments

F104 Sch. 5A Pt. 5 para. 23(2)(a) substituted (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. 35(5); S.I. 2002/2478, art. 3(1)(c)

- 24 (1) The contract of employment of an employee transferred under paragraph 23 above—
- (a) is not terminated by the transfer, and
 - (b) has effect from the date of the transfer as if originally made between the employee and the Primary Care Trust to which he is transferred.
- (2) Without prejudice to sub-paragraph (1) above—
- (a) all the rights, powers, duties and liabilities of the body from which an employee is transferred under paragraph 23 above under or in connection with his contract of employment shall by virtue of this sub-paragraph be transferred to the Primary Care Trust to which the employee is transferred under that paragraph, and
 - (b) anything done before the date of the transfer by or in relation to the body from which he is so transferred in respect of the employee or the contract of employment shall be deemed from that date to have been done by or in relation to the Primary Care Trust to which he is transferred.
- (3) Sub-paragraphs (1) and (2) above do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the body from which they would be transferred, or the Primary Care Trust to which they would be transferred, that he objects to the transfer.
- (4) Where an employee objects as mentioned in sub-paragraph (3) above his contract of employment with the body from which he would be transferred shall be terminated immediately before the date on which the transfer would occur; but he shall not be treated, for any purpose, as having been dismissed by that body.
- (5) This paragraph is without prejudice to any right of an employee to which paragraph 23 above applies to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise by reason only that, under this paragraph, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.

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- 25 (1) Where an employee is to be transferred by an order under paragraph 23 above but is to continue to be employed for certain purposes by the transferor, the order may provide that the contract of employment of the employee shall, on the date on which the employee is transferred, be divided so as to constitute two separate contracts of employment between the employee and the transferor and the employee and the Primary Care Trust in question.
- (2) Where an employee's contract of employment is divided as provided under subparagraph (1) above, the order shall provide for paragraph 24 above to have effect in the case of the employee and his contract of employment subject to appropriate modifications.
- 26 Where a Primary Care Trust is dissolved, an order under paragraph 20 above includes power to transfer employees of the trust and the order may make any provision in relation to the transfer of those employees which is or may be made in relation to the transfer of employees under paragraph 23 above.]

VALID FROM 10/10/2002

[^{F105}SCHEDULE 5B

LOCAL HEALTH BOARDS

Textual Amendments

F105 Sch. 5B inserted (10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss 6(2), 42(3), Sch. 4; S.I. 2002/2532, art. 2 Sch.

PART 1

LHB ORDERS

- 1 (1) An LHB order shall specify—
- (a) the name of the Board; and
 - (b) the operational date of the Board.
- (2) The operational date of a Local Health Board is the date on which functions exercisable by it may first be undertaken fully by the Board.
- 2 (1) An LHB order may provide for the establishment of a Local Health Board with effect from a date earlier than the operational date.
- (2) During the period beginning with that earlier date and ending with the day immediately preceding the operational date (referred to in this Schedule as the preparatory period), the exercise of any functions by the Board shall be limited to such exercise as may be specified in the LHB order for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date.
- (3) Sub-paragraphs (4) and (5) below apply for so long as there is a Health Authority for any part of the area of Wales specified in a particular LHB order.

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- (4) That LHB order may require such a Health Authority to meet the costs of the Board performing its functions during the preparatory period by doing either or both of the following—
- (a) discharging such liabilities of the Board as may be incurred during the preparatory period and are of a description specified in the order;
 - (b) paying the Board sums to enable it to meet expenditure of a description specified in the order.
- (5) An LHB order may require such a Health Authority or an NHS trust in Wales to make available to the Local Health Board during the preparatory period—
- (a) premises and other facilities of the authority or NHS trust;
 - (b) officers of the authority;
 - (c) staff of the NHS trust.

PART 2

STATUS, CONSTITUTION AND MEMBERSHIP

Status

- 3 A Local Health Board 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 a Local Health Board's property is not to be regarded as property of, or property held on behalf of, the Crown.
- 4 Every Local Health Board shall be a body corporate.

Membership

- 5 The members of a Local Health Board shall be—
- (a) a chairman appointed by the National Assembly for Wales;
 - (b) if the Assembly thinks fit, a vice-chairman appointed by the Assembly;
 - (c) officers of the Board; and
 - (d) a number of persons who are not officers of the Board.
- 6 (1) The National Assembly for Wales may by regulations make provision about—
- (a) the appointment of the chairman, vice-chairman and other members of a Local Health Board (including any conditions to be fulfilled for appointment);
 - (b) the tenure of office of the chairman, vice-chairman and other members of a Local Health Board (including the circumstances in which they cease to hold office or may be removed or suspended from office);
 - (c) how many persons may be appointed as members of a Local Health Board and how many of those members may be officers (a minimum and maximum number may be specified for both purposes);
 - (d) the appointment and constitution of any committees of a Local Health Board (which may include or consist of persons who are not members of the Board);
 - (e) the appointment and tenure of office of the members of any committees of a Local Health Board;

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- (f) the procedure to be followed by a Local Health Board, and by any committee of the Board, in the exercise of its functions;
- (g) the circumstances in which a person who is not an officer of the Local Health Board is to be treated as if he were such an officer.
- (2) The power to make provision under paragraphs (c) and (f) of sub-paragraph (1) above includes power to make regulations about the number of persons who may be appointed and the procedure to be followed during the preparatory period.
- (3) Any regulations under this paragraph may, in particular, make provision to deal with cases where the post of any officer of a Local Health Board is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.
- 7 Any reference in this Part of this Schedule to a committee of a Local Health Board includes a reference to sub-committees of, and joint committees and joint sub-committees including, the Board.
- 8 The validity of proceedings of a Local Health Board, or of any of its committees, shall not be affected by any vacancy among the members or by any defect in the appointment of any member.
- Staff*
- 9 (1) A Local Health Board may employ such officers as it thinks fit.
- (2) Subject to sub-paragraph (3) below, a Board may—
- (a) pay its officers such remuneration and allowances; and
- (b) employ them on such other terms and conditions, as it thinks fit.
- (3) A Board shall—
- (a) in exercising its powers under sub-paragraph (2) above; and
- (b) otherwise in connection with the employment of its officers, act in accordance with regulations made by the National Assembly for Wales and any directions given by the Assembly.
- (4) Before making any regulations under sub-paragraph (3) above, the Assembly shall consult such bodies as it may recognise as representing persons who, in its opinion, are likely to be affected by the regulations.
- 10 (1) Without prejudice to the generality of section 16BB above the National Assembly for Wales may direct a Local Health Board—
- (a) to make the services of any of its officers available to another Local Health Board; or
- (b) to employ any person who is or was employed by another Local Health Board and is specified in the direction.
- (2) Before it gives a direction under sub-paragraph (1) above the Assembly shall—
- (a) consult the person whose services are to be made available or who is to be employed;
- (b) satisfy itself that the Board has consulted that person; or
- (c) consult any such body as the Assembly may recognise as representing that person.

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- (3) Sub-paragraph (2) above does not apply in relation to a direction under sub-paragraph (1)(a) above if the Assembly—
- (a) considers it necessary to give the direction for the purpose of dealing temporarily with an emergency; and
 - (b) has previously consulted bodies recognised by the Assembly as representing the person whose services are to be made available about the giving of directions for that purpose.
- 11 In addition to making provision in relation to Strategic Health Authorities, Health Authorities and Special Health Authorities, regulations under paragraph 10(2) of Schedule 5 to this Act may also provide—
- (a) for the transfer of officers of one Local Health Board to another; and
 - (b) for arrangements under which the officers of a Local Health Board are placed at the disposal of another Local Health Board or a local authority.

Remuneration, pensions etc of members

- 12 (1) A Local Health Board may pay the chairman, the vice-chairman (if any) and any other members of the Board such remuneration and such travelling and other allowances as may be determined by the National Assembly for Wales.
- (2) A Board may pay the chairman or any person who has been chairman of the Board such pension, allowance or gratuity as may be determined by the National Assembly for Wales.
- (3) A Board may pay the members of any committee of a Board such travelling and other allowances as may be determined by the National Assembly for Wales.
- (4) If, when a person ceases to be chairman of a Board, the National Assembly for Wales determines that there are special circumstances which make it right that that person should receive compensation, the Board shall pay to him a sum by way of compensation of such amount as the Assembly may determine.

PART 3

OTHER MATTERS

General powers

- 13 (1) Subject to sub-paragraph (3), a Local Health Board may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its functions.
- (2) That includes, in particular—
- (a) acquiring and disposing of land and other property;
 - (b) entering into contracts;
 - (c) accepting gifts of money, land and other property, including money, land or other property held on trust, either for the general or any specific purposes of the Local Health Board or for all or any purposes relating to the health service.

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- (3) A Local Health Board may not do anything mentioned in sub-paragraph (2) without the consent of the Assembly (which may, if the Assembly thinks fit, be given in general terms covering one or more descriptions of case).
- 14 (1) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by a Local Health Board of any function exercisable by it by virtue of section 16BB or 16BC above are enforceable by or (as the case may be) against that Board (and not against any other health service body or the National Assembly for Wales).
- (2) This paragraph does not apply in relation to the joint exercise of any functions by a Local Health Board with another body under section 16BC(2)(c) above.

Specific powers and duties

- 15 (1) A Local Health Board may conduct, commission or assist the conduct of research.
- (2) A Board may, in particular, make officers available or provide facilities under sub-paragraph (1) above.
- 16 A Local Health Board may—
- (a) make officers available in connection with any instruction provided under section 63 of the Health Services and Public Health Act 1968;
 - (b) make officers and facilities available in connection with training by a university or any other body providing training in connection with the health service.
- 17 The National Assembly for Wales may by regulations make provision in relation to—
- (a) reports to be prepared by Local Health Boards;
 - (b) information to be supplied by them;
 - (c) their accounts, and the audit and publication of their accounts;
 - (d) the publication of any other document.

Compulsory acquisition

- 18 (1) A Local Health Board may be authorised to purchase land compulsorily for the purposes of its functions by means of an order made by the Board and confirmed by the National Assembly for Wales.
- (2) The Acquisition of Land Act 1981 applies to the compulsory purchase of land under this paragraph.
- (3) No order is to be made by a Local Health Board under Part 2 of the Acquisition of Land Act 1981 in respect of any land unless the proposal to acquire the land compulsorily—
- (a) has been submitted to the National Assembly for Wales in the form, and with the information, required by the Assembly; and
 - (b) has been approved by the Assembly.

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Dissolution

- 19 (1) The National Assembly for Wales may, if a Local Health Board is dissolved, by order transfer (or provide for the transfer) to itself or to another Local Health Board any property, rights or liabilities of the dissolved Board.
- (2) If any consultation requirements apply, they must be complied with before the order is made.
- (3) In this paragraph, “consultation requirements” means requirements about consultation contained in regulations made by the Assembly.

Transfer of property

- 20 (1) The National Assembly for Wales may by order (referred to in this paragraph and paragraph 21 below as a transfer order)—
- (a) transfer (or provide for the transfer of) any of the property, rights and liabilities of a health service authority to a Local Health Board;
 - (b) create or impose (or provide for the creation or imposition of) new rights or liabilities in respect of property transferred or retained.
- (2) Any property, rights and liabilities which—
- (a) belong to a health service authority other than the National Assembly for Wales or are used or managed by a Health Authority; and
 - (b) are to be transferred to a Local Health Board by or under a transfer order,
- must be identified by agreement between the health service authority (or Health Authority) and the Local Health Board or, in default of agreement, by direction of the Assembly.
- (3) Where a transfer order transfers (or provides for the transfer of)—
- (a) land held on lease from a third party; or
 - (b) any other asset leased or hired from a third party or in which a third party has an interest,
- the transfer is binding on the third party despite the fact that, apart from this sub-paragraph, the transfer would have required the third party’s consent or concurrence.
- (4) In sub-paragraph (3) above, “third party” means a person other than a health service authority.
- (5) In this paragraph and paragraph 21 below, “health service authority” means the National Assembly for Wales, a Health Authority, a Local Health Board or an NHS trust in Wales.
- 21 (1) Stamp duty is not chargeable in respect of any transfer to a Local Health Board effected by or under a transfer order.
- (2) Where it becomes necessary, for the purpose of a transfer by or under a transfer order, to apportion any property, rights or liabilities, the order may contain such provisions as appear to the National Assembly for Wales to be appropriate for the purpose.
- (3) Where a transfer order transfers (or provides for the transfer of) any property or rights to which paragraph 20(3) above applies, the order must contain such provisions as appear to the National Assembly for Wales to be appropriate to

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safeguard the interests of third parties (within the meaning of that sub-paragraph), including, where appropriate, provision for the payment of compensation of an amount to be determined in accordance with the order.

- (4) A certificate issued by the National Assembly for Wales that—
- (a) any specified property;
 - (b) any specified interest in or right over any property; or
 - (c) any specified right or liability,
- has been vested in a Local Health Board by or under a transfer order is conclusive evidence of that fact for all purposes.
- In this sub-paragraph, “specified” means specified in the certificate.
- (5) A transfer order may include provision for matters to be settled by arbitration by a person determined in accordance with the order.
- (6) Paragraph 20 above and this paragraph do not prejudice—
- (a) any existing power of a health service authority to transfer property, rights or liabilities to a Local Health Board;
 - (b) the extent of the power conferred by section 126(4) above.

Transfer of staff

- 22 (1) The National Assembly for Wales may by order transfer to a Local Health Board any specified description of employees to which this paragraph applies.
- (2) This paragraph applies to employees of—
- (a) a Health Authority;
 - (b) an NHS trust in Wales;
 - (c) a Local Health Board.
- (3) An order may be made under this paragraph only if any prescribed requirements about consultation have been complied with in relation to each of the employees to be transferred.
- 23 (1) The contract of employment of an employee transferred under paragraph 22 above—
- (a) is not terminated by the transfer; and
 - (b) has effect from the date of the transfer as if originally made between the employee and the Local Health Board to which he is transferred.
- (2) Without prejudice to sub-paragraph (1) above—
- (a) all the rights, powers, duties and liabilities of the body from which an employee is transferred under paragraph 22 above under or in connection with his contract of employment shall by virtue of this sub-paragraph be transferred to the Local Health Board to which the employee is transferred under that paragraph; and
 - (b) anything done before the date of the transfer by or in relation to the body from which he is so transferred in respect of the employee or the contract of employment shall be deemed from that date to have been done by or in relation to the Local Health Board to which he is transferred.
- (3) Sub-paragraphs (1) and (2) above do not transfer an employee’s contract of employment, or the rights, powers, duties and liabilities under or in connection with

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- it, if he informs the body from which they would be transferred, or the Local Health Board to which they would be transferred, that he objects to the transfer.
- (4) Where an employee objects as mentioned in sub-paragraph (3) above his contract of employment with the body from which he would be transferred shall be terminated immediately before the date on which the transfer would occur; but he shall not be treated, for any purpose, as having been dismissed by that body.
- (5) This paragraph is without prejudice to any right of an employee to which paragraph 22 above applies to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise merely because, under this paragraph, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.
- 24 (1) Where an employee is to be transferred by an order under paragraph 22 above but is to continue to be employed for certain purposes by the transferor, the order may provide that the contract of employment of the employee shall, on the date on which the employee is transferred, be divided so as to constitute two separate contracts of employment between the employee and the transferor and the employee and the Local Health Board in question.
- (2) Where an employee's contract of employment is divided as provided under sub-paragraph (1) above, the order shall provide for paragraph 23 above to have effect in the case of the employee and his contract of employment subject to appropriate modifications.
- 25 Where a Local Health Board is dissolved, an order under paragraph 19 above includes power to transfer employees of the Board and the order may make any provision in relation to the transfer of those employees which is or may be made in relation to the transfer of employees under paragraph 22 above.
- Interpretation*
- 26 In this Schedule, "NHS trust in Wales" means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.]

SCHEDULE 6

ADDITIONAL PROVISIONS AS TO ^{F106}ADVISORY COMMITTEES FOR WALES]

Textual Amendments

F106 Sch. 6: words in heading 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. 1 para. 61(e) (with Sch. 2 para. 6)

- 1 (1) Where the Secretary of State is satisfied that a committee formed for Wales ^{F107} . . . is representative of—
- (a) any category of persons (other than a category mentioned in section 19(1) above) who provide services forming part of the health service, or

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(b) two or more of any of the categories mentioned in that subsection and paragraph (a) above,

and that it is in the interests of the health service to recognise the committee, it shall be his duty to recognise it in pursuance of this sub-paragraph, and to determine that it shall be known by a name specified in the determination.

(2) Where a committee recognised in pursuance of sub-paragraph (1) above appears to the Secretary of State to represent categories of persons which include a category mentioned in section 19(1), he shall not be required by virtue of that subsection to recognise a committee representing persons of that category.

Textual Amendments

F107 Words in [Sch. 6 para. 1\(1\)](#) 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. 61\(a\), Sch. 3](#) (with [Sch. 2 para. 6](#))

2 The Secretary of State may, by notice in writing served on any member of a duly recognised committee, withdraw his recognition of the committee if he considers it expedient to do so—

(a) where the committee is recognised in pursuance of section 19(1) ^{F108} . . . above or paragraph 1(1)(a) above, with a view to recognising in pursuance of paragraph 1(1)(b) another committee representing categories of persons, which include the category represented by the recognised committee; or

(b) where the committee is recognised in pursuance of paragraph 1(1)(b), with a view to recognising in pursuance of any of the provisions of section 19 and paragraph 1 other committees which together are representative of the categories in question.

Textual Amendments

F108 Words in [Sch. 6 para. 2](#) 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. 61\(b\), Sch. 3](#) (with [Sch. 2 para. 6](#))

3 It is the duty of any duly recognised committee for Wales—

(a) to advise the Secretary of State on the provision by him of services of a kind provided by the categories of persons of whom the committee is representative, and

(b) to perform such other functions as may be prescribed.

^{F109}4

Textual Amendments

F109 [Sch. 6 para. 4](#) 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. 61\(c\), Sch. 3](#) (with [Sch. 2 para. 6](#))

5 [^{F110}The Secretary of State] may defray such expenses incurred by a committee in performing the duty imposed on the committee by [^{F111}paragraph 3] above as [^{F112}the Secretary of State] considers reasonable, and those expenses may include travelling

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and other allowances and compensation for loss of remunerative time at such rates as the Secretary of State may determine with the approval of [^{F113}the Treasury].

F114 . . .

Textual Amendments

- F110** Words in Sch. 6 para. 5 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. 61(d)(i) (with Sch. 2 para. 6)
- F111** Words in Sch. 6 para. 5 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. 61(d)(ii) (with Sch. 2 para. 6)
- F112** Words in Sch. 6 para. 5 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. 61(d)(iii) (with Sch. 2 para. 6)
- F113** Words substituted by virtue of S.I. 1981/1670, arts. 2, 3(5)
- F114** Sch. 6 para. 5: the second sentence is 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. 61(d)(iv), Sch. 3 (with Sch. 2 para. 6)

SCHEDULE 7

ADDITIONAL PROVISIONS AS TO COMMUNITY HEALTH COUNCILS

- 1 It is the duty of a Community Health Council (in this Schedule referred to as a “Council”)—
- to represent the interests in the health service of the public in its district; and
 - to perform such other functions as may be conferred on it by virtue of paragraph 2 below.
- 2 Regulations may provide as to—
- the membership of Councils (including the election by members of a Council of a chairman of the Council);
 - the proceedings of Councils;
 - the staff, premises and expenses of Councils;
 - ^{F115}(d) the consultation of Councils by [^{F116}Health Authorities [^{F117}Primary Care Trusts] and NHS trusts] with respect to such matters, and on such occasions, as may be prescribed;
 - the furnishing of information to Councils by [^{F118}[^{F119}Health Authorities [^{F117}Primary Care Trusts] and NHS trusts], and the right of members of Councils to enter and inspect premises controlled by [^{F120}Health Authorities] or NHS trusts];
 - the consideration by Councils of matters relating to the operation of the health service within their districts, and the giving of advice by Councils to [^{F121}Health Authorities][^{F122}and Primary Care Trusts] on such matters;
 - the preparation and publication of reports by Councils on such matters, and the furnishing and publication by [^{F121}Health Authorities][^{F122}and Primary Care Trusts] of comments on the reports; and]

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- (h) the functions to be exercised by Councils in addition to the functions exercisable by them by virtue of paragraph 1(a) above and the preceding provisions of this paragraph.

Textual Amendments

- F115** Paras. (d)-(g) substituted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 5(4), **Sch. 3 para. 15**
- F116** Words in [Sch. 7 para. 2\(d\)](#) 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. 62(a)(i)** (with [Sch. 2 para. 6](#))
- F117** Words in [Sch. 7 para. 2\(d\)\(e\)](#) inserted (4.1.2000 for E. and otherwise *prosp.*) by [1999 c. 8, s. 65](#), **Sch. 4 para. 40(a)**; [S.I. 1999/2342, art. 2\(3\)](#), **Sch. 2**
- F118** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 18(13)(b)**
- F119** Words in [Sch. 7 para. 2\(e\)](#) 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. 62(a)(ii)** (with [Sch. 2 para. 6](#))
- F120** Words in [Sch. 7 para. 2\(e\)](#) 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. 62(a)(ii)** (with [Sch. 2 para. 6](#))
- F121** Words in [Sch. 7 para. 2\(f\)\(g\)](#) 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. 62(a)(iii)(iv)** (with [Sch. 2 para. 6](#))
- F122** Words in [Sch. 7 para. 2\(f\)\(g\)](#) inserted (4.1.2000 for E. and otherwise *prosp.*) by [1999 c. 8, s. 65](#), **Sch. 4 para. 40(b)**; [S.I. 1999/2342, art. 2\(3\)](#), **Sch. 2**

- 3 It is the Secretary of State's duty to exercise his power to make regulations in pursuance of paragraph 2(a) above so as to secure as respects each Council that—
- (a) at least one member of the Council is appointed by each local authority of which the area or part of it is included in the Council's district, and at least half of the members of the Council consist of persons appointed by those local authorities;
 - (b) at least one third of the members are appointed in a prescribed manner by bodies (other than public or local authorities) of which the activities are carried on otherwise than for profit;
 - (c) the other members of the Council are appointed by such bodies, and in such manner and after such consultations as may be prescribed; and
 - (d) no member of the Council is also a member of a [^{F123}Health Authority].

Textual Amendments

- F123** Words in [Sch. 7 para. 3\(d\)](#) 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. 62(b)** (with [Sch. 2 para. 6](#))

- 4 Nothing in paragraph 3 above affects the validity of anything done by or in relation to a Council during any period during which, by reason of a vacancy in the membership of the Council or a defect in the appointment of a member of it, a requirement included in regulations in pursuance of that paragraph is not satisfied.
- 5 The Secretary of State may by regulations—
- (a) provide for the establishment of a body—
 - (i) to advise Councils with respect to the performance of their functions, and to assist Councils in the performance of their functions; and

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- (ii) to perform such other functions as may be prescribed; and
- (b) provide for the membership, proceedings, staff, premises and expenses of that body.
- 6 The Secretary of State may pay to members of Councils and any body established under paragraph 5 above such travelling and other allowances (including compensation for loss of remunerative time) as he may determine with the consent of [^{F124}the Treasury].

Textual Amendments

F124 Words substituted by virtue of S.I. 1981/1670, arts. 2, 3(5)

- 7 In this Schedule—
- “local authority” means the council of a London borough, or of a county or district as defined in relation to England in section 270(1) of the ^{M8}Local Government Act 1972, or [^{F125}the council of a Welsh county or county borough] or the Common Council of the City of London, and
- “district”, in relation to a Council, means [^{F126}the district for which it is established, whether the district consists of the whole or part of the area of a Health Authority or of the whole or part of the area of one Health Authority together with the whole or part of the area of one or more others,][^{F127} or for such an area or district or part thereof together with the areas or parts of the areas of other Area Health Authorities or the districts or parts of districts of other District Health Authorities],
- and the district of a Council must be such that no part of it is separated from the rest of it by territory not included in the district.

Textual Amendments

F125 Sch. 7 para. 7: words in the definition of

“local authority”

substituted (1.4.1996) by 1994 c. 19, s. 22(4), Sch. 10 para. 11(4) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1

F126 Sch. 7 para. 7: words in the definition of “district” 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. 62(c) (with Sch. 2 para. 6)

F127 Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), Sch. 1, para. 82(4)

Marginal Citations

M8 1972 c. 70(81:1).

^{F128}8

Textual Amendments

F128 Sch. 7 para. 8 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), 8(1), Sch. 1 Pt. I para. 62(d), Sch. 3 (with Sch. 2 para. 6)

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SCHEDULE 8

LOCAL SOCIAL SERVICES AUTHORITIES

Modifications etc. (not altering text)

- C11** Sch. 8 restricted (8.1.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 54, 162(2), Sch. 3; S.I. 2002/2811, art. 2, Sch.

Care of mothers and young children

- 1 (1) A local social services authority may, with the Secretary of State's approval, and to such extent as he may direct shall, make arrangements for the care of expectant and nursing mothers [^{F129}(other than for the provision of residential accommodation for them)]. . .
- (2) ^{F130}

Textual Amendments

- F129** Words inserted (1.4.1993) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), Sch. 9 para. 18(14)(a); S.I. 1992/2975, art. 2(2), Sch.
- F130** 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

Modifications etc. (not altering text)

- C12** Sch. 8 para. 1(1) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), Sch. Pt. I
- Sch. 8 para. 1(1) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), Sch. 2 Pt. I

Prevention, care and after-care

- 2 (1) A local social services authority may, with the Secretary of State's approval, and to such extent as he may direct shall, make arrangements for the purpose of the prevention of illness and for the care of persons suffering from illness and for the after-care of persons who have been so suffering and in particular for—
- ^{F131}(a)
- (b) the provision, for persons whose care is undertaken with a view to preventing them from becoming ill, persons suffering from illness, and persons who have been so suffering, of centres or other facilities for training them or keeping them suitably occupied and the equipment and maintenance of such centres;
- (c) the provision, for the benefit of such persons as are mentioned in paragraph (b) above, of ancillary or supplemental services; and
- [^{F132}(d) for the exercise of the functions of the authority in respect of persons suffering from mental disorder who are received into guardianship under Part II or III of the ^{M9}Mental Health Act 1983 (whether the guardianship of the local social services authority or of other persons).]

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Such an authority shall neither have the power nor be subject to a duty to make under this paragraph arrangements to provide facilities for any of the purposes mentioned in section 15(1) of the ^{M10}Disabled Persons (Employment) Act 1944.

(2) No arrangements under this paragraph shall provide for the payment of money to persons for whose benefit they are made except—

(a) in so far as they may provide for the remuneration of such persons engaged in suitable work in accordance with the arrangements; ^{F133} . . .

^{F133}(b) . . .
 ^{F133}(i)
 ^{F133}(ii)
 ^{F133}(iii)

of such amounts as the local social services authority think fit in respect of their occasional personal expenses where it appears to that authority that no such payment would otherwise be made.

[^{F134}(2A) No arrangements under this paragraph may be given effect to in relation to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies solely—

(a) because he is destitute; or
(b) because of the physical effects, or anticipated physical effects, of his being destitute.

(2B) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of subsection (2A) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph to the Secretary of State substitute references to a local social services authority.]

(3) The Secretary of State may make regulations as to the conduct of premises in which, in pursuance of arrangements made under this paragraph, are provided for persons whose care is undertaken with a view to preventing them from becoming sufferers from mental disorder within the meaning of [^{F135}that Act of 1983] or who are, or have been, so suffering, [^{F136}. . .] facilities for training them or keeping them suitably occupied.

[^{F137}(4)]

[^{F138}^{F139}(4A) This paragraph does not apply in relation to persons under the age of 18.]

[^{F138}(4AA) No authority is authorised or may be required under this paragraph to provide residential accommodation for any person.]

(5) ^{F140}

Textual Amendments

F131 Sch. 8 para. 2(1)(a) repealed (1.4.1993) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1)(2), Sch. 9 para. 18(14)(b)(i), Sch. 10; S.I. 1992/2975, art. 2(2), Sch.

F132 Para. 2(1)(d) substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 4 para. 47(e)(i)

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- F133** Word in Sch. 8 para. 2(2) and para. 2(2)(b) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F134** Sch. 8 para. (2A)(2B) inserted (6.12.1999) by 1999 c. 33, ss. 117(2), 169(2), **Sch. 15 para. 9**; S.I. 1999/3190, art. 2, **Sch.**
- F135** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 47(e)(iii)**
- F136** Words in Sch. 8 para. 2(3) repealed (1.4.1993) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**; S.I. 1992/2975, art. 2(2), **Sch.**
- F137** Sch. 8 para. 2(4) repealed (1.4.1993) by National Health Service and Community Care Act 1990 (c.19, SIF 113:2), s. 66(1)(2), Sch. 9 para. 18(14)(b)(i), **Sch. 10**; S.I. 1992/2975, art. 2(2), **Sch.**
- F138** Sch. 8 para. 2(4AA) inserted (1.4.1993) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 18(14)(b)(ii)**; S.I. 1992/2975, art. 2(2), **Sch.**
- F139** Sch. 8 para. 2(4A) added (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 para. 34** (with s. 108(6), Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F140** 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**

Marginal Citations

- M9** 1983 c. 20(85).
M10 1944 c. 10(43:1).

Home help and laundry facilities

- 3 (1) It is the duty of every local social services authority to provide on such a scale as is adequate for the needs of their area, or to arrange for the provision on such a scale as is so adequate, of home help for households where such help is required owing to the presence of—
- ^{F141}(0) a person who is suffering from illness, lying-in, an expectant mother, aged, handicapped as a result of having suffered from illness or by congenital deformity,
- ^{F141},
- and every such authority has power to provide or arrange for the provision of laundry facilities for households for which home help is being, or can be, provided under this sub-paragraph.
- (2) ^{F142}

Textual Amendments

- F141** Sch. 8 para. 3: Words in Sch. 8 para. 3(1) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with s. 108(6), Sch. 14 paras.1(1), 27(4));S.I.1991/828, **art.3(2)**
- F142** 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**

^{F143}Research

Textual Amendments

- F143** Para. 4 added by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 29(1), **Sch. 9 Pt. I para. 23**

Status: Point in time view as at 01/10/2002.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 4 Without prejudice to any powers conferred on them by any other Act, a local social services authority may conduct or assist other persons in conducting research into matters relating to the functions of local social services authorities under this Schedule.]

[^{F144}SCHEDULE 8A

LOCAL PHARMACEUTICAL SERVICES SCHEMES

Textual Amendments

F144 Sch. 8A inserted (1.7.2002 for W., otherwise prosp.) by 2001 c. 15, ss. 40, 70(2), Sch. 3 (with ss. 64(9), 65(4)); S.I. 2002/1475, art. 2, Sch. Pt. 1

Provision of local pharmaceutical services

- 1 (1) [^{F145}Primary Care Trusts and] Health Authorities may establish LPS schemes.
- (2) In this Schedule “LPS scheme” means one or more agreements—
- (a) made by [^{F146}a Primary Care Trust or] a Health Authority (“A”) in accordance with the provisions of, or made under, this Schedule;
 - (b) under which local pharmaceutical services are to be provided (otherwise than by A); and
 - (c) the parties to which do not include any other [^{F147}Primary Care Trust or] Health Authority.
- (3) For the purposes of this Schedule—
- “local pharmaceutical services” means such services of a kind which may be provided under section 41 of this Act, or by virtue of section 41A of this Act (other than practitioner dispensing services) as may be prescribed; and
- “practitioner dispensing services” means the provision of drugs, medicines or listed appliances (within the meaning of section 41) by a medical practitioner or dental practitioner to a patient of his pursuant to arrangements made by virtue of section 43(1).
- (4) An LPS scheme may include arrangements—
- (a) for the provision of services which are not local pharmaceutical services, but which may be provided under this Part of this Act (whether or not of the kind usually provided by pharmacies);
 - (b) for the provision of training and education (including training and education for persons who are, or may become, involved in the provision of local pharmaceutical services).
- (5) An LPS scheme may not combine arrangements for the provision of local pharmaceutical services with arrangements for the provision of personal medical services or personal dental services under any provision of, or made under, this Act or the National Health Service (Primary Care) Act 1997 (c. 46).
- (6) In this Schedule “LP services” means services provided under an LPS scheme (including any services to which the scheme applies as a result of sub-paragraph (4)).

Status: Point in time view as at 01/10/2002.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (7) In determining the arrangements they need to make in order to comply with section 41 of this Act, a [^{F148}Primary Care Trust or] Health Authority may take into account arrangements under an LPS scheme made by them.
- (8) The functions of an NHS trust ^{F149} . . . include power to provide any services to which an LPS scheme applies.
- (9) The functions of a Health Authority in relation to LP services are primary functions of the Authority for the purposes of the National Health Service and Community Care Act 1990 (c. 19).

Textual Amendments

- F145** Words in Sch. 8A para. 1(1) 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. 81(2)(a)**; S.I. 2002/2478, **art 3(1)(d)**
- F146** Words in Sch. 8A para. 1(2)(a) 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. 81(2)(b)(i)**; S.I. 2002/2478, **art 3(1)(d)**
- F147** Words in Sch. 8A para. 1(2)(c) 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. 81(2)(b)(ii)**; S.I. 2002/2478, **art 3(1)(d)**
- F148** Words in Sch. 8A para. 1(7) 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. 81(2)(c)**; S.I. 2002/2478, **art 3(1)(d)**
- F149** Words in Sch. 8A para. 1(8) repealed (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. 81(2)(d)**, Sch. 9 Pt. 1; S.I. 2002/2478, **art 3(1)(d)**

Designation of priority neighbourhoods or premises

- 2 (1) The Secretary of State may make regulations allowing a [^{F150}Primary Care Trust or] Health Authority to—
- (a) designate neighbourhoods,
 - (b) designate premises, or
 - (c) designate descriptions of premises,
- for the purposes of this paragraph.
- (2) The regulations may, in particular, make provision—
- (a) as to the circumstances in which, and the neighbourhoods or premises in relation to which, designations may be made or maintained;
 - (b) allowing a [^{F151}Primary Care Trust or] Health Authority to defer consideration of Part 2 applications relating to neighbourhoods, premises or descriptions of premises that have been designated;
 - (c) allowing a designation to be cancelled in prescribed circumstances;
 - (d) requiring a designation to be cancelled—
 - (i) if the Secretary of State gives a direction to that effect; or
 - (ii) in prescribed circumstances.
- (3) “Part 2 applications” means applications for inclusion in a list maintained under section 42 of this Act.

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Textual Amendments

F150 Words in Sch. 8A para. 2(1) 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. 81(2)(e)**; S.I. 2002/2478, **art 3(1)(d)**

F151 Words in Sch. 8A para. 2(2)(b) 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. 81(2)(f)**; S.I. 2002/2478, **art 3(1)(d)**

Regulations

- 3 (1) The Secretary of State may make regulations with respect to LP services.
- (2) The regulations must include provision for participants other than [^{F152}Primary Care Trusts and] Health Authorities to withdraw from an LPS scheme if they wish to do so.
- (3) The regulations may, in particular—
- (a) provide that an LPS scheme may be made only—
 - (i) in prescribed circumstances;
 - (ii) in relation to an area, a community or a category of persons determined in accordance with the regulations; or
 - (iii) in relation to premises determined in accordance with the regulations;
 - (b) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with an LPS scheme;
 - (c) make provision as to the services, or categories of service, for which an LPS scheme must provide;
 - (d) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons providing LP services;
 - (e) require details of each LPS scheme to be published;
 - (f) make provision with respect to the variation and termination of an LPS scheme;
 - (g) prevent (except in such circumstances and to such extent as may be prescribed) the provision of both LP services and pharmaceutical services from the same premises;
 - (h) make provision with respect to the inclusion, removal, re-inclusion or modification of an entry in respect of premises in a list under section 42;
 - (i) provide for parties to an LPS scheme to be treated, in such circumstances and to such extent as may be prescribed, as health service bodies for the purposes of section 4 of the National Health Service and Community Care Act 1990;
 - (j) provide for directions, as to payments, made under section 4(7) of the Act of 1990 (as it has effect as a result of regulations made by virtue of paragraph (i)) to be enforceable in a county court (if the court so orders) as if they were judgments or orders of that court;
 - (k) authorise [^{F153}Primary Care Trusts and] Health Authorities to make payments of financial assistance for prescribed categories of preparatory work undertaken—
 - (i) in connection with preparing proposals for an LPS scheme; or
 - (ii) in preparation for the provision of services under a proposed LPS scheme.

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Textual Amendments

- F152** Words in Sch. 8A para. 3(2) 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. 81(2)(g)**; S.I. 2002/2478, **art 3(1)(d)**
- F153** Words in Sch. 8A para. 3(3)(k) 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. 81(2)(h)**; S.I. 2002/2478, **art 3(1)(d)**

- 4 (1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for local pharmaceutical services.
- (2) The regulations may, in particular, provide for—
- (a) exemptions from charges;
 - (b) the liability to pay charges to be disregarded in prescribed circumstances or for prescribed purposes;
 - (c) section 122A of this Act (recovery of certain charges and payments) to apply also in relation to local pharmaceutical services (with or without modification);
 - (d) section 122B of this Act (penalties) to apply also in relation to local pharmaceutical services (with or without modification).
- (3) The regulations must secure that the amount charged for any service is the same as the amount that would be charged for that service if it were provided under Part 2 of this Act.]

F154F154 SCHEDULE 9

Textual Amendments

- F154** Sch. 9 repealed (14.12.2001 for E. and 26.8.2002 for W.) by 2001 c. 15, ss. 67(1)(2), 70(2), Sch. 5 Pt. 1 para. 5(16), Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2001/3738 art. 2(4), Sch. 2 (subject to 2(5)(6)); S.I. 2002/1919, **art. 2**, Sch. Pt. 1 (with art. 2(2))

[F164 SCHEDULE 9A

THE FAMILY HEALTH SERVICES APPEAL AUTHORITY

Textual Amendments

- F164** Sch. 9A inserted (1.10.2001 for certain purposes for E., 1.12.2001 for all other purposes for E. and 26.8.2002 for W.) by 2001 c. 15, ss. 27(4), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3294, art. 4(1), Sch. Pt. I (subject to transitional provisions in Sch. Pt. II); S.I. 2002/1919, **art. 3(1)**, Sch. Pt. II

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Constitution

- 1 The Family Health Services Appeal Authority (“the FHSAA”) shall consist of—
 - (a) a President;
 - (b) one or more Deputy Presidents; and
 - (c) a number of other members,all appointed by the Lord Chancellor on terms to be determined by him.
- 2 The number of the other members shall be determined by the Lord Chancellor after consulting the Secretary of State.
- 3 A person appointed as the President shall have a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41)), and a person appointed as a Deputy President shall have a 7 year general qualification.
- 4 The qualifications which the other members must have in order to be eligible for appointment shall be determined by the Lord Chancellor.
- 5 Each person appointed under paragraph 1—
 - (a) shall hold and vacate office in accordance with the terms of his appointment; and
 - (b) may be removed from office by the Lord Chancellor on grounds of incapacity or misbehaviour.
- 6 The other members must include at least one—
 - (a) medical practitioner providing general medical services, or performing personal medical services under section 28C arrangements;
 - (b) dental practitioner providing general dental services, or performing personal dental services under section 28C arrangements;
 - (c) ophthalmic optician or medical practitioner providing general ophthalmic services; and
 - (d) registered pharmacist providing pharmaceutical services or local pharmaceutical services (whether under this Act or under a pilot scheme made under section 28 of the Health and Social Care Act 2001),and must also include such number of persons with a 7 year general qualification (construed as in paragraph 3) as the Lord Chancellor considers appropriate bearing in mind the requirements of paragraph 9, and a number of lay persons who do not fall within paragraphs (a) to (d) and who possess such qualifications and experience as the Lord Chancellor considers appropriate.

Procedure

- 7 The procedure of the FHSAA shall be as it determines, subject to the following.
- 8 The functions of the FHSAA shall be exercised by panels consisting—
 - (a) in the case of functions referred to in section 49S(4) above, of such one or more members as the President may choose; and
 - (b) in the case of other functions, of three members chosen by the President, and, in either case, the President may include himself (or, in the case of a one-member panel, may constitute the panel).

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- 9 Subject to paragraph 10, at least one member of each panel (or, in the case of a one-member panel, that member) must have a 7 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41)).
- 10 In the case of a panel constituted for the purposes of section 49M or 49N above, one member of the panel must have the qualification mentioned in paragraph 9, and (unless the President decides otherwise)—
- (a) if the practitioner provides general medical services, one member of the panel must fall within paragraph 6(a), and so on as respects a practitioner who provides one of the other services referred to in section 49F(1); and
 - (b) the third member must neither fall within any of sub-paragraphs (a) to (d) of paragraph 6 nor have a legal qualification.
- 11 Where a panel has more than one member—
- (a) the President shall nominate one of the members as chairman,
 - (b) decisions shall be taken by a majority of votes, and
 - (c) if there is a tie the chairman shall have a second vote as a casting vote.
- 12 The FHSAA shall—
- (a) give notice of a panel’s decision and of the reasons for it to each party to the proceedings; and
 - (b) publish each decision of a panel falling within paragraph 13 in such way as the FHSAA considers appropriate;
- and it may send a copy of any such decision to such prescribed persons or persons of prescribed descriptions as it considers appropriate, together with any information relevant to the decision which the FHSAA considers it appropriate to include.
- 13 The following decisions fall within this paragraph—
- (a) a decision on national disqualification (see section 49N above);
 - (b) a decision to allow an appeal brought by virtue of section 49M(2)(a), (b) or (c) above; and
 - (c) such other decisions as may be prescribed.
- 14 The FHSAA may publish a decision not falling within paragraph 13 if it considers it appropriate to do so.
- 15 The Lord Chancellor may make rules as to—
- (a) the composition of panels,
 - (b) the allocation to panels of cases, or of particular proceedings in any case, and
 - (c) the procedure to be followed by a panel in considering any matter before it.
- 16 The Lord Chancellor shall make rules—
- (a) giving each party to proceedings before a panel the opportunity of putting his case at a hearing,
 - (b) entitling each party to be legally represented at any hearing (whether it is held at the instance of the panel or of a party), and
 - (c) securing that any hearing is held in public unless the practitioner asks for it to be in private (a request which the panel must consider but need not grant).
- 17 Rules under this Schedule may, in particular, make provision—
- (a) as to the carrying out by a Deputy President of functions of the President,

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- (b) as to how, and as to the time within which, an application to the FHSAA is to be made, or an appeal to the FHSAA is to be brought (so far as the matter is not provided for in or by virtue of this or any other Act),
 - (c) for a period which must elapse before an application, or a further application, may be made under section 49M(5)(a) above,
 - (d) as to the matters referred to in paragraph 12,
 - (e) for the giving by the panel of directions to the parties as to the conduct of the case, and for the consequences of failure to comply with such directions (which may include allowing or dismissing the appeal or application if the failure to comply was without reasonable excuse);
 - (f) empowering a panel to require persons to attend and give evidence or produce documents,
 - (g) about the admissibility of evidence, and
 - (h) enabling the panel to administer oaths.
- 18 No person shall be required by virtue of any such rules to give any evidence or produce any document or other material which he could not be compelled to give or produce in civil proceedings in a court in England and Wales.

Miscellaneous

- 19 (1) The President must, in respect of each period of 12 months beginning on 1st April, prepare a written report about the FHSAA's activities during that period.
- (2) He must send a copy of the report to the Lord Chancellor, the Secretary of State and the National Assembly for Wales.
- (3) After consulting the Lord Chancellor and the National Assembly for Wales, the Secretary of State may give directions to the President as to subjects with which the report must deal.
- 20 The President must arrange such training for himself and the other members of the FHSAA as he considers appropriate.

Interpretation

- 21 In this Schedule—
- “practitioner” means the person whose case is before the FHSAA;
 - “prescribed” means prescribed by the Lord Chancellor in rules.]

SCHEDULE 10

ADDITIONAL PROVISIONS AS TO PROHIBITION OF SALE OF MEDICAL PRACTICES

Prohibition, and certificate of Medical Practices Committee

- 1 (1) Any person who buys or sells the goodwill, ^{F165} . . . , of a medical practice which it is unlawful to sell by virtue of section 54(1) above is guilty of an offence and liable on conviction on indictment to a fine not exceeding—
- (a) such amount as will in the court's opinion secure that he derives no benefit from the offence, and

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- (b) the further amount of £500,
 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.
- [^{F166}(2) Any person proposing to be a party to a transaction or series of transactions which he thinks might amount to a sale of the goodwill of a medical practice in contravention of section 54(1) may ask [^{F167}the Secretary of State] for a certificate under this paragraph.]
- (3) [^{F167}The Secretary of State] shall consider any such application, and, if [^{F168}he is] satisfied that the transaction or series of transactions does not involve the giving of valuable consideration in respect of the goodwill, ^{F165} . . . , of such a medical practice, [^{F168}he shall] issue to the applicant a certificate to that effect, which shall be in the prescribed form and shall set out all material circumstances disclosed to [^{F167}the Secretary of State].
- (4) Where any person is charged with an offence under this paragraph in respect of any transaction or series of transactions, it shall be a defence to the charge to prove that the transaction or series of transactions was certified by [^{F167}the Secretary of State] under sub-paragraph (3) above.
- (5) Any document purporting to be such a certificate shall be admissible in evidence and shall be deemed to be such a certificate unless the contrary is proved.
- (6) If it appears to the court that the applicant for any such certificate failed to disclose to [^{F167}the Secretary of State] all the material circumstances, or made any misrepresentation with respect thereto, the court may disregard the certificate, and sub-paragraph (4) shall not apply thereto.
- (7) A prosecution for an offence under this paragraph shall only be instituted by or with the consent of the Director of Public Prosecutions, and [^{F167}the Secretary of State] shall, at the request of the Director, furnish him with a copy of any certificate issued by [^{F169}the Secretary of State] under sub-paragraph (3), and with copies of any documents produced to [^{F170}him] in connection with the application for that certificate.
- ^{F171}(8)

Textual Amendments

- F165** Words in Sch. 10 para. 1(1)(3) repealed (1.4.1998) by 1997 c. 46, s. 41(12), Sch. 3 Pt. I; S.I. 1998/631, art. 2(1), Schs. 1, 2 (with arts. 3-5)
- F166** Sch. 10 para. 1(2) substituted (1.4.1998) by 1997 c. 46, s. 41(10), Sch. 2 Pt. I para. 30(3); S.I. 1998/631, art. 2(b), Sch. 2 (with arts. 3-5)
- F167** Words in Sch. 10 para. 1(2)-(4)(6)(7) substituted (1.4.2002) by 2001 c. 15, ss. 14(3)(a), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(3), Sch.
- F168** Words in Sch. 10 para. 1(3) substituted (1.4.2002) by 2001 c. 15, ss. 14(3)(b)(i)(ii), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(3), Sch.
- F169** Words in Sch. 10 para. 1(7) substituted (1.4.2002) by 2001 c. 15, ss. 14(3)(c)(i), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(3), Sch.
- F170** Word in Sch. 10 para. 1(7) substituted (1.4.2002) by 2001 c. 15, ss. 14(3)(c)(ii), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(3), Sch.

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F171 Sch. 10 para. 1(8) repealed (1.4.1998) by 1997 c. 46, s. 41(12), Sch. 3 Pt. I; S.I. 1998/631, art. 2(1), Schs. 1, 2 (with arts. 3-5)

Certain transactions deemed sale of goodwill

2 [F172(1) For the purposes of section 54(1) and paragraph 1, a disposal of premises previously used for the purposes of a medical practice shall be deemed to be a sale of the goodwill of a medical practice if—

- (a) the person disposing of the premises did so knowing that another person (“A”) intended to use them for the purposes of A’s medical practice, and
- (b) the consideration for the disposal substantially exceeded the consideration that might reasonably have been expected if the premises had not previously been used for the purposes of a medical practice.

(1A) If a person disposes of any premises together with any other property, the court shall, for the purposes of sub-paragraph (1), make such apportionment of the consideration as it thinks just.

(1B) For the purposes of sub-paragraphs (1) and (1A)—

- (a) “disposal” means any sale, letting or other form of disposal (whether by a single transaction or a series of transactions) and “disposes” and “disposing” are to be read accordingly; and
- (b) a person who procures the disposal of any premises is to be treated as having disposed of them.]

(2) Where in pursuance of any partnership agreement ^{F173} . . . —

- (a) any valuable consideration, other than the performance of services in the partnership business, is given by a partner or proposed partner as consideration for his being taken into partnership,
- (b) any valuable consideration is given to a partner, on or in contemplation of his retirement or of his acceptance of a reduced share of the partnership profits, or to the personal representative of a partner on his death, not being a payment in respect of that partner’s share in past earnings of the partnership or in any partnership assets or any other payment required to be made to him as the result of the final settlement of accounts, as between him and the other partners, in respect of past transactions of the partnership, or
- (c) services are performed by any partner for a consideration substantially less than those services might reasonably have been expected to be worth having regard to the circumstances at the time when the agreement was made,

there shall be deemed for the purposes of section 54(1) and paragraph 1 to have been a sale of the goodwill ^{F173} . . . of the practice of any partner to whom, or to whose personal representative, the consideration or any part thereof is given or, as the case may be, for whose benefit the services are performed, to the partner or each of the partners by or on whose behalf the consideration or any part thereof was given or, as the case may be, the partner who performed the services, and the said sale shall be deemed for the purposes of section 54(1) and paragraph 1 to have been effected—

- (i) in a case to which paragraph (a) or paragraph (b) applies, at the time when the consideration was given, or, if the consideration was not all given at the same time, at the time when the first part thereof was given, or
- (ii) in a case to which paragraph (c) applies, at the time when the agreement was made.

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- [^{F174}(3) Sub-paragraph (3A) applies if a person (“the assistant”)—
- (a) performs services on behalf of a person who carries on a medical practice (or as an employee of a person employing a practitioner who carries on a medical practice);
 - (b) receives substantially less remuneration for performing those services than might reasonably have been expected, having regard to the circumstances at the time when the remuneration was fixed; and
 - (c) subsequently succeeds, whether as a result of a partnership agreement or otherwise, to that practice.
- (3A) For the purposes of section 54 and paragraph 1, a sale of the goodwill of the practice is to be deemed to have taken place (at the time when the remuneration was fixed), unless it is proved that the remuneration was not fixed in contemplation of the assistant’s succeeding to the practice.]
- [^{F175}(4) For the purposes of section 54(1) and paragraph 1, the goodwill of a medical practice shall be deemed to have been sold if—
- (a) a person carrying on the practice (or employing a practitioner who carries on a medical practice) agrees, for valuable consideration—
 - (i) to do or refrain from doing any act, for the purpose of facilitating the succession of another person to the practice; or
 - (ii) to allow any act to be done, for that purpose; or
 - (b) a person—
 - (i) gives valuable consideration to a person carrying on the practice (or employing a practitioner who carries on a medical practice); and
 - (ii) succeeds, or has previously succeeded, to the practice.
- (5) Sub-paragraph (4) does not apply—
- (a) if it is proved that no part of the consideration was given in respect of the goodwill; or
 - (b) to anything done—
 - (i) in relation to the acquisition of premises for the purposes of a medical practice;
 - (ii) in pursuance of a partnership agreement; or
 - (iii) in the performance of medical services by one person as an assistant to another.]
- (6) In determining for the purposes of section 54(1) and this Schedule the consideration given in respect of any transaction, the court shall have regard to any other transaction appearing to the court to be associated with the first transaction, and shall estimate the total consideration given in respect of both or all the transactions, and apportion it between those transactions in such manner as it thinks just.
- [^{F176}(7) For the purposes of section 54 and this Schedule—
- (a) consideration is deemed to be given to a person (“B”) if—
 - (i) it is given to another person but with B’s knowledge and consent; and
 - (ii) it appears to the court that B has derived, or will derive, a substantial benefit from the giving of the consideration; and
 - (b) unless the context otherwise requires, references to a person include, in the case of an individual who has died, references to his personal representative.]

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Textual Amendments

- F172** Sch. 10 para. 2(1)(1A)(1B) substituted (1.4.1998) for para. 2(1) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 30(5)**; S.I. 1998/631, art. 2(b), **Sch. 2** (with arts. 3-5)
- F173** Words in Sch. 10 para. 2(2) repealed (1.4.1998) by 1997 c. 46, s. 41(12), **Sch. 3 Pt. I**; S.I. 1998/631, art. 2(1), Schs. 1, 2 (with arts. 3-5)
- F174** Sch. 10 para. 2(3)(3A) substituted (1.4.1998) for Sch. 10 para. 2(3) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 30(7)**; S.I. 1998/631, art. 2(b), **Sch. 2** (with arts. 3-5)
- F175** Sch. 10 para. 2(4)(5) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 3(8)**; S.I. 1998/631, art. 2(b), **Sch. 2** (with arts. 3-5)
- F176** Sch. 10 para. 2(7) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 30(9)**; S.I. 1998/631, art. 2(b), **Sch. 2** (with arts. 3-5)

[^{F177} Carried-over goodwill

Textual Amendments

- F177** Sch. 10. para. 3 and the cross-heading inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 30(10)**; S.I.1998/631, art. 2(b), **Sch. 2** (with arts. 3-5)

- ^{F178}3 The fact that a person's medical practice was previously carried on by another person who at any time provided general medical services or personal medical services does not, by itself, make it unlawful under section 54(1) for the goodwill of his practice to be sold.]

Textual Amendments

- F178** Sch. 10 para. 3 and the cross-heading inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 para. 30(10)**; S.I. 1998/631, art. 2(b), **Sch. 2** (with arts. 3-5)

^{F179}SCHEDULE 11

ADDITIONAL PROVISIONS AS TO THE CONTROL OF MAXIMUM PRICES FOR MEDICAL SUPPLIES

Textual Amendments

- F179** Sch. 11 ceased to have effect in relation to health service medicines (1.9.1999 for certain purposes otherwise 1.11.1999) by virtue of 1999 c. 8, s. 38(5); S.I. 1999/2177, arts. 2(3)(b)(4)(a)

Orders and directions

- ^{F180}1 (1) Any power of making orders under section 57 above includes power to provide for any incidental and supplementary provisions which the Secretary of State thinks it expedient for the purposes of the order to provide.

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- (2) An order under section 57 may make such provisions (including provision for requiring any person to furnish any information) as the Secretary of State thinks necessary or expedient for facilitating the introduction or operation of a scheme of control for which provision has been made, or for which, in his opinion, it will or may be found necessary or expedient that provision should be made, under that section.
- (3) An order under section 57 may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and so as to have effect either generally or in any particular area.
- (4) [^{F181}The ^{M11}Interpretation Act 1978] shall apply to the interpretation of any order made under section 57 as it applies to the interpretation of an Act of Parliament and for the purposes of [^{F181}sections 16(1) and 17(2)(a)] of that Act any such order shall be deemed to be an Act of Parliament.]

Textual Amendments

- F180** Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)
- F181** Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), s. 25(2)

Marginal Citations

- M11** 1978 c. 30(115:1).

Notices, authorisations and proof of documents

- [^{F182} (1) A notice to be served on any person for the purposes of section 57 above, or of any order or direction made or given under that section, shall be deemed to have been duly served on the person to whom it is directed if—
- (a) it is delivered to him personally; or
 - (b) it is sent by registered post or the recorded delivery service addressed to him at his last or usual place of abode or place of business.
- (2) Where under section 57 and this Schedule a person has power to authorise other persons to act thereunder, the power may be exercised so as to confer the authority either on particular persons or on a specified class of persons.
- (3) Any permit, licence, permission or authorisation granted for the purposes of section 57 may be revoked at any time by the authority or person empowered to grant it.
- (4) Every document purporting to be an instrument made or issued by the Secretary of State or other authority or person in pursuance of section 57 and this Schedule or any provisions so having effect and to be signed by or on behalf of the Secretary of State, or that authority or person, shall be received in evidence and shall until the contrary is proved, be deemed to be an instrument made or issued by the Secretary of State, or that authority or person.
- (5) Prima facie evidence of any such instrument as is described in sub-paragraph (4) above may in any legal proceedings (including arbitrations) be given by the production of a document purporting to be certified to be a true copy of the instrument

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by or on behalf of the Secretary of State or other authority or person having power to make or issue the instrument.]

Textual Amendments

F182 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

Territorial extent

[^{F183} So far as any provisions contained in or having effect under section 57 above and this Schedule impose prohibitions, restrictions or obligations on persons, those provisions apply to all persons in the United Kingdom and all persons on board any British ship or aircraft, not being an excepted ship or aircraft, and to all other persons, wherever they may be, who are ordinarily resident in the United Kingdom and who are citizens of the United Kingdom and Colonies or British protected persons.

In this paragraph—

“British aircraft” means an aircraft registered in—

- (a) any part of Her Majesty’s dominions;
- (b) any country outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;
- (c) any country consisting partly of one or more colonies and partly of one or more such countries as are mentioned in paragraph(b) above;

“British protected person” means the same as in [^{F184}the ^{M12}British Nationality Act 1981];

“excepted ship or aircraft” means a ship or aircraft registered in any country for the time being listed in [^{F184}Schedule 3 to the ^{M13}British Nationality Act 1981] or in any territory administered by the government of any such country, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, Her Majesty’s Government in the United Kingdom.]

Textual Amendments

F183 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

F184 Words substituted by British Nationality Act 1981 (c. 61, SIF 87), s. 52(6), Sch. 7

Marginal Citations

M12 1981 c. 61(87).

M13 1981 c. 61(87).

False documents and false statements

[^{F185}4 (1) A person shall not, with intent to deceive—
(a) use any document issued for the purposes of section 57 above and this Schedule or of any order made under that section;

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- (b) have in his possession any document so closely resembling such a document as is described in paragraph (a) above as to be calculated to deceive;
 - (c) produce, furnish, send or otherwise make use of for purposes connected with that section and this Schedule or any order or direction made or given under that section, any book, account, estimate, return, declaration or other document which is false in a material particular.
- (2) A person shall not, in furnishing any information for the purposes of section 57 and this Schedule or of any order made under that section, make a statement which he knows to be false in a material particular or recklessly make a statement which is false in a material particular.]

Textual Amendments

F185 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

Restrictions on disclosing information

- [^{F186} No person who obtains any information by virtue of section 57 above and this Schedule shall, otherwise than in connection with the execution of that section and this Schedule or of an order made under that section, disclose that information except for the purposes of any criminal proceedings, or of a report of any criminal proceedings, or with permission granted by or on behalf of a Minister of the Crown.]

Textual Amendments

F186 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

Modifications etc. (not altering text)

C15 Sch. 11 para. 5: disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, Sch. 4 para. 16

Offences by corporations

- [^{F187} Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this paragraph, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.]

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Textual Amendments

F187 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

Penalties

- [^{F188}7 (1) If any person contravenes or fails to comply with any order made under section 57 above, or any direction given or requirement imposed under that section, or contravenes or fails to comply with this Schedule (except for paragraph 8(3) or paragraph 9(4) below) he is, save as otherwise expressly provided, guilty of an offence.
- (2) Subject to any special provisions contained in this Schedule, a person guilty of such an offence shall—
- (a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding £100, or to both; or
 - (b) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding £500, or to both.
- (3) Where a person convicted on indictment of such an offence is a body corporate, no provision limiting the amount of the fine which may be imposed shall apply, and the body corporate shall be liable to a fine of such amount as the court thinks fit.]

Textual Amendments

F188 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

Production of documents

- [^{F189}8 (1) For the purposes—
- (a) of securing compliance with any order made or direction given under section 57 above by or on behalf of the Secretary of State, or
 - (b) of verifying any estimates, returns or information furnished to the Secretary of State in connection with section 57 or any order made or direction given under that section,
- an officer of the Secretary of State duly authorised in that behalf has power, on producing (if required to do so) evidence of his authority, to require any person carrying on an undertaking or employed in connection with an undertaking to produce to that officer forthwith any documents relating to the undertaking which that officer may reasonably require for the purpose set out above.
- (2) The power conferred by this paragraph to require any person to produce documents includes power—
- (a) if the documents are produced, to take copies of them or extracts from them and to require that person, or where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them,
 - (b) if the documents are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

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- (3) If any requirement to produce documents or provide an explanation or make a statement which is imposed by virtue of this paragraph is not complied with, the person on whom the requirement was so imposed is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [^{F190}level 3 on the standard scale] , or to both.

Where a person is charged with such an offence in respect of a requirement to produce any document, it shall be a defence to prove that they were not in his possession or under his control and that it was not reasonably practicable for him to comply with the requirements.]

Textual Amendments

F189 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

F190 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (N.I.) S.I. 1984/703 (N.I. 3), arts. 5, 6

- [^{F191}9 (1) If a justice of the peace is satisfied, on information on oath laid on the Secretary of State's behalf, that there are any reasonable grounds for suspecting that there are on any premises any documents of which production has been required by virtue of paragraph 8 above and which have not been produced in compliance with that requirement, he may issue a warrant under this paragraph.

A warrant so issued may authorise any constable, together with any other persons named in the warrant and any other constables—

- (a) to enter the premises specified in the information (using such force as is reasonably necessary for the purpose); and
 - (b) to search the premises and take possession of any documents appearing to be such documents as are mentioned above, or to take in relation to any documents so appearing any other steps which may appear necessary for preserving them and preventing interference with them.
- (2) Every warrant issued under this paragraph shall continue in force until the end of the period of one month after the date on which it is issued.
- (3) Any documents of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for an offence under section 57 above and this Schedule to which they are relevant, until the conclusion of those proceedings.
- (4) Any person who obstructs the exercise of any right of entry or search conferred by virtue of a warrant under this paragraph, or who obstructs the exercise of any rights so conferred to take possession of any documents, is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [^{F192}level 3 on the standard scale], or to both.]

Textual Amendments

F191 Sch. 11 shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by 1999 c. 8, s. 38(5); S.I. 1999/2177, art. 2(3)(b)(4)(a)

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F192 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

Northern Ireland

[^{F193}10(1) So far as the Secretary of State's power under section 57 above and this Schedule is exercisable in relation to Northern Ireland—

- (a) he may, to such extent and subject to such restrictions as he thinks proper, by order delegate that power either to a Northern Ireland department or departments specified in that order or to the appropriate Northern Ireland department or departments; and
- (b) where any power is so delegated to the appropriate Northern Ireland department or departments, that power shall be exercised by such Northern Ireland department or departments as the Secretary of State may by order specify.

(2) The power of the Secretary of State to make an order under sub-paragraph (1)(b) above shall be exercisable by statutory instrument; and where a power to make orders has been delegated in pursuance of sub-paragraph (1)—

- (a) any order made in pursuance of that power shall be made by statutory instrument; and
- (b) the ^{M14}Statutory Instruments Act 1946 shall apply in like manner as if the order had been made by the Secretary of State.

(3) The references in section 57(1) and (2) above to this Act include any corresponding enactments of the Parliament of Northern Ireland or the Northern Ireland Assembly.]

Textual Amendments

F193 [Sch. 11](#) shall cease to have effect in relation to health service medicines (1.9.1999 for certain purposes and otherwise 1.11.1999) by [1999 c. 8, s. 38\(5\)](#); [S.I. 1999/2177, art. 2\(3\)\(b\)\(4\)\(a\)](#)

Marginal Citations

M14 [1946 c. 36\(115:2\)](#).

SCHEDULE 12

ADDITIONAL PROVISIONS AS TO REGULATIONS FOR THE MAKING AND RECOVERY OF CHARGES

Regulations under section 77—charges for drugs, medicines or appliances, or pharmaceutical services

1 (1) No charge shall be made under section 77(1) above in relation to the supply of drugs, medicines and appliances referred to in paragraph (a) of that subsection in respect of—

- (a) the supply of any drug, medicine or appliance for a patient who is for the time being resident in hospital, or

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- (b) the supply of any drug or medicine [^{F194}(otherwise than in accordance with section 28C arrangements)] for the treatment of venereal disease, or
- (c) the supply of any appliance (otherwise than in pursuance of paragraph (b) of section 5(1) above) for a person who is under 16 years of age [^{F195}or is under 19 years of age and receiving qualifying full-time education, or]
- (d) the replacement or repair of any appliance in consequence of a defect in the appliance as supplied,

..... F196

(2) F197

Textual Amendments

F194 Words in Sch. 12 para. 1(1)(b) inserted (1.4.1998) by 1997 c. 46, s. 41(10), Sch. 2 Pt. I para. 31; S.I. 1998/631, art. 2(b), Sch. 2 (with arts. 3-5)

F195 Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), s. 25(2), Sch. 5 Pt. I para. 1

F196 Words repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16(2), Sch. 5

F197 Sch. 12 para. 1(2) repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16(2), Sch. 5

Regulations under section 78—charges for dental or optical appliances

2 [^{F198}(1) The optical appliances referred to in section 78(1) above are glasses and contact lenses, and the charge for glasses and contact lenses which that subsection authorises is a charge of such sum as may be determined by or in accordance with directions given by the Secretary of State.]

..... F199

(2) Regulations may—

(a) vary the amount or maximum amount of any charge authorised by section 78(1) for any . . . ^{F200}optical appliance, and this power includes power to direct that the charge shall not be payable; or

(b) vary the descriptions of appliances for which any such charge is authorised; and regulations made for the purposes of section 78(1) may be made so as to take effect—

(i) in the case of appliances supplied under this Act otherwise than under Part II, where the examination or testing of sight (otherwise than under that Part) leading to the supply of those appliances, or the first such examination or testing, takes place on or after the date on which the regulations come into force;

(ii) F201

..... F202

(3) No charge shall be made under section 78(1) [^{F203}or (1A)] in respect of any appliance supplied otherwise than under Part II to a patient for the time being resident in a hospital.

(4) No charge shall be made under section 78 [^{F204}(1A)] in respect of the supply of a dental appliance if at the relevant time the person for whom that appliance was supplied—

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- [^{F205}(a) was under [^{F206}18] years of age or was under 19 years of age and receiving qualifying full-time education; or
- (b) was an expectant mother or had borne a child within the previous twelve months.
- (5) ^{F207}
- (6) Regulations made with respect to any exemption under sub-paragraph (4) . . . ^{F199} above may provide that it shall be a condition of the exemption that such declaration is made in such form and manner, or such certificate or other evidence is supplied in such form and manner, as may be prescribed.
- (7) In sub-paragraphs (4) . . . ^{F199}“the relevant time” means—
- (a) in relation to a dental appliance supplied otherwise than under Part II, . . . ^{F199} the time of the examination . . . ^{F199} leading to the supply of the appliance, or the first such examination . . . ^{F199};
- (b) in relation to a dental appliance supplied under Part II, the time of the making of the contract or arrangement in pursuance of which the appliance is supplied.
- (8) References in section 78 and in this paragraph to the supply of appliances shall be construed as including references to their replacement [^{F208}and, in the case of dentures, to their being relined or adjusted or having additions made to them.] but no charge shall be made under those provisions in respect of the replacement of dentures . . . ^{F199} if the replacement is required in consequence of loss or damage.

Textual Amendments

- F198** Sch. 12 para. 2(1) substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 8(1)**
- F199** Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**
- F200** Words repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(2), **Sch. 3**
- F201** Sch. 12 para. 2(2)(ii) repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(2), **Sch. 3**
- F202** Para 2(2)(iii) repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**
- F203** Words inserted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 8(2)**
- F204** Word substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 8(3)**
- F205** Para. 2(4)(a) substituted by Health Services Act 1980 (c. 53, SIF 113:2), s. 25(2), **Sch. 5 Pt. I para. 2(3)**
- F206** Word substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 11(8)
- F207** 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**
- F208** Words inserted by Health Services Act 1980 (c. 53, SIF 113:2), s. 25(2), **Sch. 5 Pt. I para. 2(5)**

- [^{F209}2A(1) It shall be the duty of the Secretary of State to provide by regulations for payments to be made by him or by any authority established under this Act to meet, or to contribute towards, the cost incurred (whether by way of charge under this Act or otherwise) for the supply of optical appliances for which a prescription has been given in consequence of a testing of sight under this Act—
- (a) for a child;
- (b) for a person whose resources fall to be treated under the regulations as being less than his requirements;

or

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- (c) for a person of such other description as may be prescribed
 [F210 or for which a prescription has been given for a person such as is mentioned in paragraph (a), (b) or (c) above in consequence of a testing of sight (not being a testing of sight under this Act) which took place in prescribed circumstances].
- (2) In sub-paragraph (1) above “child” means—
- (a) a person who is under the age of 16 years; or
 - (b) a person who is under the age of 19 years and receiving qualifying full-time education.
- [The Secretary of State may by regulations—
- F211(3) (a) provide for himself or such authority established under this Act as may be prescribed to contribute to the cost of a testing of sight which he or the prescribed authority accepts as having been incurred by a person whose resources fall to be treated under the regulations as exceeding his requirements but only by an amount calculated under the regulations;
- (b) provide for payments to be made by him or by such authority established under this Act as may be prescribed to meet, or to contribute towards, any cost accepted by him or by the prescribed authority as having been incurred (whether by way of charge under this Act or otherwise) for the replacement or repair in prescribed circumstances of optical appliances for which a prescription was given in consequence of a testing of the sight of a person of a prescribed description; and
- (c) direct how a person’s resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, give any such direction as to how they are to be calculated as may be given by regulations under section 83A(3) above.
- (3A) Descriptions of persons may be prescribed under this paragraph by reference to any criterion and, without prejudice to the generality of this sub-paragraph, by reference to any of the criteria specified in section 83A(2) above.
- (3B) Subsection (4) of section 83A above shall have effect in relation to regulations under this paragraph as it has effect in relation to regulations under that section.]
- (4) If regulations under this paragraph provide for payments to be made by an authority established under this Act, it shall be the duty of the Secretary of State to pay to the authority, in respect of each financial year, the sum attributable to the authority’s disbursements under the regulations.
- (5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.]

Textual Amendments

F209 Para. 2A inserted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 1(6), [Sch. 1 para. 3](#)

F210 Words added by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 13(2)

F211 [Sch. 12 para. 2A\(3\)\(3A\)\(3B\)](#) substituted for para. 2A(3) by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 13(3)

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Regulations under section 79—charges for dental treatment

- 3 (1) ^{F212}
- (2) Regulations may vary the amount or the maximum amount of any charge (including power to direct that the charge shall not be payable) authorised by section 79(1); and no charge shall be made under that section for any services provided in pursuance of a contract or arrangement under which the first examination took place before 29th May 1952.
- (3) Where any services in respect of which a charge is payable under section 78 above are provided in pursuance of a contract or arrangement, the charges payable under that section and section 79(1) in respect of all services provided in pursuance of the contract or arrangement shall not exceed a prescribed sum in the aggregate.
- (4) No charge shall be made under section 79(1) in respect of services provided for any person who, on the date of the contract or arrangement for the services—
- ^{F213}(a) was under 18 years of age or was under 19 years of age and receiving qualifying full-time education, or]
- (b) was an expectant mother or had borne a child within the previous 12 months.
- ^{F214}
- (5) Regulations [^{F215}made with respect to any exemption under sub-paragraph (4) above], may provide that it shall be a condition of the exemption that such declaration is made in such form and manner, or such certificate or other evidence is supplied in such form and manner, as may be prescribed.

Textual Amendments

F212 Sch. 12 para. 3(1) repealed by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(2), Sch. 3

F213 Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), s. 25(2), Sch. 5 Pt. I para. 3(2)

F214 Words repealed by Health Services Act 1980 (c. 53, SIF 113:2), s. 25(2), Sch. 5 Pt. I para. 3(2)

F215 Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), s. 25(2), Sch. 5 Pt. I para. 3(3)

Miscellaneous Provisions

- 4 For the purposes of paragraph (a) of section 5(1) above and paragraph 1(a) of Schedule 1 to this Act (which provide for the Secretary of State to arrange for the free medical treatment of certain pupils) any charge made in pursuance of regulations under this Act in respect of the supply of drugs, medicines or appliances shall be disregarded.

5 ^{F216}

Textual Amendments

F216 Sch. 12 para. 5 repealed by Social Security Act 1988 (c. 7, SIF 113:1), s. 16(2), Sch. 5

- 6 For the purposes of sections 77 and 78 above and of this Schedule, a bridge, whether fixed or removable, which takes the place of any teeth shall be deemed to be a denture having that number of teeth; . . . ^{F217}

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Textual Amendments

F217 Words repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), [Sch. 3](#)

- [^{F218}7** References in this Schedule to qualifying full-time education mean full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Secretary of State, and for the purposes of such references—
- (a) “recognised educational establishment” means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university; and
 - (b) regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.]

Textual Amendments

F218 [Para. 7](#) substituted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), s. 25(2), [Sch. 5 Pt. I para. 4](#)

[^{F219}SCHEDULE 12A

EXPENDITURE OF HEALTH AUTHORITIES AND PRIMARY CARE TRUSTS

Textual Amendments

F219 [Sch. 12A](#) inserted (1.9.1999 for E. for specified purposes and 1.4.2000 for E. for further specified purposes and otherwise *prosp.*) by [1999 c. 8, ss. 4\(1\)\(4\)](#), 67(1); [S.I. 1999/2342, art. 2\(1\)\(4\)](#), [Schs. 1, 3](#)

Modifications etc. (not altering text)

C16 [Sch. 12A](#) modified (E.) (27.9.2002) by [The National Health Service Reform and Health Care Professions Act 2002 \(Commencement No. 2\) Order 2002 \(S.I. 2002/2478\)](#), [art. 4](#)

Health Authorities: general Part II expenditure

- ^{F220}1** (1) In section 97 above and this Schedule, general Part II expenditure, in relation to a Health Authority, means expenditure of the authority which—
- (a) is attributable to the payment of remuneration to persons providing services in pursuance of Part II of this Act, and
 - (b) is not excluded by sub-paragraph (2) below.
- (2) Expenditure is excluded if it is attributable to—
- (a) the reimbursement of expenses of persons providing services in pursuance of Part II which are designated expenses incurred in connection with the provision of the services (or in giving instruction in matters relating to the services),
 - (b) remuneration referable to the cost of drugs,
 - (c) remuneration paid to persons providing additional pharmaceutical services (in accordance with directions under section 41A above), in respect of such of those services as are designated, or

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- (d) remuneration of a designated description which is determined by the Health Authority and paid to persons providing general medical services in pursuance of Part II.

Textual Amendments

F220 Sch. 12A para. 1 inserted (1.9.1999 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 4(1)(4), 67; S.I. 1999/2342, art. 2(1), Sch. 1

Health Authorities: main expenditure

- ^{F221}2 (1) In section 97 above, main expenditure, in relation to a Health Authority and the year in question, means—
- (a) expenditure of the authority mentioned in sub-paragraph (2) below,
 - (b) any other expenditure of the authority attributable to the performance of their functions in that year (other than general Part II expenditure and remuneration referable to the cost of drugs), and
 - (c) expenditure attributable to remuneration referable to the cost of drugs for which the authority are accountable in that year (whether paid by them or another authority).
- (2) The expenditure referred to in sub-paragraph (1)(a) above is expenditure attributable to—
- (a) the reimbursement in that year of expenses of persons providing services in pursuance of Part II which are designated expenses incurred in connection with the provision of the services (or in giving instruction in matters relating to the services),
 - (b) remuneration paid in that year to persons providing additional pharmaceutical services (in accordance with directions under section 41A above), in respect of such of those services as are designated, or
 - (c) remuneration of a designated description which is determined by the Health Authority and paid in that year to persons providing general medical services in pursuance of Part II.

Textual Amendments

F221 Sch. 12A para. 2 inserted (1.9.1999 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 4(1)(4), 67; S.I. 1999/2342, art. 2(1), Sch. 1

- 3 (1) For each financial year, the Secretary of State shall apportion, in such manner as he thinks appropriate, among all Health Authorities the total of the remuneration referable to the cost of drugs which is paid by each Health Authority in that year.
- (2) A Health Authority are accountable in any year for remuneration referable to the cost of drugs to the extent (and only to the extent) that such remuneration is apportioned to them under sub-paragraph (1) above.
- (3) Where in any financial year any remuneration referable to the cost of drugs for which a Health Authority are accountable is paid by another Health Authority, the

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remuneration is to be treated (for the purposes of sections 97 and 97A above) as having been paid by the first authority in the performance of their functions.

- (4) The Secretary of State may, in particular, exercise his discretion under subparagraph (1) above—
- (a) so that any apportionment reflects, in the case of each Health Authority, the financial consequences of orders for the provision of drugs, being orders which in his opinion are attributable to the authority in question,
 - (b) by reference to averaged or estimated amounts.
- (5) The Secretary of State may make provision for any remuneration referable to the cost of drugs which is paid by a Health Authority other than the Health Authority which are accountable for the payment to be reimbursed in such manner as he may determine.

PCTs: general Part II expenditure

- 4 (1) In section 97C above and this Schedule, general Part II expenditure, in relation to a Primary Care Trust, means expenditure of the trust which—
- (a) is attributable to the payment of remuneration to persons providing services in pursuance of Part II of this Act, and
 - (b) is not excluded by subparagraph (2) below.
- (2) Expenditure is excluded if it is attributable to—
- (a) the reimbursement of expenses of persons providing services in pursuance of Part II which are designated expenses incurred in connection with the provision of the services (or in giving instruction in matters relating to the services),^{F222} . . .
- [remuneration referable to the cost of drugs,
- ^{F223}(aa)
- (ab) remuneration paid to persons providing additional pharmaceutical services (in accordance with directions under section 41A above), in respect of such of those services as are designated, or]
 - (b) remuneration of a designated description which is determined by [^{F224}the trust] and paid to persons providing general medical services in pursuance of Part II.

Textual Amendments

F222 Word in Sch. 12A para. 4(2)(a) repealed (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(5), 37(2), 42(3), Sch. 9 Pt. 1; S.I. 2002/2478, art. 3(2)(b)(c); S.I. 2002/2532, art. 2, Sch.

F223 Sch. 12A para. 4(2)(aa)(ab) inserted (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(5), 42(3); S.I. 2002/2478, art. 3(2)(a); S.I. 2002/2532, art. 2, Sch.

F224 Words in Sch. 12A para. 4(2)(b) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 37(1), 42(3), Sch. 8 para. 12; S.I. 2002/2478, art. 3(2)(e)

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PCTs: main expenditure

- 5 (1) In section 97C above, main expenditure, in relation to a Primary Care Trust and the year in question, means—
- (a) expenditure of the trust mentioned in sub-paragraph (2) below, ^{F225} . . .
 - (b) any other expenditure of the trust attributable to the performance of its functions in that year [^{F226}(other than general Part 2 expenditure and remuneration referable to the cost of drugs), and]
 - [^{F227}(c) expenditure attributable to remuneration referable to the cost of drugs for which the trust is accountable in that year (whether paid by it or by another trust).]
- (2) The expenditure referred to in sub-paragraph (1)(a) above is expenditure attributable to—
- (a) the reimbursement in that year of expenses of persons providing services in pursuance of Part II which are designated expenses incurred in connection with the provision of the services (or in giving instruction in matters relating to the services), ^{F228} . . .
 - [^{F229}(aa) remuneration paid in that year to persons providing additional pharmaceutical services (in accordance with directions under section 41A above), in respect of such of those services as are designated, or]
 - (b) remuneration of a designated description which is determined by [^{F230}the trust] and paid in that year to persons providing general medical services in pursuance of Part II.

Textual Amendments

- F225** Word in Sch. 12A para. 5(1)(a) repealed (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(6), 37(2), 42(3), **Sch. 9 Pt. 1**; S.I. 2002/2478, **art. 3(2)(b)(c)**; S.I. 2002/2532, **art. 2**, Sch.
- F226** Words in Sch. 12A para. 5(1)(b) substituted (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 10(6)(b)**, 42(3); S.I. 2002/2478, **art. 3(2)(b)(c)**; S.I. 2002/2532, **art. 2**, Sch.
- F227** Sch. 12A para. 5(1)(c) substituted for words (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 10(6)(c)**, 42(3); S.I. 2002/2478, **art. 3(2)**; S.I. 2002/2532, **art. 2**, Sch.
- F228** Word in Sch. 12A para. 5(2)(a) repealed (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(7), 37(2), 42(3) {Sch. 9 Pt. 1}; S.I. 2002/2478, **art. 3(2)(a)(c)**; S.I. 2002/2532, **art. 2**, Sch.
- F229** Sch. 12A para. 5(2)(aa) inserted (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 10(7)**, 42(3); S.I. 2002/2478, **art. 3(2)**; S.I. 2002/2532, **art. 2**, Sch.
- F230** Words in Sch. 12A para. 5(2)(b) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 37(1), 42(3), **Sch. 8 para. 12**; S.I. 2002/2478, **art. 3(2)(e)**

- [^{F231}6 (1) For each financial year, the Secretary of State shall apportion, in such manner as he thinks appropriate, among all Primary Care Trusts the total of the remuneration referable to the cost of drugs which is paid by each Primary Care Trust in that year.
- (2) A Primary Care Trust is accountable in any year for remuneration referable to the cost of drugs to the extent (and only to the extent) that such remuneration is apportioned to it under sub-paragraph (1) above.

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- (3) Where in any financial year any remuneration referable to the cost of drugs for which a Primary Care Trust is accountable is paid by another Primary Care Trust, the remuneration is to be treated (for the purposes of sections 97C and 97D above) as having been paid by the first trust in the performance of its functions.
- (4) The Secretary of State may, in particular, exercise his discretion under subparagraph (1) above—
- (a) so that any apportionment reflects, in the case of each Primary Care Trust, the financial consequences of orders for the provision of drugs, being orders which in his opinion are attributable to the trust in question,
 - (b) by reference to averaged or estimated amounts.
- (5) The Secretary of State may make provision for any remuneration referable to the cost of drugs which is paid by a Primary Care Trust other than the trust which is accountable for the payment to be reimbursed in such manner as he may determine.]

Textual Amendments

F231 Sch. 12A para. 6 substituted (1.10.2002 for E. and 10.10.2002 for W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. **10(8)**, 42(3); S.I. 2002/2478, art. **3(2)(a)**; S.I. 2002/2532, art. **2**, Sch.

VALID FROM 10/10/2002

Local Health Boards: general Part 2 expenditure

- [^{F232}6A (1) In section 97F above and this Schedule, general Part 2 expenditure, in relation to a Local Health Board, means expenditure of the Board which—
- (a) is attributable to the payment of remuneration to persons providing services in pursuance of Part 2 of this Act, and
 - (b) is not excluded by subparagraph (2) below.
- (2) Expenditure is excluded if it is attributable to—
- (a) the reimbursement of expenses of persons providing services in pursuance of Part 2 which are designated expenses incurred in connection with the provision of the services (or in giving instruction in matters relating to the services),
 - (b) remuneration referable to the cost of drugs,
 - (c) remuneration paid to persons providing additional pharmaceutical services (in accordance with directions under section 41A above), in respect of such of those services as are designated, or
 - (d) remuneration of a designated description which is determined by the Board and paid to persons providing general medical services in pursuance of Part 2.

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Textual Amendments

F232 Sch. 12A para. 6A-6C inserted (10.10.2002 for W., otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(9), 42(3); S.I. 2002/2532, art. 2, Sch.

VALID FROM 10/10/2002

Local Health Boards: main expenditure

- 6B (1) In section 97F above, main expenditure, in relation to a Local Health Board and the year in question, means—
- (a) expenditure of the Board mentioned in sub-paragraph (2) below,
 - (b) any other expenditure of the Board attributable to the performance of its functions in that year (other than general Part 2 expenditure and remuneration referable to the cost of drugs), and
 - (c) expenditure attributable to remuneration referable to the cost of drugs for which the Board is accountable in that year (whether paid by it or by another Board).
- (2) The expenditure referred to in sub-paragraph (1)(a) above is expenditure attributable to—
- (a) the reimbursement in that year of expenses of persons providing services in pursuance of Part 2 which are designated expenses incurred in connection with the provision of the services (or in giving instruction in matters relating to the services),
 - (b) remuneration paid in that year to persons providing additional pharmaceutical services (in accordance with directions under section 41A above), in respect of such of those services as are designated, or
 - (c) remuneration of a designated description which is determined by the Board and paid in that year to persons providing general medical services in pursuance of Part 2.

Textual Amendments

F232 Sch. 12A para. 6A-6C inserted (10.10.2002 for W., otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(9), 42(3); S.I. 2002/2532, art. 2, Sch.

VALID FROM 10/10/2002

- 6C (1) For each financial year, the National Assembly for Wales shall apportion, in such manner as it thinks appropriate, among all Local Health Boards the total of the remuneration referable to the cost of drugs which is paid by each Local Health Board in that year.
- (2) A Local Health Board is accountable in any year for remuneration referable to the cost of drugs to the extent (and only to the extent) that such remuneration is apportioned to it under sub-paragraph (1) above.

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- (3) Where in any financial year any remuneration referable to the cost of drugs for which a Local Health Board is accountable is paid by another Local Health Board, the remuneration is to be treated (for the purposes of sections 97F and 97G above) as having been paid by the first Board in the performance of its functions.
- (4) The National Assembly for Wales may, in particular, exercise its discretion under sub-paragraph (1) above—
 - (a) so that any apportionment reflects, in the case of each Local Health Board, the financial consequences of orders for the provision of drugs, being orders which in the Assembly’s opinion are attributable to the Board in question,
 - (b) by reference to averaged or estimated amounts.
- (5) The National Assembly for Wales may make provision for any remuneration referable to the cost of drugs which is paid by a Local Health Board other than the Board which is accountable for the payment to be reimbursed in such manner as the Assembly may determine.]

Textual Amendments

F232 Sch. 12A para. 6A-6C inserted (10.10.2002 for W., otherwise prosp.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **ss. 10(9)**, 42(3); S.I. 2002/2532, **art. 2**, Sch.

Interpretation]

- 7 (1) In this Schedule—
- “designated” means designated in writing by the Secretary of State (and different designations may be made for different purposes),
- “drugs” includes medicines and listed appliances (within the meaning of section 41 above),
- “pharmaceutical services” does not include additional pharmaceutical services.
- (2) The Secretary of State shall determine what remuneration paid by [^{F233}Primary Care Trusts] to persons providing pharmaceutical services is to be treated for the purposes of this Schedule as remuneration referable to the cost of drugs [^{F234}and the National Assembly for Wales shall make the corresponding determination in relation to Health Authorities and Local Health Boards.]
 - (3) The Secretary of State may treat all remuneration paid by [^{F235}Primary Care Trusts] to such persons, so far as it is met by an NHS trust ^{F236}. . . under section 103(3) below, as remuneration referable to the cost of drugs for those purposes.

Textual Amendments

F233 Words in Sch. 12A para. 7(2) substituted (1.10.2002 for E. and 10.10.2002 for W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), **ss. 10(10)(b)**, 42(3); S.I. 2002/2478, **art. 3(2)(a)**; S.I. 2002/2532, **art. 2**, Sch.

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- F234** Words in Sch. 12A para. 7(2) substituted (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(10)(b), 42(3); S.I. 2002/2478, art. 3(2)(a); S.I. 2002/2532, art. 2, Sch.
- F235** Words in Sch. 12A para. 7(3) substituted (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(10)(c)(i), 42(3); S.I. 2002/2478, art. 3(2)(a); S.I. 2002/2532, art. 2, Sch.
- F236** Words in Sch. 12A para. 7(3) repealed (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 10(10)(c)(ii), 42(3), Sch. 9 Pt. 1; S.I. 2002/2478, art. 3(2)(a); S.I. 2002/2532, art. 2, Sch.

^{F237}SCHEDULE 13

Textual Amendments

- F237** Sch. 13 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch. 3

SCHEDULE 14

TRANSITIONAL PROVISIONS AND SAVINGS

General

- 1 (1) In so far as—
- (a) any agreement, appointment, apportionment, authorisation, determination, instrument, order or regulation made by virtue of an enactment repealed by this Act, or
 - (b) any approval, consent, direction, or notice given by virtue of such an enactment, or
 - (c) any complaint made or investigation begun by virtue of such an enactment, or
 - (d) any other proceedings begun by virtue of such an enactment, or
 - (e) anything done or having effect as if done,
- could, if a corresponding enactment in this Act were in force at the relevant time, have been made, given, begun or done by virtue of the corresponding enactment, it shall, if effective immediately before the corresponding enactment comes into force, continue to have effect thereafter as if made, given, begun or done by virtue of that corresponding enactment.
- (2) Where—
- (a) there is any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or to a thing omitted, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act, then

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(b) that reference shall be construed (subject to its context) as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of any of the corresponding provisions of the repealed enactments.

2 Where any instrument or document refers either expressly or by implication to an enactment repealed by this Act the reference shall (subject to its context) be construed as or as including a reference to the corresponding provision of this Act.

3 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if its corresponding provision had been in force when that period began to run.

Medical schools in London

4 Notwithstanding the repeal by this Act of section 15 of the ^{M17}National Health Service Act 1946—

- (a) where a scheme was prepared and submitted under subsection (1) and approved under subsection (2) of that section, that scheme may be amended by a new scheme in accordance with subsection (3) of that section; and
- (b) any scheme prepared, submitted and approved under that section, or as amended under paragraph (a) above, shall continue to have effect, or have effect, as if that section had not been repealed.

Marginal Citations

M17 1946 c. 81.

Section 36 of the National Health Service Act 1946

5 Notwithstanding the repeal by this Act of section 36 of the ^{M18}National Health Service Act 1946 (compensation for loss of right to sell a medical practice) that section shall continue to have such effect as may be necessary for the purposes of sections 1 to 7 of the ^{M19}National Health Service (Amendment) Act 1949.

The saving made by this paragraph applies to section 51 of the ^{M20}National Health Service Reorganisation Act 1973 (which amended section 36 of the ^{M21}National Health Service Act 1946), and to any regulations made under that section 36 which were in force immediately before the coming into force of this Act.

Marginal Citations

M18 1946 c. 81.

M19 1949 c. 93(113:2).

M20 1973 c. 32(113:2).

M21 1946 c. 81.

Local Acts and charters

6 (1) Where at the passing of the ^{M22}National Health Service Act 1946—

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- (a) there was in force a local or private Act or charter containing provisions which appear to the Secretary of State either to be inconsistent with any of the provisions of that Act of 1946 as reproduced in this Act, or to have been made redundant in consequence of the passing of that Act of 1946, then
 - (b) the Secretary of State may by order make such alterations, whether by amendment or by repeal, in the local or private Act or charter as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of that Act of 1946 as so reproduced, or for the purpose of removing redundant provisions, as the case may be.
- (2) Any provision of a charter defining or restricting—
- (a) the objects of any hospital to which section 6 of that Act of 1946 applied, or
 - (b) the purposes for which any property transferred to the Secretary of State or the Board of Governors of a teaching hospital by virtue of that Act of 1946 may be used,
- shall cease to have effect.

Marginal Citations

M22 1946 c. 81.

Persons authorised to provide pharmaceutical services

- 7 (1) A person who for three years immediately before 16th December 1911 acted as a dispenser to a medical practitioner or a public institution is in the same position in relation to the undertaking referred to in section 43(2) above regarding the dispensing of medicines as a registered pharmacist.
- (2) F242

Textual Amendments

F242 Sch. 14 para. 7(2) repealed by Statute Law Repeals Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. V

Disqualification of practitioners

- 8 Where by virtue of section 42(8) of the ^{M23}National Health Service Act 1946 a person's name was, immediately before the coming into force of this Act, disqualified for inclusion in any list referred to in section 42(1) of that Act, that person's name is disqualified for inclusion in any list referred to in section 46(1) above, until such time as [^{F243}the Tribunal direct] to the contrary.
- Regulations made under section 49 above shall have effect for the purposes of this paragraph.

Textual Amendments

F243 Words in Sch. 14 para. 8 substituted (21.12.1995) by 1995 c. 31, s. 4(2); S.I. 1995/3090, art. 2, Sch. (with art. 3)

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Marginal Citations

M23 1946 c. 81.

Definition of “local authority”

- 9 The definition of “local authority” in section 128(1) above includes any joint board constituted under the ^{M24}Public Health Act 1936 or under the ^{M25}Public Health (London) Act 1936 or any enactment repealed by those Acts, or any port health authority constituted under those Acts or under any Act passed before those Acts.

Marginal Citations

M24 1936 c. 49(100:1).

M25 1936 c. 50.

Sections 3 and 4 of the Health Services and Public Health Act 1968

- 10 (1) Notwithstanding the repeal by this Act of section 3 of the Health Services and Public Health Act 1968 (transitional provisions relating to accommodation and treatment of private patients), subsection (2) of that section continues to have the same effect in relation to an undertaking given before 31st March 1969 under section 5 of the ^{M26}National Health Service Act 1946 (accommodation for private patients) as it had immediately before the coming into force of this Act.
- (2) An undertaking given before the coming into force of section 4(1) of the ^{M27}Health Services and Public Health Act 1968 in respect of payment under section 4 of the ^{M28}National Health Act 1946 (accommodation available on part payment) continues to have the same effect as it had immediately before the coming into force of this Act.

Marginal Citations

M26 1946 c. 81.

M27 1968 c. 46.

M28 1946 c. 81.

Vehicles under section 33 of the Health Services and Public Health Act 1968

- 11 The provision of vehicles as mentioned in section 33 of the ^{M29}Health Services and Public Health Act 1968, and the taking of any such action as is mentioned in subsection (2) of that section, shall for the purposes of the National Health Service Act 1946 be treated as having been included among hospital and specialist services provided under Part II of that Act of 1946 as from its commencement.

Marginal Citations

M29 1968 c. 46.

Status: Point in time view as at 01/10/2002.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Prevention, care and after-care

- 12 Any arrangements made under section 28(1) of the ^{M30}National Health Service Act 1946 by a local health authority which were in force immediately before 9th September 1968 shall—
- (a) so far as they could be made under paragraph 2(1) of Schedule 8 to this Act, continue to have effect as if so made;
 - (b) so far as they relate to any matters falling within section 3(1) of the ^{M31}Disabled Persons (Employment) Act 1958, continue to have effect as if made under that section.

Marginal Citations

M30 1946 c. 81.

M31 1958 c. 33(43:1).

Saving of amendments

- 13 (1) Notwithstanding the repeal by this Act of section 76 and Part I of Schedule 10 to the National Health Service Act 1946, and section 57(1) and Schedule 4 to the ^{M32}National Health Service Reorganisation Act 1973—
- (a) the amendments made by Part I of Schedule 10 to that Act of 1946 to the ^{M33}Voluntary Hospitals (Paying Patients) Act 1936 and to the ^{M34}Public Health Act 1936, and
 - (b) the amendments made by paragraphs [^{F244}paragraphs 2, ^{F245}. . . 40, 68, 82, 109, 111, 123, 124(2) and (3), 125(2), 128, 130, 131(2), 132, 133, 151 and 152]of Schedule 4 to that Act of 1973,
- shall continue to have the same effect as they had immediately before the coming into force of this Act, subject to any amendments made by this Act.
- (2) Nothing in this Act [^{F246}or the Health Authorities Act 1995] affects the Secretary of State's power under section 58 of the National Health Service Reorganisation Act 1973 to bring into force paragraph [^{F246}131(2)] of Schedule 4 to that Act.

Textual Amendments

F244 Words in Sch. 14 para. 13(1)(b) substituted (25.6.1995 for certain purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 64(a)** (with Sch. 2 para. 6)

F245 Words in Sch. 14 para. 13(1)(b) repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt. I Sch. 39** (with s. 1(4))

F246 Words in Sch. 14 para. 13(2) inserted (28.5.1995 for certain purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 64(b)** (with Sch. 2 para. 6)

Modifications etc. (not altering text)

C17 By **Opticians Act 1989** (c. 44, SIF 83), **s. 37(2)** it is provided that for “to” there is substituted “, 82 and”

C18 **Para. 13(1)(b):** by **Medical Act 1983** (c. 54, SIF 83:1), **s. 56, Sch. 7** it is provided that the reference to paragraph 69 of the National Health Service Reorganisation Act 1973 is repealed

Marginal Citations

M32 1973 c. 32(113:2).

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M33 1936 c. 17(113:3).

M34 1936 c. 49(100:1).

Transfers of property by voluntary organisations

- 14 Notwithstanding the repeal by this Act of section 23(2) of the ^{M35}National Health Service (Amendment) Act 1949, section 23(1) of that Act shall be deemed to have had effect as from 5th July 1948.

Marginal Citations

M35 1949 c. 93(113:2).

Mental Health Act 1959

- 15 (1) Any regulations under section 7 of the ^{M36}Mental Health Act 1959 in force immediately before 9th September 1968, shall, so far as they could be made under paragraph 2 of Schedule 8 to this Act, have effect as if so made.
- (2) Any institution provided under section 97 of the Mental Health Act 1959, or deemed to be so provided when that section came into force, shall be deemed to be provided in pursuance of section 4 above.

Marginal Citations

M36 1959 c. 72(85).

The National Health Service Reorganisation Act 1973

^{F247}16

Textual Amendments

F247 Sch. 14 para. 16 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 para. 6)

*Complaints in respect of preserved Boards or bodies abolished
under section 14 of the National Health Service Reorganisation Act 1973*

^{F248}17

Textual Amendments

F248 Sch. 14 para. 17 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch. 3

Permission deemed to have been granted under section 9(5) of the Health Services Act 1976

- 18 Where under any arrangements terminated by virtue of section 9(5) of the ^{M37}Health Services Act 1976—

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- (a) a person was deemed to have been granted under that section permission to use accommodation and facilities to the same extent and for the same purposes as were covered by those arrangements, then
- (b) that person shall be deemed to have been granted under section 72 above the like permission (and the provisions of that section shall apply accordingly).

Marginal Citations

M37 1976 c. 83(113:2).

^{X1}SCHEDULE 15

Section 129.

CONSEQUENTIAL AMENDMENTS

Editorial Information

X1 The text of Sch. 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

ACTS

1 **F249**

Textual Amendments

F249 Sch. 15 para. 1 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VIII**

The Education Act 1944 c.31

F250²

Textual Amendments

F250 Sch. 15 para. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt. I, **Sch. 39** (with s. 1(4))

The Education Act 1946 c.50

F251³

Textual Amendments

F251 Sch. 15 para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt. I, **Sch. 39** (with s. 1(4))

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The Polish Resettlement Act 1947 c.19

- 4 In section 4(1) of the Polish Resettlement Act 1947, for the words “ National Health Service Act, 1946, or the National Health Service Reorganisation Act 1973” substitute “ National Health Service Act 1977 ”, and for the words “ those Acts” substitute “ that Act ”

The National Assistance Act 1948 c.29

- [^{F2525} In paragraph (c) of section 21(7) of the National Assistance Act 1948, for the words “ National Health Service Acts 1946 to 1973” substitute “ National Health Service Act 1977 ”.]

Textual Amendments

F252 Sch. 15 para. 5 repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**

- 6 In paragraph (b) of section 29(6) of the National Assistance Act 1948, for the words “ National Health Service Act, 1946, the National Health Service Reorganisation Act 1973” substitute “ National Health Service Act 1977 ”.
- 7 In section 47(8) of the National Assistance Act 1948, for the words “ National Health Service Act 1946, or the National Health Service Reorganisation Act 1973” substitute “ National Health Service Act 1977 ”.

The Law Reform (Personal Injuries) Act 1948 c.41

- 8 In section 2(4) of the Law Reform (Personal Injuries) Act 1948, for the words “ National Health Service Act 1946” substitute “ National Health Service Act 1977 ”.

The Children Act 1948 c. 43

- 9 In section 59(1) of the Children Act 1948, in the definition of “ hospital”, for the words “ section seventy-nine of the National Health Service Act 1946,” substitute “ section 128(1) of the National Health Service Act 1977 ”.

The Nurseries and Child-Minders Regulation Act 1948 c.53

- 10 **F253**

Textual Amendments

F253 Sch. 15 para. 10 repealed (14.10.1991) by Children Act (c. 41, SIF 20), s. 108(7), Sch. 15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

- 11 **F254**

Textual Amendments

F254 Ss. 6(1)(2)(6)(7), 30(2), 59, 60, 67–71, 73–76, Sch. 4 para. 1, Sch. 15 paras. 11, 41, 68—70 repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**

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

- 12 In Part I of Schedule 2 to the Reserve and Auxilliary Forces (Protection of Civil Interests) Act 1951—
- ^{F255}(a)
- (b) in paragraph 16, in the first column, for the words “ National Health Service Act, 1946” substitute “ National Health Service Act 1977 ”^{F256} . . .

Textual Amendments

- F255** Sch. 15 para. 12(a) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 para. 6)
- F256** Words in Sch. 15 para. 12(b) repealed (1.4.1996) by 1995 c. 17, ss. 5(1)(2), **Sch. 3** (with Sch. 2 para. 6)

The Landlord and Tenant Act 1954 c.56

- 13 In section 57(6) of the Landlord and Tenant Act 1954, for the words “ National Health Service Act 1946 and the National Health Service Reorganisation Act 1973” substitute “ National Health Service Act 1977 ”.
- 14 ^{F257}

Textual Amendments

- F257** Sch. 15 para. 14 repealed by Medical Act 1983 (c. 54, SIF 83:1), s. 56, **Sch. 7 Pt. I**

- 15—17. ^{F258}

Textual Amendments

- F258** Sch. 15 paras. 15–17 repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36, SIF 83:1), s. 23(5), **Sch. 8**

- 18 ^{F259}

Textual Amendments

- F259** Sch. 15 para. 18 repealed by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(2), **Sch. 6 Pt. I**

- 19, 20. ^{F260}

Textual Amendments

- F260** Sch. 15 paras. 19, 20 repealed by Opticians Act 1989 (c. 44, SIF 83), s. 37(4), **Sch. 2**

The Disabled Persons (Employment) Act 1958 c.33

- 21 In section 3(2) of the Disabled Persons (Employment) Act 1958, for the words “ section twenty-eight of the National Health Service Act, 1946” substitute “ paragraph 2 of Schedule 8 to the National Health Service Act 1977 ”.

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The Public Records Act 1958 c.51

- 22 In Part I of the Table in Schedule 1 to the Public Records Act 1958, in the entry relating to the Department of Health and Social Security (formerly the entry relating to the Ministry of Health) after the words “ National Health Service Reorganisation Act 1973” add “ or section 92 of the National Health Service Act 1977 ”, and after the words “ said Act of 1973” add “ or section 90 or 91 of the National Health Service Act 1977 ”.

The Mental Health Act 1959 c.72

- 23 F261

Textual Amendments

F261 Sch. 15 paras. 23, 26—28, 30, 31, 33, repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 6](#)

- 24^{F262} (1) In subsection (1) of section 8 of the Mental Health Act 1959, for the words “ section twenty-eight of the National Health Service Act 1946” substitute “ paragraph 2 of Schedule 8 to the National Health Service Act 1977 ”.]
- (2) In subsection (2) of that section, for the words “ Part III of the National Health Service Act 1946” substitute “ Schedule 8 to the National Health Service Act 1977 ”.
- (3) In subsection (4) of that section, omit the words “ Part III of the National Health Service Act 1946, and under” and after the words “ National Assistance Act, 1948” add “ and under Schedule 8 to the National Health Service Act 1977 ”.

Textual Amendments

F262 Sch. 15 para. 24(1) repealed (*prosp.*) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 66(2), 67(2), [Sch. 10](#)

- ^{F263}25

Textual Amendments

F263 Sch. 15 para. 25 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch. 15](#) (with s. 108(6), [Sch. 14](#) paras. 1(1), [27\(4\)](#)); S.I. 1991/828,art.3(2)

- 26—28 F264

Textual Amendments

F264 Sch. 15 paras. 23, 26—28, 30, 31, 33, repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 6](#)

- 29 In paragraph (b) of section 128(1) of the Mental Health Act 1959, omit the words “ or the National Health Service Reorganisation Act 1973” and after the words “ National Assistance Act 1948” insert “ or the National Health Service Act 1977 ”.

- 30—31 F265

Status: Point in time view as at 01/10/2002.

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Textual Amendments

F265 Sch. 15 paras. 23, 26—28, 30, 31, 33, repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 6](#)

32 In section 142(2) of the Mental Health Act 1959, for the words “ section fifty-seven of the National Health Service Act 1946” substitute “ section 85 of the National Health Service Act 1977 ”.

33 **F266**

Textual Amendments

F266 Sch. 15 paras. 23, 26—28, 30, 31, 33, repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 6](#)

34 In section 154(2) of the Mental Health Act 1959, for the words “ subsection (3) of section eighty of the National Health Service Act 1946” substitute “ section 130(4) of the National Health Service Act 1977 ”.

35 **F267**

Textual Amendments

F267 Sch. 15 para. 35 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, [Sch. 10](#)

36 **F268**

Textual Amendments

F268 Sch. 15 para. 36 repealed by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), [Sch. 3](#)

37 In section 10 of the National Health Service Act 1966—
(a) in subsection (1), for the words “ Part IV of the National Health Service Act 1946” substitute “ Part II of the National Health Service Act 1977”, and in paragraph (a) of that subsection for the words “ section 43 of the said Act of 1946” substitute “ section 56 of the said Act of 1977”;
(b) for subsection (3) substitute—
“(3) Section 29(4) of the National Health Service Act 1977 shall cease to have effect on the coming into operation of this section.”

38 **F269**

Textual Amendments

F269 Sch. 15 para. 38 repealed by [Housing and Building Control Act 1984 \(c. 29, SIF 61\)](#), s. 61(2), [Sch. 12 Pt. I](#)

39 **F270**

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Textual Amendments

F270 Sch. 15 para. 39 repealed by Rating (Disabled Persons) Act 1978 (c. 40, SIF 103:1, 2), **Sch. 2**

The Superannuation (Miscellaneous Provisions) Act 1967 c. 28

40 In section 7(1) of the Superannuation (Miscellaneous Provisions) Act 1967, in paragraph (a) for the words “ National Health Service Acts 1946 to 1973 ” substitute “ National Health Service Act 1977 ”, and in paragraph (b) for “ Acts of 1946 to 1973 ” substitute “ Act of 1977 ”.

41 **F271**

Textual Amendments

F271 Ss. 6(1)(2)(6)(7), 30(2), 59, 60, 67–71, 73–76, Sch. 4 para. 1, Sch. 15 paras. 11, 41, 68—70 repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**

The Leasehold Reform Act 1967 c.88

42 In paragraph (c) of section 28(6) of the Leasehold Reform Act 1967, for the words “ National Health Service Acts 1946 to 1973 ” substitute “ National Health Service Act 1977 ”.

The Health Services and Public Health Act 1968 c.46

43 In paragraph (b) of section 45(4) of the Health Services and Public Health Act 1968, for the words “ National Health Service Act 1946 or Part I of this Act or the National Health Service Reorganisation Act 1973 ” substitute “ National Health Service Act 1977 ”.

44 In section 59(2) of the Health Services and Public Health Act 1968, for the words “ Part IV of the National Health Service Act 1946 ” substitute “ Part II of the National Health Service Act 1977 ”.

45 (1) In paragraph (b) of section 63(2) of the Health Services and Public Health Act 1968, for the words “ Part IV of the 1946 Act ” substitute “ Part II of the 1977 Act ”;

(2) In subsection (8) of that section—

(a) for the words “ 1946 Act means the National Health Service Act 1946 ” substitute “ 1977 Act means the National Health Service Act 1977 ”;

(b) in paragraph (a) of the definition of “ the relevant enactments ” for the words “ and Part I of this Act and section 45 thereof ” substitute “ section 45 of this Act and the National Health Service Act 1977 ”;

(c) in paragraph (b) of the definition of “ the relevant enactments ” for the words “ and Part I of this Act and section 45 thereof and the National Health Service Reorganisation Act 1973 ” substitute “ section 45 of this Act and the National Health Service Act 1977 ”.

46 In section 64(3) of the Health Services and Public Health Act 1968—

(a) omit paragraph (a)(ii);

(b) omit paragraph (a)(xvi);

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(c) after paragraph (a)(xvii) add “ (xviii) the National Health Service Act 1977.”

47 In section 65(3) of the Health Services and Public Health Act 1968—

- (a) omit paragraph (b)(ii);
- (b) omit paragraph (b)(xvii);
- (c) after paragraph (b)(xviii) add “ (xix) the National Health Service Act 1977.”

The Social Work (Scotland) Act 1968 c.49

48 In section 86(3) of the Social Work (Scotland) Act 1968, for “ Part II of the National Health Service Act 1946” substitute “ sections 2 and 3 of the National Health Service Act 1977 ”.

The Medicines Act 1968 c.67

49 In section 131(5) of the Medicines Act 1968, for the words “ National Health Service Acts 1946 to 1973” substitute “ National Health Service Act 1977 ”.

50 In section 132(1) of the Medicines Act 1968, in the definition of “ health centre”, for the words “ section 2 of the National Health Service Reorganisation Act” substitute “ section 2 or 3 of the National Health Service Act 1977 ”.

The Local Authority Social Services Act 1970 c.42

51 In Schedule 1 of the Local Authority Social Services Act 1970, for the entry relating to the National Health Service Act 1946 substitute in the appropriate chronological order—

- (a) in the column headed “Enactment”, the words “ National Health Service Act 1977 Schedule 8 ”;
- (b) in the column headed “Nature of functions”, the words “ Care of mothers and young children; prevention, care and after-care; home help and laundry facilities ”.

52 F272

Textual Amendments

F272 Sch. 15 para. 52 repealed by Finance Act 1980 (c. 48, SIF 63:1), Sch. 20 Pt. III

The Tribunals and Inquiries Act 1971 c. 62

F273 53

Textual Amendments

F273 Sch. 15 para. 53 repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch. 4 Pt.I

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The Finance Act 1971 c.68

F274 54

Textual Amendments
F274 Sch. 15 para. 54 repealed (13.10.1993) by Finance (No. 2) Act 1992 (c. 48), s. 12, Sch. 18 Pt.IV; S.I. 1993/2272, art. 2 (subject to the transitional provisions and savings in art. 3, Sch. of that S.I.).

55 In paragraph 1(1) of Schedule 13 to the Finance Act 1971, for “ National Health Service Act 1946” substitute “ National Health Service Act 1977 ”.

56 F275

Textual Amendments
F275 Sch. 15 para. 56 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 3(1), Sch. 1 Pt. I (with s. 5, Sch. 4 paras. 1, 2)

57 F276

Textual Amendments
F276 Sch. 15 para. 57 repealed by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844(4)(6), Sch. 31

The National Health Service Reorganisation Act 1973 c.32

58 In section 14(2) of the National Health Service Reorganisation Act 1973, for the words “ subsection (2) or (3) of section 55 of the principal Act” substitute “ subsection (1) or (2) of section 98 of the National Health Service Act 1977 ”.

59 In section 15 of the National Health Service Reorganisation Act 1973, after subsection (5) insert the following subsection—

- “(5A) So far as may be necessary for the purposes of subsections (3) to (5) above, any reference in those subsections to this Act, or to any instrument in force by virtue of this Act, shall (as the case may be) include a reference to—
- (a) any provision of this Act which has been repealed and re-enacted by the National Health Service Act 1977 ;
 - (b) any instrument in force by virtue of a provision of this Act which has been repealed and re-enacted by that Act of 1977.”

The Local Government Act 1974 c.7

F277 60

Textual Amendments
F277 Sch. 15 para. 60 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), Sch. 3

F278 61

Status: Point in time view as at 01/10/2002.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F278 Sch. 15 para. 61 repealed (5.2.1994) by 1993 c. 46, ss. 20, 22(4), **Sch. 3**

The Trade Union and Labour Relations Act 1974 c.52

62 **F279**

Textual Amendments

F279 Sch. 15 para. 62 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1**.

The Social Security Act 1975 c. 14

F280 63

Textual Amendments

F280 Sch. 15 para. 63 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3(1), 7(2), **Sch.1**.

F281 64

Textual Amendments

F281 Sch. 15 para. 64 repealed (6.4.1992) by Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21, SIF 113:1), s. 10, **Sch.4**; S.I. 1991/2617, **art.2(f)**.
Sch. 15 para. 64 expressed to be repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3(1), 7(2), **Sch.1**.

The House of Commons Disqualification Act 1975 c.24

65 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975, in the entry relating to the Medical Practices Committee, for the words “ section 34 of the National Health Service Act 1946” substitute “ section 7 of the National Health Service Act 1977 ”.

66

F282

Textual Amendments

F282 Sch. 15 para. 66 repealed by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

The Child Benefit Act 1975 c.61

F283 67

Status: Point in time view as at 01/10/2002.

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Textual Amendments

F283 Sch. 15 para. 67 repealed (1.7.1992) by Social Security (Consequential Provisions) Act (c. 6), ss. 3, 7(2), Sch.1.

68—70 **F284**

Textual Amendments

F284 Ss. 6(1)(2)(6)(7), 30(2), 59, 60, 67–71, 73–76, Sch. 4 para. 1, Sch. 15 paras. 11, 41, 68—70 repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**

71 **F285**

Textual Amendments

F285 Sch. 15 para. 71 repealed by Social Security Act 1990 (c. 27, SIF 113:1), s. 21(1)(2), Sch. 6 para. 14, **Sch. 7**

[^{F286} The Health and Personal Social Services (Northern Ireland) Order 1972 S.I. 1972/1265 (N.I. 14)]

Textual Amendments

F286 Sch. 15 para. 72 and the preceding cross-heading repealed (2.4.2001 for N.I. and otherwise *prosp.*) by 2001 c. 3 (N.I.), ss. 60, 61(2), **Sch. 5**; S.R. 2001/128, art. 2(4), **Sch**

[^{F287}72 In paragraph 7 of Schedule 11 to the Health and Personal Social Services (Northern Ireland) Order 1972 for the words “ Part IV of the National Health Service Act 1946” substitute “ Part II of the National Health Service Act 1977 ”.]

Textual Amendments

F287 Sch. 15 para. 72 and the preceding cross-heading repealed (2.4.2001 (N.I.) and otherwise *prosp.*) by 2001 c. 3 (N.I.), ss. 60, 61(2), **Sch. 5**; S.R. 2001/128, art. 2(4), **Sch**

^{X2}SCHEDULE 16

Section 129.

REPEALS

Editorial Information

X2 The text of Sch. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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Chapter	Short title	Extent of repeal
26 Geo 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Section 203.
9 & 10 Geo. 6. c. 81.	The National Health Service Act 1946.	The whole Act.
12, 13, & 14 Geo. 6. c. 93.	The National Health Service (Amendment) Act 1949.	Section 8. Sections 10 and 11. Sections 14 to 18. Sections 20(1) and 21. Section 23. Section 25. Sections 28 and 29(1). In section 32(1), the words from “ and this Act” where they first occur to “ 1946 and 1949”. In the Schedule, Part I.
14&15 Geo. 6. c. 31.	The National Health Service Act 1951.	The whole Act.
15&16 Geo.6. & 1 Eliz. 2. c. 25.	The National Health Service Act 1952.	The whole Act.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 8(4), the words “ Part III of the National Health Service Act, 1946, and under” In section 128(1), in paragraph (b), the words “ the National Health Service Act, 1946, or”, and the words, “ or the National Health Service Reorganisation Act 1973”. In Schedule 7, the entries relating to the National Health Service Act 1946, and the National Health Service (Amendment) Act 1949.
8 & 9 Eliz. 2. c. 49.	The Public Health Laboratory Service Act 1960.	The whole Act.
9 & 10 Eliz. 2. c. 19.	The National Health Service Act 1961.	The whole Act.
1964 c. 60.	The Emergency Laws (Re-enactments and Repeals) Act 1964.	Section 5.

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		In section 15, the words “ the National Health Service Acts 1946 to 1973”, and the words “ and the corresponding enactments of the Parliament of Northern Ireland”.
1965 c. 42.	The Public Health (Notification of Births) Act 1965.	The whole Act.
1966 c. 8.	The National Health Service Act 1966.	In section 12(2), from the words “ so far as” where they first occur to the words “ and this Act”.
1968 c. 46.	The Health Services and Public Health Act 1968.	Part I. In section 63(8), in paragraph (a) of the definition of “ the relevant enactments” the words “ the 1946 Act”. In section 64(3), paragraph (a)(ii) and paragraph (a)(xvi). In section 65(3), paragraph (b)(ii) and paragraph (b)(xvii). In section 79(1), from the words “ and the” where they first occur to the words “ 1946 to 1968”.
1968 c. 67.	The Medicines Act 1968.	In Schedule 2, Part I.
1970 c. 42.	The Local Authority Social Services Act 1970.	In Schedule 5, paragraph 11.
1972 c. 70.	The Local Government Act 1972.	In Schedule 1, in the entry relating to the Health Services and Public Health Act 1968, the references to sections 12 and 13 in the column headed “ Enactment”and in the column headed “ Nature of Functions”.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In Schedule 23, paragraphs 1, 5, 15(1) and (2). Sections 2 to 13.

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In section 15(3), the words “and in particular nothing in any provision of this Act amending section 55 of the principal Act (which relates to accounts)”.

Sections 21 and 22.

Section 28.

Part III.

Section 40.

Sections 42 and 43.

Sections 45 to 48.

Sections 50 to 53.

Section 54(1) and (5).

In section 55(1), the definitions “special hospital” and “Special Trustees”.

In section 56—

(a) in subsection (1), in paragraph (a), the words “or by virtue of section 34(1)(h) or (6) of this Act or subsection (6) of the following section”;

(b) in subsection (3), the reference “23(2)”;

(c) in subsection (4), the words “and any power conferred by section 7 of this Act to give directions by an instrument in writing”;

(d) in subsection (5), the words “other than section 7”.

In section 57, subsections (1) and (6).

In section 58—

(a) in subsection (1), the word “and” where it first occurs, and paragraph (a);

(b) subsection (6).

Schedules 1, 3 and 4.

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1974 c. 7.	The Local Government Act 1974.	In Schedule 6, paragraph 21.
1976 c. 48.	The Parliamentary and other Pensions and Salaries Act 1976.	Section 7.
1976 c. 59.	The National Health Service (Vocational Training) Act 1976.	The whole Act.
1976 c. 83.	The Health Services Act 1976.	Section 2. Sections 4 and 5. Sections 7 to 11. In section 23— (a)in subsection (1), the definitions of “ the 1946 Act” and “ the National Health Service Acts”; (b)subsections (3) to (5). In Schedule 1, Part V. Schedule 3. In Schedule 4, Part I.

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