



# Health Act 1999

## CHAPTER 8

### HEALTH ACT 1999

#### PART I

##### THE NATIONAL HEALTH SERVICE

###### *Fund-holding practices*

- 1 Repeal of law about fund-holding practices.

###### *Local administration*

- 2 Primary Care Trusts.
- 3 Primary Care Trusts: finance.
- 4 Expenditure of Health Authorities and Primary Care Trusts.
- 5 Primary Care Trusts: provision of services etc.
- 6 Delegation of Health Authority functions relating to pilot schemes and section 28C arrangements.
- 7 Primary Care Trusts: trust-funds and trustees.
- 8 Payments relating to past performance.
- 9 Indemnity cover for Part II services.
- 10 Remuneration for Part II services.
- 11 Local representative committees.
- 12 Directions.

###### *NHS trusts*

- 13 Establishment orders.
- 14 Exercise of powers.
- 15 Public dividend capital.
- 16 Existing NHS trusts: conversion of initial loan.
- 17 Borrowing.

*Status: Point in time view as at 31/01/2004.*

*Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Quality etc*

- 18 Duty of quality.
- 19 The Commission for Health Improvement.
- 20 Functions of the Commission.
- 21 (1) If requested to do so by the Commission in...
- 22 Arrangements with Ministers.
- 23 Obtaining information etc.
- 24 Restrictions on disclosure of information.
- 25 Abolition of Clinical Standards Advisory Group.

### *Partnership*

- 26 Co-operation between NHS bodies.
- 27 Co-operation between NHS bodies and local authorities.
- 28 Plans for improving health etc.
- 29 Payments by NHS bodies to local authorities.
- 30 Payments by local authorities to NHS bodies.
- 31 Arrangements between NHS bodies and local authorities.
- 32 Joint consultative committees.

### *Control of prices of medicines and profits*

- 33 Powers relating to voluntary schemes.
- 34 Power to control prices.
- 35 Statutory schemes.
- 36 Statutory schemes: supplementary.
- 37 Enforcement.
- 38 Controls: supplementary.

### *Evasion of charges, fraud etc.*

- 39 Evasion of charges etc.
- 40 Disqualification etc. of Part II practitioners.

### *Miscellaneous*

- 41 High security psychiatric services.
- 42 Provision of information by Registrar General.
- 43 Health Service Commissioners.

### *Rectification of transitional arrangements*

- 44 Power to rectify transitional provisions etc.

## **PART II**

### **THE NATIONAL HEALTH SERVICE: SCOTLAND**

### *Fund-holding practices*

- 45 Repeal of law about fund-holding practices.

### *NHS trusts*

- 46 Establishment orders.
- 47 Directions as to delegation of functions.
- 48 Constitution of NHS trust boards.

*Status: Point in time view as at 31/01/2004.*

*Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

49 Duties of NHS trusts.

*Staff transfer*

50 Transfer of staff among health service bodies.

*Quality*

51 Duty of quality.

*Finance*

52 Expenditure of Health Boards and other bodies.

53 Public dividend capital.

54 Existing NHS trusts: conversion of initial loan.

55 Borrowing.

*Indemnity cover*

56 Indemnity cover for Part II services.

*Remuneration*

57 Remuneration for Part II services.

*Fraud*

58 Disqualification etc. of Part II practitioners.

59 Recovery of charges and payments.

**PART III**

MISCELLANEOUS AND SUPPLEMENTARY

*Miscellaneous*

60 Regulation of health care and associated professions.

60A Standard of proof in fitness to practise proceedings

61 English and Scottish border provisions.

*Supplementary*

62 Regulations and orders.

63 Supplementary and consequential provision etc.

64 Interpretation.

*Final provisions*

65 Amendments and repeals.

66 Devolution.

67 Commencement.

68 Extent.

69 Short title.

---

SCHEDULES

SCHEDULE 1 — Primary Care Trusts

*Status: Point in time view as at 31/01/2004.*

*Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

After Schedule 5 to the 1977 Act (Health Authorities and...

## SCHEDULE 2 — The Commission for Health Improvement

### *Status*

- 1 The Commission is not to be regarded as the servant...

### *General powers*

- 2 (1) Subject to any directions given by the Secretary of...

### *General duty*

- 3 It is the duty of the Commission to carry out...

### *Membership*

- 4 The Commission is to consist of— (a) a chairman appointed...

### *Appointment, procedure etc*

- 5 The Secretary of State may by regulations make provision as...  
5A (1) The Secretary of State may direct a Special Health...

### *Remuneration and allowances*

- 6 (1) The Commission may pay to its chairman, and to...

### *Employees*

- 7 (1) There is to be a chief executive of the...

### *Delegation of functions*

- 8 (1) The Commission may arrange for the discharge of any...

### *Assistance*

- 9 (1) The Commission may arrange for such persons as it...

### *Payments and loans to Commission*

- 10 (1) The Secretary of State may make payments out of...

### *Accounts*

- 11 (1) The Commission must keep accounts in such form as...

### *Reports and other information*

- 12 (1) As soon as possible after the end of each...

### *Application of seal and evidence*

- 13 The application of the seal of the Commission must be...  
14 A document purporting to be duly executed under the seal...

*Status: Point in time view as at 31/01/2004.*

*Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Miscellaneous amendments*

- 15 In Schedule 1 to the Public Records Act 1958 (definition...
- 16 In the Schedule to the Public Bodies (Admission to Meetings)...
- 17 In the Parliamentary Commissioner Act 1967, in Schedule 2  
(departments...
- 18 In the House of Commons Disqualification Act 1975, in Part...
- 19 In the Northern Ireland Assembly Disqualification Act 1975, the same...

SCHEDULE 2A — Section 31 arrangements: transfer of staff

- 1 *Application of Schedule*
- 2 *Orders transferring staff*
- 3 *Effect of order on contracts of employment*
- 4 *Effect of order on pension rights*
- 5 *Divided employments*

SCHEDULE 3 — Regulation of health care and associated professions

*Matters generally within the scope of the Orders*

- 1 An Order may make provision, in relation to any profession,...

*Manner of exercise of power*

- 2 (1) The power to make an Order may be exercised...
- 3 The power may be exercised so as to make provision...
- 4 The power may be exercised so as to make provision...
- 5 The power may be exercised so as to—
- 6 The power may not be exercised so as to create...

*Matters outside the scope of the Orders*

- 7 (1) An Order may not abolish the regulatory body of...
- 8 (1) Where an enactment provides, in relation to any profession,...

*Preliminary procedure for making Orders*

- 9 (1) If it is proposed to lay a draft of...

*Interpretation and application*

- 10 In this Schedule— “Order” means an Order in Council under...
- 11 (1) The powers conferred by section 60 may be exercised...
- 12 (1) The powers conferred by section 60 extend to the...

SCHEDULE 4 — Amendments of enactments

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 1 In the Schedule to the Public Bodies (Admission to Meetings)...

*National Health Service Act 1966 (c. 8)*

- 2 Section 10 of the National Health Service Act 1966 (modification...

*Status: Point in time view as at 31/01/2004.*

*Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

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

3 In section 63 of the Health Services and Public Health...

#### *The 1977 Act*

- 4 The 1977 Act is amended as follows.  
5 .....  
6 In section 11 (Special Health Authorities), for subsection (1) there...  
7 In section 12 (supplementary provisions for sections 8 and 11),...  
8 In section 15 (duty of Health Authority in relation to...  
9 For section 16 (exercise of functions) there is substituted— Exercise...  
10 After section 16B there is inserted— Advice for Health Authorities...  
11 In section 26 (supply of goods and services by Secretary...  
12 (1) Section 27 (conditions of supply under section 26) is...  
13 In section 28 (supply of goods and services by local...  
14 (1) Section 28A (power to make payments towards expenditure on...  
15 In section 28C(4) (personal medical or dental services), for “13”...  
16 In section 28D (persons who may provide personal medical or...  
17 In section 29A(3)(b) of the 1977 Act (medical lists), for...  
18 In section 48 (disqualification provisions in Scotland or Northern  
Ireland)—...  
19 In section 49 (regulations as to sections 46 to 48)—...  
20 In section 49A (application for interim suspension)—  
21 In section 49B (continuation of suspension pending appeal)—  
22 In section 49D (suspension provisions in Scotland or Northern  
Ireland),...  
23 In section 51 (university clinical teaching and research)—  
24 Section 65(3) (accommodation and services for private patients:  
directions) is...  
25 In section 85 (default powers), after subsection (1)(b) there is...  
26 In section 86 (emergency powers), in paragraph (b), the words...  
27 In section 91 (private trusts for hospitals)—  
28 In section 92 (further transfers of trust property)—  
29 In section 96 (trusts: supplementary provisions), after “90 to 95...  
30 (1) Section 96A (power of health authorities etc. to raise...  
31 (1) Section 97 (public funding of Health Authorities and Special...  
32 Section 97A(5) (duty to comply with directions) is omitted.  
33 (1) Section 98 (accounts and audit) is amended as follows....  
34 In section 99 (regulation of financial arrangements)—  
35 In section 103 (special arrangements as to payment of remuneration),...  
36 In section 122(2) (recovery of charges), “as a simple contract...  
37 (1) Section 126 (orders, regulations and directions) is amended as...  
38 (1) Section 128 (interpretation) is amended as follows.  
39 (1) Schedule 5 (Health Authorities and Special Health Authorities) is...  
40 In Schedule 7 (Community Health Councils), in paragraph 2  
(regulations)—...  
41 In Schedule 9 (NHS Tribunal), in paragraph 5A—

#### *The 1978 Act*

- 42 The 1978 Act is amended as follows.  
43 In section 9 (local consultative committees)— (a) in subsection (5),...

*Status: Point in time view as at 31/01/2004.*

*Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 44 In section 10(4) (Common Services Agency)— (a) after “Health Boards”...
- 45 In section 12A(5) (NHS trusts)— (a) in paragraph (a), for...
- 46 In section 17A (NHS contracts)— (a) in subsection (2)—
- 47 In section 17E (personal medical and dental services: regulations), subsection...
- 48 In section 19A(3)(b) (medical lists), for the words from first...
- 49 Section 31 (disqualification provisions in England and Wales or Northern...
- 50 Section 32 (regulations as to sections 29 to 31) is...
- 51 In section 32A (applications for interim suspension)—
- 52 In section 32B (continuation of suspension pending appeal)—
- 53 In section 32D (suspension provisions in England and Wales or...
- 54 After section 35 there is inserted— Interpretation of Part II....
- 55 In section 85A (financial duties of certain bodies)—
- 56 In section 85B(2) (bodies in respect of which schemes for...
- 57 In section 86 (accounts of Health Boards and the Agency),...
- 58 Section 87D (indicative amounts for doctors’ practices) is omitted.
- 59 In section 102 (state hospitals), for paragraph (b) of subsection...
- 60 In section 105(7) (orders, regulations and directions), for “incidental or...
- 61 In section 108(1) (interpretation)— (a) in the appropriate place there...
- 62 In Schedule 7A (NHS trusts)— (a) for any reference to...
- 63 (1) Schedule 7B (financial provisions relating to NHS trusts) is...
- 64 In Schedule 8 (the Tribunal), in paragraph 8—

*Mental Health Act 1983 (c. 20)*

- 65 The Mental Health Act 1983 is amended as follows.
- 66 In section 122(1) (provision of pocket money for in-patients in...
- 67 In section 123 (transfers to and from special hospitals)—
- 68 In section 134 (correspondence of patients)— (a) in subsection (1)(b),...
- 69 (1) Section 145 (interpretation) is amended as follows.

*Mental Health (Scotland) Act 1984 (c. 36)*

- 70 In section 125(1) (interpretation) of the Mental Health (Scotland) Act...

*Hospital Complaints Procedure Act 1985 (c. 42)*

- 71 In section 1 of the Hospital Complaints Procedure Act 1985...

*Health Service Joint Consultative Committees (Access to Information) Act 1986 (c. 24)*

- 72 The Health Service Joint Consultative Committees (Access to Information) Act...

*Income and Corporation Taxes Act 1988 (c. 1)*

- 73 In section 519A(2) of the Income and Corporation Taxes Act...

*The 1990 Act*

- 74 The 1990 Act is amended as follows.
- 75 In section 3(1)(a) (primary functions of Health Authorities and Special...
- 76 In section 4 (NHS contracts)— (a) in subsection (2)—

*Status: Point in time view as at 31/01/2004.*

*Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 77 In section 6 (transfer of staff to NHS trusts)—
- 78 In section 7 (supplementary provisions as to transfer of staff),...
- 79 (1) Section 8 (transfer of property, rights and liabilities to...
- 80 Section 18 (indicative amounts for doctors' practices) is omitted.
- 81 (1) Section 21 (schemes for meeting losses and liabilities etc....
- 82 In section 61(3) (health service bodies: taxation), after "1991" there...
- 83 (1) Schedule 2 (NHS trusts) is amended as follows.
- 84 (1) Schedule 3 (financial provisions relating to NHS trusts) is...

*Health Service Commissioners Act 1993 (c. 46)*

- 85 (1) The Health Service Commissioners Act 1993 is amended as...

*Value Added Tax Act 1994 (c. 23)*

- 86 In section 41(7) (application to Crown), after "1978" there is...

*National Health Service (Residual Liabilities) Act 1996 (c. 15)*

- 87 In section 1 of the National Health Service (Residual Liabilities)...

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

- 88 (1) The National Health Service (Primary Care) Act 1997 is...

*National Health Service (Private Finance) Act 1997 (c. 56)*

- 89 Section 1 of the National Health Service (Private Finance) Act...

*Audit Commission Act 1998 (c. 18)*

- 90 In section 5 of the Audit Commission Act 1998 (general...

**SCHEDULE 5 — Repeals**

The repeal of section 97(2) of the 1977 Act has...



**Status:**

Point in time view as at 31/01/2004.

**Changes to legislation:**

Health Act 1999 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.