



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.

Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 25 May 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) View outstanding changes

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.

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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 professions and social care workers etc.
 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 —

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

SCHEDULE 2 —

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...

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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,...
- 1A An Order may make provision, in relation to any social...
- 1B The provision that may be made by virtue of paragraph...

Power to abolish regulatory bodies

- 1C An Order may abolish a regulatory body if (and only...

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— (a) the regulatory body...
- 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— “ dental practitioner ” means a person...
- 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

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- 1

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National Health Service Act 1966 (c. 8)

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

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

The 1977 Act

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33 (1) Section 98 (accounts and audit) is amended as follows....

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The 1978 Act

42 The 1978 Act is amended as follows.

43 In section 9 (local consultative committees)— (a) in subsection (5),...

44 In section 10(4) (Common Services Agency)— (a) after “Health Boards”...

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- 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...
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- 49
- 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
- 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
- 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

Hospital Complaints Procedure Act 1985 (c. 42)

- 71

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)

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- 80 Section 18 (indicative amounts for doctors’ practices) is omitted.
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Health Service Commissioners Act 1993 (c. 46)

- 85 (1) The Health Service Commissioners Act 1993 is amended as...
.....
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National Health Service (Residual Liabilities) Act 1996 (c. 15)

- 87

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

- 88

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

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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...

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Changes and effects yet to be applied to :

- s. 16(5) words inserted by [2012 c. 7 Sch. 14 para. 75](#)
- s. 46-49 repealed by [2004 asp 7 sch. 2](#)
- s. 53-55 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 44 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 45 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 62 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 63 repealed by [2004 asp 7 sch. 2](#)
- Sch. 4 para. 33 repealed by [2006 c. 28 Sch. 9](#)