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SCHEDULES

^{F1F1} SCHEDULE 1

Textual Amendments

- F1** Sch. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

^{F2F2} SCHEDULE 2

Textual Amendments

- F2** Sch. 2 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, **Sch. 14 Pt. 2**; S.I. 2004/759, **art. 13(2)(g)**

^{F10F10}_{F11} SCHEDULE 2A

Textual Amendments

- F10** Sch. 2A repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)
- F11** Sch. 2A inserted (1.8.2001 for E. and 1.11.2004 for W.) by 2001 c. 15, ss. 48(4), 70(2), **Sch. 4** (with ss. 64(a), 55(4)); S.I. 2001/2804, **art. 2(1)**; S.I. 2004/1754, **art. 2(2)(a)**

SCHEDULE 3

Section 60.

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, for any of the following matters (among others)—

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- (a) the establishment and continuance of a regulatory body,
- (b) keeping a register of members admitted to practice,
- (c) education and training before and after admission to practice,
- (d) privileges of members admitted to practice,
- (e) standards of conduct and performance,
- (f) discipline and fitness to practise,
- (g) investigation and enforcement by or on behalf of the regulatory body,
- (h) appeals,
- (j) default powers exercisable by a person other than the regulatory body.

Manner of exercise of power

- 2 (1) The power to make an Order may be exercised by amending or repealing any enactment (whether or not mentioned in section 60) or prerogative instrument and any other instrument or document.
- (2) ^{F12}

Textual Amendments

F12 Sch. 3 para. 2(2) omitted (1.10.2006) and repealed (prosp.) by virtue of [Health Act 2006 \(c. 28\)](#), [ss. 33, 80\(2\), 83\(7\)](#), [Sch. 9](#); [S.I. 2006/2603](#), [art. 3](#)

- 3 The power may be exercised so as to make provision for the delegation of functions, including provision conferring power to make, confirm or approve subordinate legislation.
- 4 The power may be exercised so as to make provision for the charging of fees.
- 5 The power may be exercised so as to—
- (a) confer functions (including power to pay grants) on Ministers of the Crown, the Scottish Ministers [^{F13}, a Northern Ireland department] or the National Assembly for Wales, or
 - (b) modify their functions.

Textual Amendments

F13 Words in Sch. 3 para. 5 inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 111, 170\(3\)](#), [Sch. 8 para. 4](#); [S.I. 2008/3244](#), [art. 3\(a\)\(c\)\(iii\)](#)

- 6 The power may not be exercised so as to create any criminal offence, except an offence punishable on summary conviction with a fine not exceeding the amount specified as level 5 on the standard scale.

Matters outside the scope of the Orders

- 7 [^{F14}(1) An Order may not abolish—
- (a) the regulatory body of any profession to which section 60(2)(a) applies,
 - (b) the Royal Pharmaceutical Society of Great Britain or the Pharmaceutical Society of Northern Ireland,
 - (c) the Health Professions Council,

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- (d) the Nursing and Midwifery Council, or
- (e) any other regulatory body established by an Order.

(1A) Sub-paragraph (1)(b) does not prevent an Order in Council from establishing a new regulatory body for the professions mentioned in section 60(2)(aa) and transferring to it any of the functions of the Royal Pharmaceutical Society of Great Britain or the Pharmaceutical Society of Northern Ireland.]

(2) ^{F15}

(3) ^{F16}

[^{F17}(4) An Order may not confer any additional powers of direction over [^{F18}the Council for Healthcare Regulatory Excellence].]

Textual Amendments

F14 Sch. 3 para. 7(1)(1A) substituted (1.1.2009) for Sch. 3 para. 7(1) by [Health and Social Care Act 2008 \(c. 14\), ss. 111, 170\(3\), Sch. 8 para. 5\(2\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)

F15 Sch. 3 para. 7(2) omitted (1.1.2009) and repealed (prosp.) by virtue of [Health and Social Care Act 2008 \(c. 14\), ss. 111, 166, 170\(3\), Sch. 8 para. 5\(3\), Sch. 15 Pt. 2](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)

F16 Sch. 3 para. 7(3) repealed (1.10.2008) by [Health and Social Care Act 2008 \(c. 14\), ss. 111, 166, 170\(3\), Sch. 8 para. 5\(4\), Sch. 15 Pt. 2](#); S.I. 2008/2497, [art. 3\(b\)\(ii\)](#)

F17 Sch. 3 para. 7(4) inserted (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), s. 26\(10\)](#); S.I. 2002/2202, [art. 2\(3\)\(b\)](#)

F18 Words Sch. para. 7(4) substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 127, 170\(3\), {Sch. 10 para. 12}](#); S.I. 2008/3244, [art. 2\(i\)\(ix\)](#)

8 (1) Where an enactment provides, in relation to any profession, for any function mentioned in sub-paragraph (2) to be exercised by the regulatory body or any of its committees or officers, an Order may not provide for any person other than that regulatory body or any of its committees or officers to exercise that function.

(2) The functions are—

- (a) keeping the register of members admitted to practice,
- (b) determining standards of education and training for admission to practice,
- (c) giving advice about standards of conduct and performance,
- (d) ^{F19}

[^{F20}(2A) Where an enactment provides, in relation to any profession, for any function of administering procedures (including making rules) relating to misconduct, unfitness to practise and similar matters to be exercised by the regulatory body or any of its committees or officers, an Order may not provide for any person other than that regulatory body or any of its committees or officers or the Office of the Health Professions Adjudicator to exercise that function.

(2B) In sub-paragraphs (1) and (2A) references to a regulatory body do not include references to any of the following—

- (a) the Royal Pharmaceutical Society of Great Britain,
- (b) the Pharmaceutical Society of Northern Ireland, and
- (c) the Hearing Aid Council.]

^{F21}(3)

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Textual Amendments

- F19** Sch. 3 para. 8(2)(d) omitted (1.1.2009) by virtue of [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 6\(2\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F20** Sch. 3 para. 8(2A)(2B) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 6\(3\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F21** Sch. 3 para. 8(3) omitted (1.4.2004) by virtue of [The Health Professions Order 2001 \(S.I. 2002/254\)](#), [art. 48\(3\)](#), [Sch. 4 para. 8\(b\)](#) (with savings in [art. 3\(19\)](#) and transitional provisions in [art. 48\(1\)](#), [Sch. 2](#)) (the amendment coming into force in accordance with [art. 1\(2\)\(3\)](#) of the amending S.I. and see [London Gazette of 21.7.2004](#))

Preliminary procedure for making Orders

- 9 (1) If it is proposed to lay a draft of an Order before Parliament, the Secretary of State must first—
- (a) publish a draft of an Order, and
 - (b) invite representations to be made to him about the draft by persons appearing to him appropriate to represent [^{F22}any profession] to be regulated, persons appearing to him appropriate to represent those provided with services [^{F23}by any profession to be regulated] and any other persons appearing to him appropriate to consult about the draft.
- [^{F24}(1A) In the case of a draft Order which amends or repeals—
- (a) an enactment contained in an Act of the Scottish Parliament or in an instrument made under such an Act, or
 - (b) any other enactment that extends to Scotland and relates to matters falling within the legislative competence of the Scottish Parliament,
- but does not contain provision of the kind mentioned in sub-paragraph (3), the persons consulted by the Secretary of State under sub-paragraph (1)(b) must include the Scottish Ministers.]
- (2) After the end of the period of three months beginning with the publication of the draft, he may lay the draft as published, or that draft with any modifications he considers appropriate, together with a report about the consultation before Parliament.
 - (3) If any provision of a draft would, if it were included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament [^{F25}and is not merely incidental to, or consequential on, provision that (if so included) would be outside that competence]—
 - (a) the Secretary of State’s duty under sub-paragraph (1) must be performed also by the Scottish Ministers, and
 - (b) sub-paragraph (4) shall apply instead of sub-paragraph (2).
 - (4) After the end of the period of three months beginning with the publication of the draft, the draft as published, or that draft with any modifications which the Secretary of State and the Scottish Ministers consider appropriate, may be laid before Parliament and the Scottish Parliament together with a report made by the Secretary of State and the Scottish Ministers about the consultation.

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Textual Amendments

- F22** Words in Sch. 3 para. 9(1)(b) substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(2\)\(a\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F23** Words in Sch. 3 para. 9(1)(b) substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(2\)\(b\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F24** Sch. 3 para. 9(1A) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(3\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)
- F25** Words in Sch. 3 para. 9(3) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 7\(4\)](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)

Interpretation and application

10 In this Schedule—

[^{F26}“dental practitioner” means a person registered in the dentists register under the Dentists Act 1984,

“enactment” means an enactment contained in, or in an instrument made under—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of the National Assembly for Wales, or
- (d) Northern Ireland legislation,

“functions” includes powers and duties,

“medical practitioner” means a registered medical practitioner as defined by Schedule 1 to the Interpretation Act 1978,]

“Order” means an Order in Council under section 60,

“regulatory body”, in relation to any profession, means the body (or main body) responsible for the regulation of the profession,

^{F27}

Textual Amendments

- F26** Sch. 3 para. 10: definitions inserted (1.10.2008) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), [Sch. 8 para. 8\(a\)](#); S.I. 2008/2497, [art. 3\(b\)\(iii\)](#)
- F27** Words in Sch. 3 para. 10 omitted (1.1.2009) and repealed (prosp.) by virtue of [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 166, 170(3), [Sch. 8 para. 8\(b\)](#), [Sch. 15 Pt. 2](#); S.I. 2008/3244, [art. 3\(a\)\(c\)\(iii\)](#)

11 (1) The powers conferred by section 60 may be exercised so as to regulate a profession which is not regulated by any enactment (whether established before or after the passing of this Act).

(2) References to regulation, in relation to a profession, in that section and this Schedule include—

- (a) the regulation of persons seeking admission to practice or who were, but are no longer, allowed to practise as members of the profession,
- (b) the regulation of activities carried on by persons who are not members of the profession but which are carried on in connection with the practice of the profession,

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- (c) in the case of the profession of medical practitioner, the regulation of the qualifications or experience required for a medical practitioner to [^{F28}perform primary medical services under [^{F29}Part 4 of the National Health Service Act 2006 or Part 4 of the National Health Service (Wales) Act 2006]],
- (d) in the case of the profession of dental practitioner, the regulation of the qualifications or experience required for a dental practitioner to [^{F30}perform primary dental services under [^{F31}Part 5 of the National Health Service Act 2006 or Part 5 of the National Health Service (Wales) Act 2006]].

(3) ^{F32}

Textual Amendments

- F28** Words in Sch. 3 para. 11(2)(c) substituted (1.4.2004 for E.W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 184, 199, **Sch. 11 para. 67(a)**; S.I. 2004/288, **art. 5(2)(x)** (as amended by S.I. 2004/866, **art. 2**); S.I. 2004/480, **art. 4(2)(bb)**
- F29** Words in Sch. 3 para. 1(2)(c) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), **Sch. 8 para. 9(a)**; S.I. 2008/3244, **art. 3(a)(c)(iii)**
- F30** Words in Sch. 3 para. 11(2)(d) substituted (1.4.2006) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 184, 199, **Sch. 11 para. 67(b)**; S.I. 2005/2925, arts. 1(3), **10(2)(l)**
- F31** Words in Sch. 3 para. 1(2)(d) inserted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 111, 170(3), **Sch. 8 para. 9(b)**; S.I. 2008/3244, **art. 3(a)(c)(iii)**
- F32** Sch. 3 para. 11(3) repealed (1.4.2006) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, **Sch. 14 Pt. 4**; S.I. 2005/2925, arts. 1(3), **11(2)(p)**;

Commencement Information

- I6** Sch. 3 para. 11 wholly in force, see s. 67(1) and [S.I. 2000/779](#), **art. 2(1)**

- 12 (1) The powers conferred by section 60 extend to the regulation of—
- (a) the profession regulated by the ^{M9}Pharmacy (Northern Ireland) Order 1976, and
 - (b) activities carried on by persons who are not members of that profession but which are carried on in connection with the practice of that profession,
- only in relation to the matters dealt with in sections 80 to 83 of the ^{M10}Medicines Act 1968.
- (2) But an Order may not provide for any function conferred by any of those sections on the Statutory Committee to be exercised, in relation to Northern Ireland, otherwise than by the committee appointed under Article 19 of the Pharmacy (Northern Ireland) Order 1976.

Marginal Citations

- M9** [S.I. 1976/1213 \(N.I.22\)](#).
M10 [1968 c.67](#).

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SCHEDULE 4

Section 65.

AMENDMENTS OF ENACTMENTS

Modifications etc. (not altering text)

- C5** Sch. 4: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1** (as inserted (30.6.1999) by 1999 c. 8, ss. **66(4)(5)(c)**, 67(4))

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

- 1 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (g) of paragraph 1 there is inserted—
“(gg) Primary Care Trusts”.

Commencement Information

- I7** Sch. 4 para. 1 partly in force; Sch. 4 para. 1 not in force at Royal Assent see s. 67(1), Sch. 4 para. 1 in force for S. at 1.10.1999 by S.S.I. 1999/90, art. 2(b); Sch. 4 para. 1 in force for E. at 4.1.2000 by S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

National Health Service Act 1966 (c. 8)

- 2 **F33**

Textual Amendments

- F33** Sch. 4 para. 2 omitted (1.4.2004) by virtue of [The Primary Medical Services \(Scotland\) Act 2004 \(Consequential Modifications\) Order 2004 \(S.I. 2004/957\)](#), art. 2, **Sch. para. 9**

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

- 3 In section 63 of the Health Services and Public Health Act 1968 (instruction of Health Authority employees and others)—
- (a) in subsection (1)(a), for “or Special Health Authority or a Health Board” there is substituted “Special Health Authority, Health Board or Primary Care Trust”,
 - (b) in subsection (5A), for “or Special Health Authority” in both places there is substituted “Special Health Authority or Primary Care Trust”,
 - (c) in subsection (5B), after “Special Health Authorities” there is inserted—
“(bb) Primary Care Trusts”.

Commencement Information

- I8** Sch. 4 para. 3 partly in force; Sch. 4 para. 3 not in force at Royal Assent see s. 67(1); Sch. 4 para. 3 in force for E. at 4.1.2000 by S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

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The 1977 Act

4 F34

Textual Amendments
F34 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

F35 5

Textual Amendments
F35 Sch. 4 para. 5 repealed (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 37, 42(3)(4), **Sch. 8 para. 31**, **Sch. 9 Pt. 3**; S.I. 2002/2478, **art. 3(1)(e)(f)** (subject to arts. 2(2), 3(3) and with transitional provisions in art. 4); S.I. 2002/2532, art. 2, **Sch.**

6 F36

Textual Amendments
F36 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

7 F37

Textual Amendments
F37 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

8 F38

Textual Amendments
F38 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

9 F39

Textual Amendments
F39 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

10 F40

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Textual Amendments

F40 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

11 **F41**

Textual Amendments

F41 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

12 **F42**

Textual Amendments

F42 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

13 **F43**

Textual Amendments

F43 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

14 **F44**

Textual Amendments

F44 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

15 **F45**

Textual Amendments

F45 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

16 **F46**

Textual Amendments

F46 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

17 **F47**

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Textual Amendments

F47 Sch. 4 para. 17 repealed (1.4.2006) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, **Sch. 14 Pt. 4**; S.I. 2005/2925, arts. 1(3), **11(2)(p)**

F48 18

Textual Amendments

F48 Sch. 4 para. 18 repealed by [2001 c. 15](#), ss. 67, 70(2), [Sch. 6 Pt. 1](#) (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#) (as to which see [s. 227](#) of that 2006 Act) by virtue of [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), arts. 1(1), 2, **Sch. 1 Pt. 2 para. 8(c)**

F49 19

Textual Amendments

F49 Sch. 4 para. 19 repealed by [2001 c. 15](#), ss. 67, 70(2), [Sch. 6 Pt. 1](#) (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#) (as to which see [s. 227](#) of that 2006 Act) by virtue of [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), arts. 1(1), 2, **Sch. 1 Pt. 2 para. 8(c)**

F50 20

Textual Amendments

F50 Sch. 4 para. 20 repealed by [2001 c. 15](#), ss. 67, 70(2), [Sch. 6 Pt. 1](#) (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#) (as to which see [s. 227](#) of that 2006 Act) by virtue of [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), arts. 1(1), 2, **Sch. 1 Pt. 2 para. 8(c)**

F51 21

Textual Amendments

F51 Sch. 4 para. 21 repealed by [2001 c. 15](#), ss. 67, 70(2), [Sch. 6 Pt. 1](#) (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#) (as to which see [s. 227](#) of that 2006 Act) by virtue of [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), arts. 1(1), 2, **Sch. 1 Pt. 2 para. 8(c)**

F52 22

Textual Amendments

F52 Sch. 4 para. 22 repealed by [2001 c. 15](#), ss. 67, 70(2), [Sch. 6 Pt. 1](#) (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#) (as to which see [s. 227](#) of that 2006 Act) by virtue of [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), arts. 1(1), 2, **Sch. 1 Pt. 2 para. 8(c)**

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23 F53

Textual Amendments

F53 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

24 F54

Textual Amendments

F54 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

25 F55

Textual Amendments

F55 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

26 F56

Textual Amendments

F56 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

27 F57

Textual Amendments

F57 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

28 F58

Textual Amendments

F58 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

29 F59

Textual Amendments

F59 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

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30 F60

Textual Amendments
F60 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#))

31 F61

Textual Amendments
F61 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#))

32 F62

Textual Amendments
F62 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#))

- 33 (1) Section 98 (accounts and audit) is amended as follows.
- (2) In subsection (1)—
 - (a) after paragraph (b) there is inserted—
 - “(bb) every Primary Care Trust”,
 - (b) in paragraph (dd), after “1990” there is inserted—
 - “(ddd) any trustees for a Primary Care Trust appointed in pursuance of section 96B above”.
- (3) Before subsection (2A) there is inserted—
 - “(2AA) Every Primary Care Trust shall send a copy of any accounts it has prepared under subsection (2) above to the Health Authority within whose area the trust’s area falls.”

Commencement Information
I9 Sch. 4 para. 33 partly in force; Sch. 4 para. 33 not in force at Royal Assent see s. 67(1); Sch. 4 para. 33 in force for certain purposes for E. at 1.4.2000 by [S.I. 1999/2342](#), art. 2(4)(a), [Sch. 3](#)

F6334

Textual Amendments
F63 Sch. 4 para. 34 repealed by [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 3, [Sch. 2](#), the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#) (as to which see s. 227 of that 2006 Act) by virtue of art. 1(1) of the repealing S.I.

35 F64

Status: Point in time view as at 01/01/2009.

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Textual Amendments

F64 Sch. 4 para. 35 repealed (1.10.2002 for E., 10.10.2002 for W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 37, 42(3)(4), **Sch. 8 para. 31**, **Sch. 9 Pt. 3**; S.I. 2002/2478, **art. 3(1)(e)(f)** (subject to arts. 2(2), 3(3) and with transitional provisions in art. 4); S.I. 2002/2532, art. 2, **Sch.**

36 **F65**

Textual Amendments

F65 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

37 **F66**

Textual Amendments

F66 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

38 **F67**

Textual Amendments

F67 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

39 **F68**

Textual Amendments

F68 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

40 **F69**

Textual Amendments

F69 Sch. 4 para. 40 repealed (20.10.2003 for W. and otherwise prosp.) by [Health \(Wales\) Act 2003 \(c. 40\)](#), ss. 7(2), 10(2), {Sch. 4}; S.I. 2003/2660, **art. 2(1)(iii)**

^{F70}41

Textual Amendments

F70 Sch. 4 para. 41 repealed by [2001 c. 15](#), ss. 67, 70(2), Sch. 6 Pt. 1 (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#)

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(as to which see s. 227 of that 2006 Act) by virtue of [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), arts. 1(1), 2, [Sch. 1 Pt. 2 para. 8\(c\)](#)

The 1978 Act

42 The 1978 Act is amended as follows.

Commencement Information

I10 Sch. 4 para. 42 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

43 In section 9 (local consultative committees)—

- (a) in subsection (5), for “on the provision of services under this Act” there is substituted “ and, where the Secretary of State so directs, an NHS trust on the provision of services under this Act or under a pilot scheme under section 1 of the ^{M11}National Health Service (Primary Care) Act 1997 ”,
- (b) in subsection (7), after “Health Boards” there is inserted “ or, where the Secretary of State so directs, NHS trusts ” and for “may be prescribed” there is substituted “ the Secretary of State may direct ”.

Commencement Information

I11 Sch. 4 para. 43 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

Marginal Citations

M11 [1997 c.46](#).

44 In section 10(4) (Common Services Agency)—

- (a) after “Health Boards” in the first place where it appears there is inserted “ the NHS trusts ”,
- (b) after “Health Boards” in the second place where it appears there is inserted “ or of the NHS trusts ”,
- (c) after “Health Boards” in the third place where it appears there is inserted “ or NHS trusts ”.

Commencement Information

I12 Sch. 4 para. 44 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

45 In section 12A(5) (NHS trusts)—

- (a) in paragraph (a), for “and directors” there is substituted “ , directors and trustees ”,
- (b) in paragraph (b), after “directors” there is inserted “ , trustees, ”,
- (c) in paragraph (c), after “directors” there is inserted “ and trustees ”,
- (d) in paragraph (d), for the words from “director” where it first appears to the end of the paragraph there is substituted “ trustee, to be regarded as an executive director rather than as a trustee ”.

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Commencement Information

I13 Sch. 4 para. 45 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 46 In section 17A (NHS contracts)—
- (a) in subsection (2)—
 - (i) after paragraph (a) there is inserted—

“(aa) Special Health Boards”,
 - (ii) after paragraph (k) there is inserted—

“(ka) Primary Care Trusts established under section 16A of the National Health Service Act 1977”,
 - (iii) paragraphs (d) and (j) are omitted,
 - (b) in subsection (3), paragraph (a) and the word “and” following it are omitted.

Commencement Information

I14 Sch. 4 para. 46 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 47 In section 17E (personal medical and dental services: regulations), subsection (4) is omitted.

Commencement Information

I15 Sch. 4 para. 47 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 48 **F71**

Textual Amendments

F71 Sch. 4 para. 48 omitted (S.) (1.4.2004) by virtue of [The Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 2, **Sch. para. 5(b)**

- 49 **F72**

Textual Amendments

F72 Sch. 4 para. 49 repealed (S.) (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), ss. 42(2), 43, **Sch. 3**; S.S.I. 2006/121, **art. 3(b)**, Sch. 2 Table

- 50 Section 32 (regulations as to sections 29 to 31) is renumbered as subsection (1) of that section and—
- (a) in paragraph (c) after “disqualification” in both places where it occurs there is inserted “ or condition ”,
 - (b) after that subsection there is inserted—

“(2) Regulations under subsection (1)(a) may in particular provide that, where (apart from the regulations) it would be the duty of the Tribunal to inquire into both an efficiency case and a fraud case in

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respect of the same person, they may inquire into one case before inquiring into the other and, after proceedings in the first case are finally disposed of, may if they think it appropriate adjourn the other case indefinitely.”

Commencement Information

I16 Sch. 4 para. 50 wholly in force for S. at 4.3.2004: para. 50 not in force at Royal Assent see s. 67(1); para. 50 in force at 31.1.2004 for S. for certain purposes and wholly in force for S. at 4.3.2004 by [S.S.I. 2004/32](#), [art. 2\(1\)\(c\)\(2\)\(c\)](#)

51 In section 32A (applications for interim suspension)—

(a) after subsection (1) there is inserted—

“(1A) A Health Board may, if they have requested a review of a conditional disqualification on the ground mentioned in section 30(3)(b) or (c), at any time before the review is concluded apply to the Tribunal for a direction to be made under subsection (2) in relation to the person to whom the review relates.”,

(b) in subsection (2), for the words from “it” to “patients” there is substituted “ either of the conditions for doing so is satisfied ” and after “in question” there is inserted “ or the case to which the review in question ”,

(c) after that subsection there is inserted—

“(2A) The conditions for giving such a direction are—

(a) that it is necessary to do so in order to protect persons who are, or may be, provided with services under this Part to which the case in question, or the case to which the review in question, relates;

(b) in, or in the case of a review relating to, a fraud case, that unless they do so there is a significant risk that—

(i) an act or omission within section 29(7)(a) will occur; or

(ii) the investigation of the case or the review will be prejudiced.”,

(d) ^{F73}

(e) in subsection (4), after “case” there is inserted “ or review ”,

(f) subsection (5) is omitted’

(g) ^{F73}

Textual Amendments

F73 Sch. 4 para. 51(d)(g) repealed (S.) (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005](#) (asp 13), ss. 42(2), 43, [Sch. 3](#); [S.S.I. 2006/121](#), [art. 3\(b\)](#), [Sch. 2](#) Table

Commencement Information

I17 Sch. 4 para. 51 wholly in force for S. at 4.3.2004, see s. 67(1) and [S.S.I. 2004/32](#), [art. 2\(2\)\(c\)](#)

52 In section 32B (continuation of suspension pending appeal)—

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- (a) for subsection (1) and the preceding sidenote there is substituted—

“32B Suspension pending appeal.

(1) Where, on disposing of a case under section 29B, the Tribunal make a national disqualification, they may, if they consider that either of the conditions mentioned in section 32A(2A) is satisfied, direct that section 32A(3) shall apply or, if a direction has been given under section 32A(2), shall continue to apply to him as respects services of the kind to which the disqualification relates.”,

- (b) F74
(c) F75
(d) subsection (4) is omitted.

Textual Amendments

- F74** Sch. 4 para. 52(b) repealed (S.) (4.3.2004) by [Community Care and Health \(Scotland\) Act 2002 \(asp 5\)](#), ss. 25, 27(2), [Sch. 2 para. 4](#); S.S.I. 2004/33, [art. 2\(1\)\(c\)](#)
F75 Sch. 4 para. 52(c) repealed (S.) (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), ss. 42(2), 43, [Sch. 3](#); S.S.I. 2006/121, [art. 3\(b\)](#), Sch. 2 Table

Commencement Information

- I18** Sch. 4 para. 52 wholly in force for S. (so far as unrepealed) at 4.3.2004: para. 52 not in force at Royal Assent see s. 67(1); para. 52(a)(c)(d) in force for S. at 4.3.2004 by [S.S.I. 2004/32](#) {art. 2}

- 53 F76

Textual Amendments

- F76** Sch. 4 para. 53 repealed (S.) (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), ss. 42(2), 43, [Sch. 3](#); S.S.I. 2006/121, [art. 3\(b\)](#), Sch. 2 Table

- 54 After section 35 there is inserted—

“35A Interpretation of Part II.

Where, under a direction by the Secretary of State, a Health Board has delegated any of its functions to an NHS trust, any reference in this Part to a Health Board in relation to such a delegated function shall, unless the context otherwise requires, include a reference to an NHS trust.”

Commencement Information

- I19** Sch. 4 para. 54 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 55 In section 85A (financial duties of certain bodies)—

- (a) in subsection (1), before “85(1)” in both places where it occurs there is inserted “85AA(1) or” and for “85(2)(a)” there is substituted “85AA(3)”,
(b) in subsection (2), for “Subsection (3) of section 85” there is substituted “Subsection (9) of section 85AA”,

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- (c) in subsection (3), before “85(1)” there is inserted “ 85AA(1) or ”,
- (d) in subsection (6), in paragraph (c) before “85(1)” there is inserted “ 85AA(1) ” and for “85(2)(a)” there is substituted “ 85AA(3) ”.

Commencement Information

I20 Sch. 4 para. 55 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 56 In section 85B(2) (bodies in respect of which schemes for meeting losses and liabilities may be made)—
- (a) the “and” after paragraph (c) is omitted,
 - (b) after paragraph (d) there is inserted “and
 - (e) Special Health Boards”.

Commencement Information

I21 Sch. 4 para. 56 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 57 In section 86 (accounts of Health Boards and the Agency), subsections (1A), (1C) and (5) are omitted.

Commencement Information

I22 Sch. 4 para. 57 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 58 Section 87D (indicative amounts for doctors’ practices) is omitted.

Commencement Information

I23 Sch. 4 para. 58 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 59 In section 102 (state hospitals), for paragraph (b) of subsection (4) there is substituted—
- “(b) A Health Board, a Special Health Board, the Agency or an NHS trust to the extent that power to do so is delegated to the Board, Agency or trust by the Secretary of State.”

Commencement Information

I24 Sch. 4 para. 59 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 60 In section 105(7) (orders, regulations and directions), for “incidental or supplemental” there is substituted “ supplementary, incidental, consequential, transitory, transitional or saving ”.

Commencement Information

I25 Sch. 4 para. 60 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 61 In section 108(1) (interpretation)—

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- (a) in the appropriate place there is inserted—
 - ““goods” includes accommodation”,
- (b) for the definition of “state hospital” there is substituted—
 - ““state hospital” has the meaning indicated in section 102(2)”.

Commencement Information

I26 Sch. 4 para. 61 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 62 In Schedule 7A (NHS trusts)—
- (a) for any reference to a non-executive director or to non-executive directors there is substituted a reference to a trustee or, as the case may be, to trustees,
 - (b) in paragraph 16(c), the words from “which purposes shall include” to the end are omitted,
 - (c) in paragraph 22, in sub-paragraph (1), in paragraph (c) the words from “or is within” to the end of the paragraph, and “or Health Authority” are omitted,
 - (d) paragraph 23 is omitted.

Commencement Information

I27 Sch. 4 para. 62 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 63 (1) Schedule 7B (financial provisions relating to NHS trusts) is amended as follows.
- (2) In paragraph 6 (surplus funds)—
- (a) for “amount standing in the reserves of an NHS trust” there is substituted “sum held by an NHS trust other than a sum held on trust under section 12G”,
 - (b) for “that amount” there is substituted “that sum”.
- (3) For paragraph 7 of that Schedule (investment) there is substituted—
- “7 An NHS trust shall have power to invest money held by it in any investments, including investments which do not produce income, specified in directions made by the Secretary of State with the consent of the Treasury; but nothing in this paragraph applies in relation to money held on trust under section 12G.”
- (4) After that paragraph there is inserted—
- “8 Any direction with respect to—
- (a) the power conferred on an NHS trust by paragraph 1; or
 - (b) the maximum amount which an NHS trust may invest in any investment or class of investment,
- may be given only with the consent of the Treasury.”

Commencement Information

I28 Sch. 4 para. 63 wholly in force for S. at 1.10.1999, see s. 67(1) and S.S.I 1999/90, art. 2(b)

- 64 In Schedule 8 (the Tribunal), in paragraph 8—

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- (a) in sub-paragraph (2)(a), for “section 29” there is substituted “ sections 29 to 29C ”,
- (b) in sub-paragraph (2)(b), after “disqualification” there is inserted “ conditional disqualification or declaration of unfitness ”,
- (c) in sub-paragraph (2)(d), for the words from “the application” to the end there is substituted “ section 32A(3) may be made to apply or continue to apply ”.

Commencement Information

I29 Sch. 4 para. 64 wholly in force for S. at 4.3.2004, see s. 67(1) and [S.S.I. 2004/32](#), [art. 2\(2\)\(c\)](#)

Mental Health Act 1983 (c. 20)

65 The Mental Health Act 1983 is amended as follows.

Commencement Information

I30 Sch. 4 para. 65 partly in force; Sch. 4 para. 65 not in force at Royal Assent see s. 67(1); Sch. 4 para. 65 in force for E.W. at 1.4.2000 by [S.I. 1999/2793](#), [art. 2\(3\)\(a\)](#), [Sch. 3](#)

66 In section 122(1) (provision of pocket money for in-patients in hospital), “special hospitals or other hospitals being” is omitted.

Commencement Information

I31 Sch. 4 para. 66 partly in force; Sch. 4 para. 66 not in force at Royal Assent, see s. 67(1); Sch. 4 para. 66 in force for E.W. at 1.4.2000 by [S.I. 1999/2793](#), [art. 2\(3\)\(a\)](#), [Sch. 3](#)

67 In section 123 (transfers to and from special hospitals)—

- (a) in subsection (1), “in a special hospital” is omitted, after “above)” there is inserted “ in a hospital at which high security psychiatric services are provided ” and for “other special hospital” there is substituted “ other hospital at which those services are provided ”,
- (b) in subsection (2), for “which is not a special hospital” there is substituted “ at which those services are not provided ”.

Commencement Information

I32 Sch. 4 para. 67 wholly in force for E.W. at 1.4.2000, see s. 67(1) and [S.I. 1999/2793](#), [art. 2\(3\)\(a\)](#), [Sch. 3](#)

68 In section 134 (correspondence of patients)—

- (a) in subsection (1)(b), for “a special hospital” there is substituted “ one at which high security psychiatric services are provided ”,
- (b) in subsection (2), for “in a special hospital under this Act” there is substituted “ under this Act in a hospital at which high security psychiatric services are provided ”.

Status: Point in time view as at 01/01/2009.

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Commencement Information

I33 Sch. 4 para. 68 wholly in force for E.W. at 1.4.2000, see s. 67(1) and S.I. 1999/2793, art. 2(3)(a), **Sch. 3**

69 (1) Section 145 (interpretation) is amended as follows.

(2) In subsection (1)—

(a) after the definition of “Health Authority” there is inserted—

““high security psychiatric services” has the same meaning as in the
^{M12}National Health Service Act 1977,”

(b) the definition of “special hospital” is omitted.

(3) After that subsection there is inserted—

“(1AA) Where high security psychiatric services and other services are provided at a hospital, the part of the hospital at which high security psychiatric services are provided and the other part shall be treated as separate hospitals for the purposes of this Act.”

Commencement Information

I34 Sch. 4 para. 69 wholly in force for E.W. at 1.4.2000, see s. 67(1) and S.I. 1999/2793, art. 2(3)(a), **Sch. 3**

Marginal Citations

M12 S.I. 1977 c.49.

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

70 ^{F77}

Textual Amendments

F77 S. 4 para. 70 repealed (S.) (5.10.2005) by *Mental Health (Care and Treatment) (Scotland) Act 2003* (asp 13), ss. 331(2)(3), 333(2)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3** (as amended by S.S.I. 2005/375, **art. 2** and S.S.I. 2005/459, **art. 2**)

Hospital Complaints Procedure Act 1985 (c. 42)

71 ^{F78}

Textual Amendments

F78 Sch. 4 para. 71 repealed (1.4.2004) by *Health and Social Care (Community Health and Standards) Act 2003* (c. 43), ss. 196, 199, **Sch. 14 Pt. 2**; S.I. 2004/759, **art. 13(2)(g)**

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

72 The Health Service Joint Consultative Committees (Access to Information) Act 1986 is to cease to have effect.

Status: Point in time view as at 01/01/2009.

Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

- I35** Sch. 4 para. 72 not in force at Royal Assent, see s. 67(1); Sch. 4 para. 72 in force for E. at 1.4.2000 by S.I. 1999/2793, **art. 2(3)(c)(ii)**; Sch. 4 para. 72 in force for W. at 1.1.2001 by S.I. 2000/2991, **art. 2(2)**, **Sch. 2**

Income and Corporation Taxes Act 1988 (c. 1)

- 73 In section 519A(2) of the Income and Corporation Taxes Act 1988 (health service bodies), after paragraph (aa) there is inserted—
“(ab) a Primary Care Trust”.

Commencement Information

- I36** Sch. 4 para. 73 wholly in force; Sch. 4 para. 73 not in force at Royal Assent see s. 67(1); Sch. 4 para. 73 in force (E.W.) at 1.4.2000 by S.I. 1999/2342, **art. 2(4)(b)(i)**; Sch. 4 para. 73 in force insofar as not already in force at 11.5.2001 by S.I. 2001/1985, **art. 2(4)**

The 1990 Act

- 74 The 1990 Act is amended as follows.

Commencement Information

- I37** Sch. 4 para. 74 partly in force; Sch. 4 para. 74 not in force at Royal Assent see s. 67(1); Sch. 4 para. 74 in force for certain purposes for E. at 1.9.1999 by S.I. 1999/2342, **art. 2(1)**, **Sch. 1**; Sch. 4 para. 74 in force for certain purposes for E.W. at 1.11.1999 by S.I. 1999/2793, **art. 2(1)(b)**, **Sch. 2**; Sch. 4 para. 74 in force for certain purposes for W. at 1.12.1999 by S.I. 1999/3184, **art. 2(2)**, **Sch. 2**; Sch. 4 para. 74 in force for certain purposes for E. at 4.1.2000 by S.I. 1999/2342, **art. 2(3)(a)**, **Sch. 2**; Sch. 4 para. 74 in force for certain purposes for E.W. at 4.1.2000 by S.I. 1999/2342, **art. 2(3)(b)**; Sch. 4 para. 74 in force for certain purposes for E.W. at 1.4.2000 by S.I. 1999/2342, **art. 2(4)(b)**; Sch. 4 para. 74 in force for certain purposes for W. at 1.4.2000 by S.I. 2000/1026, **art. 2(1)**, **Sch.**

F79 75

Textual Amendments

- F79** Sch. 4 para. 75 repealed by [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), **art. 3**, **Sch. 2**, the repeal coming into force immediately before the coming into force of the [National Health Service Act 2006 \(c. 41\)](#) (as to which see [s. 227](#) of that 2006 Act) by virtue of [art. 1\(1\)](#) of the repealing S.I.

76 F80

Textual Amendments

- F80** Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), **ss. 6, 8(2)**, **Sch. 4** (with [Sch. 2 Pt. 1](#))

Status: Point in time view as at 01/01/2009.

Changes to legislation: Health Act 1999 is up to date with all changes known to be in force on or before 07 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 F81

Textual Amendments

F81 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

78 F82

Textual Amendments

F82 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

79 F83

Textual Amendments

F83 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

PROSPECTIVE

80 Section 18 (indicative amounts for doctors' practices) is omitted.

81 F84

Textual Amendments

F84 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

82 In section 61(3) (health service bodies: taxation), after “1991” there is inserted “ or to a Primary Care Trust ”.

Commencement Information

I38 [Sch. 4 para. 82](#) partly in force; [Sch. 4 para. 82](#) not in force at Royal Assent see [s. 67\(1\)](#); [Sch. 4 para. 82](#) in force for E.W. at 1.4.2000 by [S.I. 1999/2342](#), **art. 2(4)(b)(ii)**

83 F85

Textual Amendments

F85 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

84 F86

Status: Point in time view as at 01/01/2009.

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Textual Amendments

F86 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

Health Service Commissioners Act 1993 (c. 46)

- 85 (1) The Health Service Commissioners Act 1993 is amended as follows.
- (2) In section 2 (bodies subject to investigation)—
- (a) in subsection (1), after paragraph (d) there is inserted—
- “(da) Primary Care Trusts established for areas in England”,
- (b) ^{F87}
- (3) In section 3 (general remit of Commissioners), subsection (1B) is omitted.
- (4) In section 19 (interpretation), the definitions of “allotted sum” and “recognised fund-holding practice” are omitted.

Textual Amendments

F87 Sch. 4 para. 85(2)(b) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, **Sch. 7**; S.I. 2005/2800, **art. 5**

Commencement Information

I39 Sch. 4 para. 85 partly in force; Sch. 4 para. 85 not in force at Royal Assent, see s. 67(1); Sch. 4 para. 85(1) in force for certain purposes at 1.10.1999 by S.I. 1999/2540, **art. 2(1)(a)**, **Sch. 1**; Sch. 4 para. 85(3) (4) in force for E. at 1.10.1999 by S.I. 1999/2540, **art. 2(1)(a)**, **Sch. 1**; Sch. 4 para. 85(1)(3)(4) in force for S. at 1.10.1999 by S.S.I. 1999/90, **art. 2(b)**; Sch. 4 para. 85(1)(2)(a) in force for E.W. at 4.1.2000 by S.I. 1999/2342, **art. 2(3)(b)(ii)**; Sch. 4 para. 85(4) in force for W. at 1.4.2000 by S.I. 2000/1026, **art. 2(1)**, **Sch.**

Value Added Tax Act 1994 (c. 23)

- 86 In section 41(7) (application to Crown), after “1978” there is inserted “ and a Primary Care Trust ”.

Commencement Information

I40 Sch. 4 para. 86 wholly in force at 11.5.2001; Sch. 4 para. 86 not in force at Royal Assent see s.67(1); Sch. 4 para. 86 in force for E.W. at 1.4.2000 by S.I. 1999/2342, **art. 2(4)(b)(iii)**; Sch. 4 para. 86 in force at 11.5.2001 insofar as not already in force by S.I. 2001/1985, **art. 2(4)**

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

- 87 ^{F88}

Status: Point in time view as at 01/01/2009.

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Textual Amendments

F88 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

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

88 **F89**

Textual Amendments

F89 Sch. 4 para. 88 repealed (1.4.2006) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, **Sch. 14 Pt. 4**; S.I. 2005/2925, arts. 1(3), **11(2)(p)**

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

89 **F90**

Textual Amendments

F90 Sch. 4 paras. 4, 6-16, 23-32, 36-39, 76-79, 81, 83, 84, 87, 89 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (with Sch. 2 Pt. 1)

Audit Commission Act 1998 (c. 18)

90 In section 5 of the Audit Commission Act 1998 (general duties of auditors), in subsection (1)(a), for “(2B) (NHS trusts) or (2B) (fund-holding practices)” substitute “ or (2B) ”.

Commencement Information

I41 Sch. 4 para. 90 not in force at Royal Assent, see s. 67(1); Sch. 4 para. 90 in force for E. at 1.10.1999 by S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; Sch. 4 para. 90 in force for W. at 1.4.2000 by S.I. 2000/1026, art. 2(1), **Sch.**

SCHEDULE 5

Section 65.

REPEALS

Commencement Information

I42 **Sch. 5** partly in force; **Sch. 5** in force at 1.7.1999 for certain purposes, see s. 67(1)(3); **Sch. 5** in force for certain purposes for E. at 1.10.1999 by S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; **Sch. 5** in force for certain purposes for S. at 1.10.1999 by S.I. 1999/90, art. 2(c), **Sch. 2**; **Sch. 5** in force for certain purposes for E.W. at 1.11.1999 by S.I. 1999/2793, art. 2(1)(b), **Sch. 2**; **Sch. 5** in force for certain purposes at 1.11.1999 by S.I. 1999/2793, art. 2(1)(d); **Sch. 5** in force for certain purposes for E.W. at 1.4.2000 by S.I. 1999/2793,

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art. 2(3)(a), Sch. 3; Sch. 5 in force for certain purposes at 1.4.2000 by S.I. 2000/1041, art. 2(d), Sch.; Sch. 5 in force for certain purposes for E.W. at 9.2.2001 by S.I. 2001/270, art. 2(c), Sch.; Sch. 5 in force for certain purposes at 11.5.2001 by S.I. 2001/1985, art. 2(5); Sch. 5 in force for certain purposes at 1.4.2002 by S.I. 2002/1167, arts. 2-5; Sch. 5 in force for certain purposes at 9.7.2003 by S.I. 2003/1689, art. 2(b); Sch. 5 in force for S. for certain purposes at 4.3.2004 by S.S.I. 2004/32, art. 2(2)(d); Sch. 5 in force for certain purposes at 1.8.2004 by S.I. 2004/1859, art. 5; Sch. 5 in force for certain purposes immediately before the coming into force of the National Health Service Act 2006 c. 41 (as to which see s. 227 of that 2006 Act) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), arts. 1(1), 2, Sch. 1 Pt. 2 para. 6(c)

Chapter	Short title	Extent of repeal
1960 c. 66.	The Professions Supplementary to Medicine Act 1960.	The whole Act.
1966 c. 8.	The National Health Service Act 1966.	Section 10.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In section 97, in paragraph (a) of subsection (2), subparagraph (iii), subsection (2A) and in subsection (2B) the definitions of “recognised fund-holding practice” and “allotted sum”.
1977 c. 49.	The National Health Service Act 1977.	In section 8(4), the “or” after paragraph (b). Section 12(1). Section 13. Section 15(1B) to (1D). Section 22(2) to (6). In section 27(3), the words following “appropriate”. Section 28A(4) and (8)(a). Section 28E(4). In section 44(1), paragraphs (a) and (b) and “the Local Medical Committee, the Local Dental Committee”. In section 45(2), “(including travelling and subsistence allowances payable to its members)”. In section 49A, subsection (5) and, in subsection (6)(a),

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		“prepared under this Part of this Act”.
		Section 49B(4).
		Section 65(3).
		In section 86(b), the words following “accordingly”.
		In section 91(4), “to a trust for a special hospital, or”.
		In section 96A(5)(b), “on behalf”.
		In section 97, subsection (2), in subsection (6), “or” after paragraph (b), and subsection (7).
		Section 97A(5).
		In section 98, the subsection numbered (2B) which was inserted by section 20(2)(b) of the 1990 Act.
		In section 99(3), the words following paragraph (b).
		In section 122(2), “as a simple contract debt”.
		In section 128(1), the definitions of “fund-holding practice” and “special hospital”.
		In Schedule 5, in paragraph 10(3), the words following paragraph (c).
		In Schedule 15, paragraph 37.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	Section 12E(5) and (6).
		In section 17A, subsection (2) (d) and (j) and, in subsection (3), paragraph (a) and “and” following it.
		Section 17E(4).
		In section 32A, subsection (5) F91
		...
		Section 32B(4).
		Section 86(1A), (1C) and (5).

Status: Point in time view as at 01/01/2009.

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		Sections 87A to 87D.
		In Schedule 7A, paragraph 6(2), in paragraph 16(c) the words from “which purposes shall include” to the end, in paragraph 22(1), “or Health Authority” and, in paragraph (c), the words following “Health Board” and paragraph 23.
		In Schedule 7B, paragraphs 1(3) to (5), 3(2) and 5(2).
		In Schedule 16, paragraph 22.
1983 c. 20.	The Mental Health Act 1983.	In section 122(1), “special hospitals or other hospitals being”.
		In section 123(1), “in a special hospital”.
		In section 145(1), in the definition of “the managers”, paragraph (b), and the definition of “special hospital”.
1985 c. 42.	The Hospital Complaints Procedure Act 1985.	In section 1, in subsection (1), the words from “under” to “functions” and “for the management of” and, in subsection (1A), “for the management of”.
1986 c. 24.	The Health Service Joint Consultative Committees (Access to Information) Act 1986.	The whole Act.
1990 c. 19.	The National Health Service and Community Care Act 1990.	In section 4, subsection (2) (f), in subsection (6), the words following “with;” and, in subsection (7), the words following “dispute;”.
		In section 5(1), “or, as the case may be, subsection (3)”.
		In section 8(1), the words from “as, in his opinion” to the end.
		Section 9(5) and (6).
		Sections 14 to 18.

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		Section 20(2)(b).
		Sections 34 and 35.
		Section 62.
		In Schedule 2, in paragraph 6, in sub-paragraph (1), the words following “Schedule” and sub-paragraph (2) and paragraphs 19 and 20.
		In Schedule 3, paragraphs 1(3) to (5), 3(3) and 5(2).
		In Schedule 7, paragraph 14(3).
1993 c. 46.	The Health Service Commissioners Act 1993.	Section 3(1B).
		In section 15, subsection (1A) and, in subsection (1B), the words following “patients”.
		In section 19, the definitions of “allotted sum” and “recognised fund-holding practice”.
1995 c. 17.	The Health Authorities Act 1995.	In Schedule 1, paragraphs 3(a), 4, 6(c) and (d), 34, 50(c), 58(b), 72 to 77 and 85(d).
		In Schedule 2, paragraph 13(5).
1995 c. 31.	The National Health Service (Amendment) Act 1995.	Section 1.
		Section 2(2).
		Section 3.
		Sections 7 and 9.
1996 c. 5.	The Health Service Commissioners (Amendment) Act 1996.	In Schedule 1, paragraph 6(2) and (7).
1997 c. 24.	The Nurses, Midwives and Health Visitors Act 1997.	The whole Act.
1997 c. 46.	The National Health Service (Primary Care) Act 1997.	Section 14.
		Section 19.
		In Schedule 2, paragraphs 4(3) and (4), 53 to 55, 65(3) to (10), 69, 71(4), 77 and 78.

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1998 c. 18.

The Audit Commission Act
1998. Section 6(3).

In section 53(1), the definitions of “allotted sum” and “recognised fund-holding practice” and, in the definition of “health service body”, paragraph (b) and “or” preceding it.

In section 53(3), paragraph (b) and “and” preceding it.

In Schedule 2, paragraph 3.

Textual Amendments

F91 Words in Sch. 5 repealed (S.) (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), ss. 42(2), 43, [Sch. 3](#); S.S.I. 2006/121, [art. 3\(b\)](#), Sch. 2 Table

The repeal of section 97(2) of the 1977 Act has effect for the financial year 1999-2000 and subsequent financial years.

Status:

Point in time view as at 01/01/2009.

Changes to legislation:

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