

*Status: Point in time view as at 18/01/2010.*

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## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Section 9

#### EXEMPT INFORMATION RELATING TO HEALTH SERVICES

##### Textual Amendments

- F1** Sch. 1 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#) and with effect in relation to Sch. 1 para. 11 in so far as it still applies by 2006 c. 28, Sch. 8 para. 46)

### <sup>F2</sup>SCHEDULE 2

Section 29

##### Textual Amendments

- F2** Sch. 2 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### <sup>F3</sup>SCHEDULE 3

Section 40

##### Textual Amendments

- F3** Sch. 3 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### <sup>F4</sup>SCHEDULE 4

Section 48

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### Textual Amendments

- F4** Sch. 4 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

## SCHEDULE 5

Section 67

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### NATIONAL HEALTH SERVICE

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

- 1 (1) The Health Services and Public Health Act 1968 shall be amended as follows.
- (2) In section 59 (extension of power of user by Crown of patented invention to user for certain health services)—
- (a) in subsection (1), after “pharmaceutical services,” insert “ local pharmaceutical services, ”; and
  - (b) after section 59(2A) insert—
    - “(2B) In subsection (1) the reference to local pharmaceutical services is a reference to local pharmaceutical services provided under—
    - (a) a pilot scheme established under section 28 of the Health and Social Care Act 2001;
    - (b) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49); or
    - (c) any corresponding provision of the law in force in the Isle of Man.”
- (3) In section 63 (provision of instruction for certain persons employed in health or welfare activities), after subsection (2)(ba) insert—
- “(bb) the provision of a local pharmaceutical service under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established under Schedule 8A to the 1977 Act or under any corresponding provision of the law in force in the Isle of Man and an activity involved in or connected with the provision of such a service;”.

### Commencement Information

- I1** Sch. 5 para. 1 partly in force; Sch. 5 para. 1 not in force at Royal Assent see s. 70(2); Sch. 5 para. 1 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I2** Sch. 5 para. 1 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

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*House of Commons Disqualification Act 1975 (c. 24)*

- 2 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (which lists bodies of which all members are disqualified for membership of the House of Commons), for the entry relating to a Medical Practices Committee substitute—

“The Medical Practices Committee constituted under section 3 of the National Health Service (Scotland) Act 1978.”

**Commencement Information**

- I3** Sch. 5 para. 2 wholly in force at 1.7.2002; Sch. 5 para. 2 not in force at Royal Assent, see s. 70(2); Sch. 5 para. 2 in force for E. at 1.4.2002 by [S.I. 2002/1095](#), [art. 2\(3\)](#), [Sch.](#) (with transitional provisions in [arts. 3, 4](#)) (as amended (26.3.2002) by [S.I. 2002/1170](#), [art. 3](#)); Sch. 5 para. 2 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

F53 .....

**Textual Amendments**

- F5** [Sch. 5 para. 3](#) repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 4 Pt. 1](#) (with [Sch. 5](#))

*Patents Act 1977 (c. 37)*

- 4 In section 56 of the Patents Act 1977 (interpretation, etc. of provisions about Crown use), after subsection (4)(a)(ii) insert “, or  
(iii) local pharmaceutical services provided under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49), or under any corresponding provision of the law in force in the Isle of Man”.

**Commencement Information**

- I4** Sch. 5 para. 4 partly in force; Sch. 5 para. 4 not in force at Royal Assent see s. 70(2); Sch. 5 para. 4 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)  
**I5** Sch. 5 para. 4 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

*National Health Service Act 1977 (c. 49)*

F65 .....

**Textual Amendments**

- F6** Sch. 5 para. 5 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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*Mental Health Act 1983 (c. 20)*

- 6 (1) Section 134 of the Mental Health Act 1983 (correspondence of patients) shall be amended as follows.
- (2) In subsection (3), after paragraph (e) insert—
- “(ea) a provider of a patient advocacy and liaison service for the assistance of patients at the hospital and their families and carers;
- (eb) a provider of independent advocacy services for the patient;”.
- (3) After subsection (3) insert—
- “(3A) In subsection (3) above—
- (a) “patient advocacy and liaison service” means a service of a description prescribed by regulations made by the Secretary of State, and
- (b) “independent advocacy services” means services provided under arrangements under section 19A of the National Health Service Act 1977.”

**Commencement Information**

- I6** Sch. 5 para. 6 partly in force; Sch. 5 para. 6 not in force at Royal Assent see s. 70(2); Sch. 5 para. 6(1)(2)(3) in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I7** Sch. 5 para. 6 in force at 1.9.2003 for E. by [S.I. 2003/2245](#), [art. 2\(b\)](#)

*Copyright, Designs and Patents Act 1988 (c. 19)*

- 7 In section 240 of the Copyright, Designs and Patents Act 1988 (Crown use of designs), after subsection (4)(b) insert “or
- (c) local pharmaceutical services provided under—
- (i) a pilot scheme established under section 28 of the Health and Social Care Act 2001; or
- (ii) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49).”

**Commencement Information**

- I8** Sch. 5 para. 7 partly in force; Sch. 5 para. 7 not in force at Royal Assent see s. 70(2); Sch. 5 para. 7 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I9** Sch. 5 para. 7 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

*National Health Service and Community Care Act 1990 (c. 48)*

<sup>F7</sup>8 .....

**Textual Amendments**

- F7** Sch. 5 para. 8 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 46)*

- 9 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), after paragraph (b) insert “ or as a person providing local pharmaceutical services under a pilot scheme established by a [<sup>F8</sup>Primary Care Trust or] Health Authority under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established by a [<sup>F8</sup>Primary Care Trust or] Health Authority under Schedule 8A to the National Health Service Act 1977 (c. 49) ; ”.

**Textual Amendments**

- F8** Words in Sch. 5 para. 9 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. 82](#); S.I. 2002/2478, [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))

**Commencement Information**

- I10** Sch. 5 para. 9 partly in force; Sch. 5 para. 9 not in force at Royal Assent see s. 70(2); Sch. 5 para. 9 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I11** Sch. 5 para. 9 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 2\(a\)](#)

*Tribunals and Inquiries Act 1992 (c. 53)*

- <sup>F9</sup>10 .....

**Textual Amendments**

- F9** [Sch. 5 para. 10](#) repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 4 Pt. 1](#) (with [Sch. 5](#))

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

- <sup>F10</sup>11 .....

**Textual Amendments**

- F10** [Sch. 5 para. 11](#) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Health Act 1999 (c. 8)*

- <sup>F11</sup>12 .....

**Textual Amendments**

- F11** [Sch. 5 para. 12](#) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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*Local Government Act 2000 (c. 22)*

- 13 In section 32 of the Local Government Act 2000 (alternative arrangements), in subsection (3), after “Schedule 1” insert “, any provision made under section 7 of the Health and Social Care Act 2001 or any provisions of section 9 of, and Schedule 1 to, that Act”.

**Commencement Information**

**I12** Sch. 5 para. 13 in force at 1.1.2003 for E. by [S.I. 2003/53](#), **art. 3(c)**

*Freedom of Information Act 2000 (c. 36)*

- 14 (1) In Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act) after paragraph 45 insert—
- “45A Any person providing local pharmaceutical services under—
- (a) a pilot scheme established under section 28 of the Health and Social Care Act 2001; or
- (b) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49),
- in respect of information relating to the provision of those services.”

**Commencement Information**

**I13** Sch. 5 para. 14 partly in force; Sch. 5 para. 14 not in force at Royal Assent see s. 70(2); Sch. 5 para. 14 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), **art. 2(1)**, **Sch. Pt. 1**

**I14** Sch. 5 para. 14 in force at 1.1.2003 for E. by [S.I. 2003/53](#), **art. 2(a)**

**PART 2**

SOCIAL CARE

*Local Authority Social Services Act 1970 (c. 42)*

- 15 (1) The Local Authority Social Services Act 1970 shall be amended as follows.
- (2) In section 7B(2) (complaints procedure), for the words from “or if he is in receipt of payment” onwards there shall be substituted “ or if he is in receipt of direct payments within the meaning of section 57 of the Health and Social Care Act 2001. ”
- (3) In Schedule 1 (functions referred to social services committee of local authority), at the end insert—

“Health and Social Care Act 2001

Part 4 in so far as it confers functions on a local authority in England or Wales within the meaning of that Part.

Functions in relation to the provision of residential accommodation.

Making of direct payments to person in respect of his securing provision of

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community care services or services to carers.”

#### Commencement Information

- I15** Sch. 5 para. 15 partly in force; Sch. 5 para. 15 not in force at Royal Assent see s. 70(2); Sch. 5 para. 15(1)(3) in force for E. for certain purposes at 22.10.2001 by [S.I. 2001/3619](#), [arts. 1\(3\)](#), 3(1)
- I16** Sch. 5 para. 15(1)(3) in force at 8.4.2004 for specified purposes for E. by [S.I. 2003/850](#), [art. 3\(2\)\(c\)](#)
- I17** Sch. 5 para. 15(1)(2) in force at 8.4.2004 for E. by [S.I. 2003/850](#), [art. 3\(2\)\(b\)](#)
- I18** Sch. 5 para. 15(1) in force at 1.11.2004 for specified purposes for W. by [S.I. 2004/1754](#), [art. 2\(2\)\(d\)](#)
- I19** Sch. 5 para. 15(2) in force at 1.11.2004 for W. by [S.I. 2004/1754](#), [art. 2\(2\)\(d\)\(i\)](#)
- I20** Sch. 5 para. 15(3) in force at 1.11.2004 for specified purposes for W. by [S.I. 2004/1754](#), [art. 2\(2\)\(d\)\(ii\)](#)

PROSPECTIVE

#### *Carers and Disabled Children Act 2000 (c. 16)*

- 16 In section 7 of the Carers and Disabled Children Act 2000 (direct payments and vouchers), at the end of subsection (2) insert “ so far as relating to the inserted section 17B of that Act. ”

### <sup>F12</sup>PART 3

#### PATIENT INFORMATION

#### Textual Amendments

- F12** Sch. 5 Pt. 3 repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 15 Pt. 6](#); [S.I. 2008/2497](#), [art. 7\(2\)\(d\)](#)

### SCHEDULE 6

Section 67

#### REPEALS

#### Commencement Information

- I21** Sch. 6 in force at 1.2.2003 for specified purposes for E. by [S.I. 2003/53](#), [art. 4\(c\)](#)

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## PART 1

### NATIONAL HEALTH SERVICE

#### Commencement Information

- I22** Sch. 6 Pt. 1 partly in force; Sch. 6 Pt. 1 not in force at Royal Assent, see s. 70(2); Sch. 6 Pt. 1 in force for E. for certain purposes at 14.12.2001 by S.I. 2001/3738, art. 2(3)(4), Sch. 1 Pt. III, Sch. 2 (subject to art. 2(5)(6)); Sch. 6 Pt. 1 in force for certain purposes at 1.4.2002 by S.I. 2002/1095, art. 2(3), Sch. (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 6 Pt. 1 in force for W. for certain purposes at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1; Sch. 6 Pt. 1 in force for W. for certain purposes at 26.8.2002 by S.I. 2002/1919, art. 2(1), Sch. Pt. I (subject to art. 2(2)(3))
- I23** Sch. 6 Pt. 1 in force at 1.3.2007 for specified purposes, immediately before the National Health Service Act 2006 comes into force by S.I. 2006/1407, art. 1(1), Sch. 1 para. 8 (with art. 4)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Parliamentary Commissioner Act 1967 (c. 13).	In Schedule 2, the entry relating to the Medical Practices Committee.
National Health Service Act 1977 (c. 49).	Section 7. Section 29(4). In section 33(1B), the words from “including, in particular,” to the end of the subsection. Section 34. In section 42(3), the “and” at the end of paragraph (d). In section 44(5), paragraph (b) and the “and” preceding it. Sections 46 to 49E. Section 85(1)(d). Section 100(1)(c). In section 102, subsections (1)(a)(ii) and (2)(a). In Schedule 5A, paragraph 11(2). Schedule 9.
National Health Service and Community Care Act 1990 (c. 19).	Section 22. In Schedule 2, in paragraph 16(1), paragraph (d) and the “and” preceding it.
Health Authorities Act 1995 (c. 17).	In Schedule 1, paragraph 23.
National Health Service (Amendment) Act 1995 (c. 31).	Section 2(1). Sections 4 to 6. Section 14(5).
National Health Service (Primary Care) Act 1997 (c. 46).	In Schedule 2, paragraphs 11 and 29.
Police Act 1997 (c. 50).	In section 115, the “or” at the end of subsection (2)(a).
Health Act 1999 (c. 8).	Section 12(2). Section 40. In section 66(5), “(ccc) sections 46 to 49E”.



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	In Schedule 4, paragraphs 17 to 22 and 41.
Government Resources and Accounts Act 2000 (c. 20).	Section 12(2). Section 13(2).

## PART 2

### PHARMACEUTICAL SERVICES

#### Commencement Information

- I24** Sch. 6 Pt. 2 partly in force; Sch. 6 Pt. 2 not in force at Royal Assent, see s. 70(2); Sch. 6 Pt. 2 in force for certain purposes for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)
- I25** Sch. 6 Pt. 2 in force at 1.4.2006 for E. by [S.I. 2006/481](#), [art. 3](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Health Services Act 1980 (c. 53).	Section 20(1).
National Health Service and Community Care Act 1990 (c. 19).	In Schedule 9, paragraph 18(1).
Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28).	Section 2.
Health Authorities Act 1995 (c. 17).	In Schedule 1, paragraph 29.
National Health Service (Primary Care) Act 1997 (c. 46).	In Schedule 2, paragraphs 13 and 76.

## PART 3

### SOCIAL CARE

#### Commencement Information

- I26** Sch. 6 Pt. 3 partly in force; Sch. 6 Pt. 3 not in force at Royal Assent, see s. 70(2); Sch. 6 Pt. 3 in force for certain purposes at 15.4.2002 by [S.I. 2002/1312](#), [art. 3](#)
- I27** Sch. 6 Pt. 3 in force at 8.4.2004 for specified purposes for E. by [S.I. 2003/850](#), [art. 3\(2\)\(d\)](#)
- I28** Sch. 6 Pt. 3 in force at 1.11.2004 for specified purposes for W. by [S.I. 2004/1754](#), [art. 2\(2\)\(e\)](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
National Assistance Act 1948 (c. 29).	Section 26A.
Social Work (Scotland) Act 1968 (c. 49).	Section 86A.
Local Authorities Social Services Act 1970 (c. 42).	In Schedule 1, the entry relating to the Community Care (Direct Payments) Act 1996.
National Health Service and Community Care Act 1990 (c. 19).	Section 43. Section 57.

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Social Security Contributions and Benefits Act 1992 (c. 4).	Section 135(3) and (4).
Community Care (Direct Payments) Act 1996 (c. 30).	Sections 1 to 3. Section 7(4).
Community Care (Residential Accommodation) Act 1998 (c. 19).	Section 1. Section 3(2).
Carers and Disabled Children Act 2000 (c. 16).	Section 5. In section 7, subsection (1) so far as relating to the inserted section 17A. Section 9(a).

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