



# National Health Service Reform and Health Care Professions Act 2002

## CHAPTER 17

### NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002

#### PART 1

##### NATIONAL HEALTH SERVICE, ETC

###### *NHS bodies and their functions: England*

- 1 English Health Authorities: change of name
- 2 Primary Care Trusts
- 3 Directions: distribution of functions
- 4 Personal medical services, personal dental services and local pharmaceutical services
- 5 Local Representative Committees

###### *NHS bodies and their functions: Wales*

- 6 Local Health Boards

###### *Financial arrangements: England and Wales*

- 7 Funding of Strategic Health Authorities and Health Authorities
- 8 Funding of Primary Care Trusts
- 9 Funding of Local Health Boards
- 10 Expenditure of NHS bodies

###### *Quality*

- 11 Duty of quality

*Status: Point in time view as at 18/06/2003.*

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- 12 Further functions of the Commission for Health Improvement
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- 25 The Council for the Regulation of Health Care Professionals
- 26 Powers and duties of the Council: general
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## SCHEDULES

### SCHEDULE 1 — English Health Authorities: change of name

#### Part 1 — AMENDMENTS OF 1977 ACT

- 1 The 1977 Act is amended as follows.
  - 2 In section 12 (provision supplementary to sections 8 and 11),...
  - 3 In section 16 (exercise of functions)— (a) in subsection (1),...
  - 4 In section 16B (exercise of functions by Primary Care Trusts)—...
  - 5 In section 16C (advice for Health Authorities and Primary Care...)
  - 6 In section 16D (Secretary of State’s directions: distribution of functions)  
—...
  - 7 In section 17 (Secretary of State’s directions: exercise of functions),...
  - 8 In section 17B (Health Authority’s directions: exercise of functions),  
in...
  - 9 In section 18 (directions and regulations under preceding provisions),  
in...
  - 10 In section 22 (co-operation between Health Authorities and local  
authorities),...
  - 11 In section 23 (voluntary organisations and other bodies), in subsection...
  - 12 In section 26 (supply of goods and services by the...)
  - 13 In section 27 (conditions of supply under section 26)—
  - 14 In section 28 (supply of goods and services by local...)
  - 15 In section 28A (power to make payments towards expenditure on...)
  - 16 In section 28BB (power of local authorities to make payments...)
  - 17 In section 37 (Dental Practice Board), in subsection (1)(b), for...
  - 18 In section 49S (the Family Health Services Appeal Authority), in...
  - 19 In section 51 (university clinical teaching and research)—
  - 20 In section 65 (accommodation and services for private patients),  
before...
  - 21 In section 84A (intervention orders), in subsection (2), before  
paragraph...
  - 22 In section 84B (intervention orders: effect)— (a) in subsection (1),...
  - 23 In section 85 (default powers), in subsection (1), before paragraph...
  - 24 In section 90 (gifts on trust), after “A” there is...
  - 25 In section 91 (private trusts for hospitals), in subsection (3)(d),...
  - 26 In section 92 (further transfers of trust property)—
  - 27 In section 96 (trusts: supplementary provisions), in subsection (1A)(a),  
after...
  - 28 In section 96A (power of health authorities, etc to raise...)
  - 29 In section 98 (accounts and audit)— (a) in subsection (1),...
  - 30 In section 99 (regulation of financial arrangements), in subsection (1),...
  - 31 In section 125 (protection of members and officers of authorities),...
  - 32 In section 126 (orders and regulations, and directions), in subsection...
  - 33 In section 128 (interpretation and construction), in subsection (1A),  
before...
  - 34 (1) Schedule 5 (which relates to the constitution of Health...)
  - 35 (1) Schedule 5A (which relates to Primary Care Trusts) is...
- #### Part 2 — AMENDMENTS OF OTHER ACTS
- 36 *The Reserve and Auxiliary Forces (Protection of Civil Interests) Act  
1951 (c. 65)*
  - 37 *The Hospital Complaints Procedure Act 1985 (c. 42)*

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- 38 *The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*
- 39 *The National Health Service and Community Care Act 1990 (c. 19)*
- 40 In section 4 (NHS contracts), in subsection (2), before paragraph...
- 41 In section 4A (provision of certain services by persons on...
- 42 In section 8 (transfer of property, rights and liabilities to...
- 43 In section 21 (schemes for meeting losses and liabilities of...
- 44 In section 49 (transfer of staff from health service to...
- 45 In section 60 (removal of Crown immunities), in subsection (7)(a),...
- 46 In Schedule 2 (which makes provision about NHS trusts)—
- 47 *The Health Service Commissioners Act 1993 (c. 46)*
- 48 *The 1999 Act*
- 49 In section 20 (functions of the Commission for Health Improvement)  
—...
- 50 In section 21 (arrangements with the Audit Commission), in  
subsection...
- 51 In section 26 (co-operation between NHS bodies), after “duty of”...
- 52 In section 28 (plans for improving health etc)—
- 53 In section 31 (arrangements between NHS bodies and local  
authorities),...
- 54 In section 61 (English and Scottish border provisions), in subsection...
- 55 *The Health and Social Care Act 2001 (c. 15)*

## SCHEDULE 2 — Reallocation of functions of Health Authorities to Primary Care Trusts

### Part 1 — AMENDMENTS OF 1977 ACT

- 1 The 1977 Act is amended as follows.
- 2 (1) Section 15 (duty of Health Authority in relation to...
- 3 (1) Section 29 (arrangements and regulations for general medical  
services)...
- 4 (1) Section 29A (medical lists) is amended as provided in...
- 5 (1) Section 29B (vacancies for medical practitioners) is amended as...
- 6 In section 31 (requirement of suitable experience), in subsection (1),...
- 7 In section 32 (regulations as to section 31), in subsection...
- 8 In section 33 (distribution of general medical services)—
- 9 In section 35 (arrangements for general dental services), in subsection...
- 10 (1) Section 36 (regulations as to section 35) is amended...
- 11 In section 38 (arrangements for general ophthalmic services), in  
subsection...
- 12 (1) Section 39 (regulations as to section 38) is amended...
- 13 (1) Section 41 (arrangements for pharmaceutical services) is amended  
as...
- 14 In section 41A (additional pharmaceutical services), before “Health  
Authority”, in...
- 15 In section 41B (terms and conditions relating to additional  
pharmaceutical...
- 16 (1) Section 42 (regulations as to pharmaceutical services) is amended...
- 17 (1) Section 43 (persons authorised to provide pharmaceutical services)  
is...
- 18 (1) Section 43ZA (conditional inclusion in medical, dental, ophthalmic  
and...
- 19 In section 43C (indemnity cover for Part 2 practitioners), before...
- 20 (1) Section 43D (supplementary lists) is amended as provided in...

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- 21 In each of the following— (a) section 49F (disqualification of...
- 22 In section 49J (suspension pending appeal)— (a) before “Health Authority”,...
- 23 In section 49L (review of decisions)— (a) in subsections (1)...
- 24 In section 49M (appeals)— (a) before “Health Authority”, in each...
- 25 (1) Section 49N (national disqualification) is amended as provided in...
- 26 In section 49O (notification of decisions), after “require a” there...
- 27 In section 49P (withdrawal from lists), after “whom a”, in...
- 28 (1) Section 49Q (regulations) is amended as provided in this...
- 29 In section 54, after “Committee”, in each place where it...
- 30 In section 56 (inadequate Part 2 services)—
- 31 In section 83 (sums otherwise payable to those providing services),...
- 32 In section 83A (remission and repayment of charges and travelling...
- 33 In section 92 (transfers of property held on trust), in...
- 34 In section 96A (powers of health authorities, etc, to raise...
- 35 In section 103 (special arrangement as to payment of remuneration),...
- 36 (1) Section 124 (special notices of births and deaths) is...
- 37 In Schedule 5A (which relates to Primary Care Trusts), after...  
Part 2 — AMENDMENTS OF OTHER ACTS
- 38 *The National Assistance Act 1948 (c. 29)*
- 39 *The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*
- 40 *The Health Services and Public Health Act 1968 (c. 46)*
- 41 *The Health and Safety at Work etc Act 1974 (c. 37)*
- 42 *The Mental Health Act 1983 (c. 20)*
- 43 In section 25A (applications for supervision), before “Health Authority”, in...
- 44 In section 25C (supervision applications: supplementary), in subsection (6), after...
- 45 In section 25F (reclassification of patient subject to after-care under...
- 46 In section 39 (information as to hospitals), in subsection (1),...
- 47 In section 117 (after-care), in each of subsections (2), (2A)...
- 48 In section 140 (notification of hospitals having arrangements for reception...
- 49 In section 145 (interpretation), in paragraph (a) of the definition...
- 50 *The Public Health (Control of Disease) Act 1984 (c. 22)*
- 51 *The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*
- 52 *The Children Act 1989 (c. 41)*
- 53 *The National Health Service and Community Care Act 1990 (c. 19)*
- 54 In section 4A (provision of certain services by persons on...
- 55 (1) In section 18 (indicative amounts for doctors’ practices)—
- 56 In section 47 (assessment of needs for community care services),...
- 57 In section 49 (transfer of staff from health service to...
- 58 In Schedule 2 (which makes provision about NHS trusts), in...
- 59 *The Access to Health Records Act 1990 (c. 23)*
- 60 *The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*
- 61 *The Health Service Commissioners Act 1993 (c. 46)*
- 62 *The Health Authorities Act 1995 (c. 17)*
- 63 *The Employment Rights Act 1996 (c. 18)*
- 64 *The Police Act 1997 (c. 50)*
- 65 *The School Standards and Framework Act 1998 (c. 31)*
- 66 *The Government of Wales Act 1998 (c. 38)*

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- 67 *The 1999 Act*
- 68 In section 10(1) (which substitutes new sections 43A and 43B...
- 69 (1) Section 28 (plans for improving health care, etc) is...
- 70 *The Care Standards Act 2000 (c. 14)*
- 71 *The Health and Social Care Act 2001 (c. 15)*
- 72 In section 18 (out of hours medical services)—
- 73 (1) Section 28 (pilot schemes for local pharmaceutical services) is...
- 74 In section 30 (designation of priority neighbourhoods or premises),  
before...
- 75 In section 31 (reviews of pilot schemes), in subsection (3)(a),...
- 76 In section 32 (variation and termination of pilot schemes)—
- 77 In section 34 (funding of preparatory work)—
- 78 In section 40(1) (which inserts a new section 28J into...
- 79 In Schedule 1 (exempt information relating to health services), in...
- 80 In Schedule 2 (pilot schemes for local pharmaceutical services)—
- 81 (1) Schedule 3 (which inserts a new Schedule 8A into...
- 82 In Schedule 5 (minor and consequential amendments), in paragraph 9,...

### SCHEDULE 3 — Amendments relating to Personal Medical Services and Personal Dental Services

#### Part 1 — AMENDMENTS OF THE NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

- 1 The National Health Service (Primary Care) Act 1997 is amended...
- 2 (1) Section 1 (pilot schemes) is amended as provided in...
- 3 (1) Section 8ZA (lists of persons who may perform personal...
- 4 In section 8A (delegation of Health Authority functions relating to...
- 5 In section 12 (leaving medical lists), in subsection (2)—
- 6 (1) Section 13 (preferential treatment on transferring to medical lists)...
- 7 (1) Section 21(1) (which inserts new sections 28C and 28D...
- 8 In section 22(1) (which inserts a new section 28E into...
- 9 In section 40 (interpretation), in subsection (2), at the end...
- 10 (1) Schedule 1 (preferential treatment on transferring to medical lists)...

#### Part 2 — AMENDMENTS OF OTHER ACTS

- 11 *The 1977 Act*
- 12 *The National Health Service (Scotland) Act 1978 (c. 29)*
- 13 *The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*
- 14 *The 1999 Act*
- 15 *The Health and Social Care Act 2001 (c. 15)*
- 16 (1) Section 26(1) (which inserts a new section 28DA into...
- 17 In Schedule 1 (exempt information relating to health services), in...

### SCHEDULE 4 — Local Health Boards

#### SCHEDULE 5 — Amendments relating to Local Health Boards

- 1 *The Public Bodies (Admission to Meetings) Act 1960 (c. 67)*
- 2 *The Health Services and Public Health Act 1968 (c. 46)*
- 3 *The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*
- 4 *The 1977 Act*
- 5 In section 16 (exercise of functions), in subsection (2)(c), after...
- 6 In section 16B (exercise of functions by Primary Care Trusts),...
- 7 In section 16C (advice for Health Authorities and Primary Care...
- 8 In section 22 (co-operation between health authorities and local  
authorities),...

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- 9 In section 23 (voluntary organisations and other bodies), in subsection...
- 10 In section 26 (supply of goods and services by Secretary...
- 11 In section 27 (conditions of supply under section 26)—
- 12 In section 28 (supply of goods and services by local...
- 13 In section 28A (power to make payments towards expenditure on...
- 14 In section 28BB (power of local authorities to make payments...
- 15 In section 51 (university clinical teaching and research)—
- 16 In section 84A (intervention orders), in subsection (2), after paragraph...
- 17 In section 84B (intervention orders: effect), in subsection (1), in...
- 18 In section 85 (Secretary of State's default powers), in subsection...
- 19 In section 92 (further transfers of trust property), in subsection...
- 20 In section 96A (power of health authorities etc to raise...
- 21 In section 98 (accounts and audit), in subsection (1), after...
- 22 In section 99 (regulation of financial arrangements), in subsection (1),...
- 23 In section 125 (protection of members and officers of authorities), the...
- 24 In paragraph 2 of Schedule 7 (which makes additional provision...
- 25 *The Acquisition of Land Act 1981 (c. 67)*
- 26 *The Hospital Complaints Procedure Act 1985 (c. 42)*
- 27 *The Income and Corporation Taxes Act 1988 (c. 1)*
- 28 *The Housing Act 1988 (c. 50)*
- 29 *The Road Traffic Act 1988 (c. 52)*
- 30 *The National Health Service and Community Care Act 1990 (c. 19)*
- 31 In section 4 (NHS contracts), in subsection (2), after paragraph...
- 32 In section 8 (transfer of property, rights and liabilities to...
- 33 In section 21 (schemes for meeting losses and liabilities of...
- 34 In section 49 (transfer of staff from health service to...
- 35 In section 61 (health service bodies: taxation), in subsection (3),...
- 36 (1) Schedule 2 (National Health Service trusts) is amended as...
- 37 *The Welsh Language Act 1993 (c. 38)*
- 38 *The Health Service Commissioners Act 1993 (c. 46)*
- 39 *The Vehicle Excise and Registration Act 1994 (c. 22)*
- 40 *The Value Added Tax Act 1994 (c. 23)*
- 41 *The Data Protection Act 1998 (c. 29)*
- 42 *The Government of Wales Act 1998 (c. 38)*
- 43 *The 1999 Act*
- 44 In section 20 (functions of the Commission for Health Improvement),...
- 45 In section 31 (arrangements between NHS bodies and local authorities),...
- 46 *The Care Standards Act 2000 (c. 14)*
- 47 *The Learning and Skills Act 2000 (c. 21)*
- 48 *The Freedom of Information Act 2000 (c. 36)*
- 49 *The Health and Social Care Act 2001 (c. 15)*
- 50 In section 7 (functions of overview and scrutiny committees), in...
- 51 In section 46 (directed partnership arrangements), in subsection (5), in...

#### SCHEDULE 6 — The Commission for Patient and Public Involvement in Health

- 1 *Status*
- 2 *Powers*
- 3 *Membership*
- 4 *Appointment, procedure etc*
- 5 The regulations may include provision applying, or corresponding to, any...
- 6 (1) The Secretary of State may direct a Special Health...

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- 7 *Remuneration and allowances*
- 8 *Staff*
- 9 *Delegation of functions*
- 10 *Assistance*
- 11 *Payments and loans to the Commission*
- 12 *Accounts and audit*
- 13 *Reports and other information*
- 14 *Application of seal and evidence*
- 15 A document purporting to be duly executed under the seal...
- 16 *Miscellaneous amendments*
- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....
- 18 In Part 2 of Schedule 1 to the House of...
- 19 In Schedule 1 to the Freedom of Information Act 2000...

#### SCHEDULE 7 — The Council for the Regulation of Health Care Professionals

- 1 *Status*
- 2 For the purposes of— (a) section 23(2)(b) of the Scotland...
- 3 *Powers*
- 4 *Membership and chairman*
- 5 *Appointment, procedure etc*
- 6 The Secretary of State may by regulations provide for—
- 7 The Council may regulate its own procedure.
- 8 The validity of any proceedings of the Council is not...
- 9 *Members' interests*
- 10 *Remuneration and allowances*
- 11 *Employees*
- 12 *Delegation of functions*
- 13 *Assistance*
- 14 *Payments and loans to Council*
- 15 *Accounts*
- 16 *Reports and other information*
- 17 *Application of seal and evidence*
- 18 A document purporting to be duly executed under the seal...
- 19 *Meetings of the Council in Northern Ireland*
- 20 *Miscellaneous amendments*
- 21 In the Schedule to the Public Bodies (Admission to Meetings)...
- 22 In Part 2 of Schedule 1 to the House of...
- 23 In Part 2 of Schedule 1 to the Northern Ireland...
- 24 In Part 6 of Schedule 1 to the Freedom of...

#### SCHEDULE 8 — Minor and consequential amendments

- 1 *The 1977 Act*
- 2 In section 29 (arrangements and regulations for general medical services),...
- 3 In section 43C (indemnity cover), in subsection (3), for the...
- 4 (1) Section 97A (financial duties of Health Authorities and Special...
- 5 In section 97AA (resource limits for Health Authorities and Special...
- 6 In section 97D (financial duties of Primary Care Trusts), in...
- 7 (1) Section 97E (resource limits for Primary Care Trusts) is...
- 8 In section 104 (superannuation of officers of certain hospitals), in...
- 9 In section 105 (payments for certain medical examinations), in subsection...
- 10 In section 126 (orders, regulations and directions)—



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- 11 In Schedule 7 (additional provisions about Community Health Councils), in...
- 12 In Schedule 12A (expenditure of Health Authorities and Primary Care...
- 13 *The Medical Act 1983 (c. 54)*
- 14 In section 40 (appeals), in subsection (11), for “enabling directions...
- 15 In Schedule 6 (transitional and saving provisions), in paragraph 18,...
- 16 *The Dentists Act 1984 (c. 24)*
- 17 *The Opticians Act 1989 (c. 44)*
- 18 *The National Health Service and Community Care Act 1990 (c. 19)*
- 19 *The Local Government (Wales) Act 1994 (c. 19)*
- 20 *The Health Authorities Act 1995 (c. 17)*
- 21 Section 1 (which substituted section 8 of the 1977 Act)...
- 22 In Schedule 1 (amendments), paragraphs 32(b), 53 and 107(12)(b) are...
- 23 *The National Health Service (Primary Care) Act 1997 (c. 46)*
- 24 In Part 2 of Schedule 2 (which makes pre-consolidation amendments),...
- 25 *The Government of Wales Act 1998 (c. 38)*
- 26 In section 27 (reform of Welsh health authorities), in subsection...
- 27 Section 148 (Health Authorities) is omitted.
- 28 *The 1999 Act*
- 29 In section 18 (duty of quality), in subsection (1), at...
- 30 In section 21 (arrangements with the Audit Commission), in subsection...
- 31 In Schedule 4 (minor amendments), paragraphs 5, 31(2) and 35...
- 32 *The Health and Social Care Act 2001 (c. 15)*
- 33 In section 1 (determination of allotments to and resource limits...
- 34 In section 3 (supplementary payments to NHS trusts and Primary...
- 35 In section 11 (public involvement and consultation)—
- 36 In section 43 (remote provision of pharmaceutical, etc, services), subsection...
- 37 In Schedule 5 (minor and consequential amendments), paragraph 5(12)(b) is...

#### SCHEDULE 9 — Repeals

- Part 1 — NATIONAL HEALTH SERVICE
- Part 2 — HEALTH CARE PROFESSIONS
- Part 3 — MISCELLANEOUS

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