

Status: Point in time view as at 01/10/2002.

Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, Part 1 is up to date with all changes known to be in force on or before 11 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)

SCHEDULES

SCHEDULE 2 **E+W**

REALLOCATION OF FUNCTIONS OF HEALTH AUTHORITIES TO PRIMARY CARE TRUSTS

PART 1 **E+W**

AMENDMENTS OF 1977 ACT

1 The 1977 Act is amended as follows.

Commencement Information

II Sch. 2 para. 1 partly in force; Sch. 2 para. 1 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 1 in force for specified purposes at 2.9.2002 by [S.I. 2002/2202](#), [art. 3\(a\)](#); Sch. 2 para. 1 in force for specified purposes at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(d\)](#); Sch. 2 para. 1 in force for specified purposes at 1.4.2003 by [S.I. 2003/833](#), [art. 2](#)

- 2 (1) Section 15 (duty of Health Authority in relation to family health services) is amended as provided in this paragraph.
- (2) In subsection (1), after “duty” there is inserted “ of each Primary Care Trust and ”.
- (3) In subsection (1B)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”,
 - (b) for “that Authority’s medical list” there is substituted “ the medical list of that Trust or Authority ”, and
 - (c) for “that Authority” there is substituted “ that Trust or Authority ”.
- (4) In subsection (1BA)—
- (a) after “relevant” there is inserted “ Primary Care Trust or ”, and
 - (b) for “the Authority” there is substituted “ the Trust or Authority ”.
- (5) Sub-paragraphs (3) and (4), and this sub-paragraph, shall cease to have effect on the coming into force of paragraph 8 of Schedule 4 to the 1999 Act (which repeals subsections (1B) to (1D) of section 15 of the 1977 Act).
- 3 (1) Section 29 (arrangements and regulations for general medical services) is amended as provided in this paragraph.
- (2) In subsection (1), after “duty” there is inserted “ of every Primary Care Trust and ”.
- (3) In subsection (2)—
- (a) for paragraph (a) there is substituted—
 - “(a) for the preparation and publication by each Primary Care Trust and by each Health Authority of a list of medical

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practitioners who undertake to provide general medical services for persons in the area of the Primary Care Trust or Health Authority;”,

and

(b) in paragraph (f), after “of a” there is inserted “ Primary Care Trust or ”.

- 4 (1) Section 29A (medical lists) is amended as provided in this paragraph.
- (2) For subsection (1) there is substituted—
- “(1) A Primary Care Trust or Health Authority may not, under section 29, arrange with a medical practitioner for him to provide general medical services for persons in the area of the Trust or Authority unless his name is included in the medical list of the Trust or Authority.”
- (3) In subsection (2)—
- (a) for “a Health Authority’s medical list” there is substituted “ the medical list of a Primary Care Trust or Health Authority ”, and
- (b) in paragraph (b), after “of the” there is inserted “ Trust or ”.
- (4) In subsection (3)(b), for “all Health Authorities’ medical lists” there is substituted “ the medical lists of all Primary Care Trusts and Health Authorities ”.
- (5) In subsection (4A), after “to a” there is inserted “ Primary Care Trust or ”.
- (6) In subsection (6)—
- (a) after “to a” there is inserted “ Primary Care Trust or ”, and
- (b) after “by the” there is inserted “ Trust or ”.
- 5 (1) Section 29B (vacancies for medical practitioners) is amended as provided in this paragraph.
- (2) In each of subsections (2) and (2A), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (3) In subsection (3)—
- (a) in paragraph (aa), after “which a” there is inserted “ Primary Care Trust or ”,
- (b) the “or” at the end of paragraph (b) is omitted, and
- (c) for paragraph (c) there is substituted—
- “(c) vacancies relating to the area of one Primary Care Trust which also relate to the area of another Primary Care Trust, or of a Health Authority, or of a Health Board, or
- (d) vacancies relating to the area of one Health Authority which also relate to the area of another Health Authority or of a Primary Care Trust.”.
- (4) In subsection (3A)—
- (a) after “that a” there is inserted “ Primary Care Trust or ”, and
- (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (5) In subsection (5), for the definition of “locality” there is substituted—

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- ““locality”, in relation to a Primary Care Trust or to a Health Authority, means the area of the Trust or of the Authority, or a particular part of their area;”.
- 6 In section 31 (requirement of suitable experience), in subsection (1), after “by a” there is inserted “ Primary Care Trust or ”.
- 7 In section 32 (regulations as to section 31), in subsection (1), in the definition of “applicant”, after “by a” there is inserted “ Primary Care Trust or ”.
- 8 In section 33 (distribution of general medical services)—
- (a) in subsection (1A)(a), for “Health Authorities for areas in England” there is substituted “ Primary Care Trusts ”, and
 - (b) in subsection (1A)(b), “for areas in Wales” is omitted.
- 9 In section 35 (arrangements for general dental services), in subsection (1), after “duty” there is inserted “ of every Primary Care Trust and ”.
- 10 (1) Section 36 (regulations as to section 35) is amended as provided in this paragraph.
- (2) In subsection (1), for paragraph (a) there is substituted—
- “(a) for the preparation and publication by each Primary Care Trust and by each Health Authority of a list of dental practitioners and dental corporations who undertake to provide general dental services for persons in the area of the Primary Care Trust or Health Authority;”.
- (3) In subsection (1A), before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.
- (4) In subsection (2)—
- (a) before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- (5) In subsection (4), after “which a” there is inserted “ Primary Care Trust or ”.
- (6) In subsection (6)—
- (a) after “that a” there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (7) In each of subsections (7) and (8), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 11 In section 38 (arrangements for general ophthalmic services), in subsection (1), after “duty” there is inserted “ of every Primary Care Trust and ”.
- 12 (1) Section 39 (regulations as to section 38) is amended as provided in this paragraph.
- (2) In subsection (1), for paragraph (a) there is substituted—
- “(a) for the preparation and publication by each Primary Care Trust and by each Health Authority of a list of medical practitioners and a list of ophthalmic opticians who undertake to provide general ophthalmic services for persons in the area of the Primary Care Trust or Health Authority;”.

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- (3) In subsection (2), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (4) In subsection (3)—
- (a) after “that a” there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- 13 (1) Section 41 (arrangements for pharmaceutical services) is amended as provided in this paragraph.
- (2) In subsection (1), after “duty” there is inserted “ of every Primary Care Trust and ”.
- (3) In each of subsections (5) and (6), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 14 In section 41A (additional pharmaceutical services), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 15 In section 41B (terms and conditions relating to additional pharmaceutical services), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 16 (1) Section 42 (regulations as to pharmaceutical services) is amended as provided in this paragraph.
- (2) In subsection (1), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (3) In subsection (2)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
 - (b) in paragraph (a), for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- (4) In subsection (3)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
 - (b) in paragraph (ba), for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- (5) In subsection (3B)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (6) In subsection (4A)—
- (a) before “Health Authority” there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.

Commencement Information

- I2** [Sch. 2 para. 16](#) wholly in force at 1.4.2003; [Sch. 2 para. 16](#) not in force at Royal Assent, see [s. 42\(3\)](#); [Sch. 2 para. 16\(1\)-\(5\)](#) in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(d\)](#); [Sch. 2 para. 16\(6\)](#) in force at 1.4.2003 by [S.I. 2003/833](#), [art. 2](#)

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- 17 (1) Section 43 (persons authorised to provide pharmaceutical services) is amended as provided in this paragraph.
- (2) In subsection (1), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (3) For subsection (2A) there is substituted—
- “(2A) Regulations shall provide for the preparation and publication by each Primary Care Trust and by each Health Authority of one or more lists of medical practitioners who undertake to provide drugs, medicines or listed appliances under arrangements with the Primary Care Trust or with the Health Authority.”
- (4) In subsection (2BA), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (5) In subsection (2BB)—
- (a) before “Health Authority” there is inserted “ Primary Care Trust or ”, and
- (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.

Commencement Information

I3 Sch. 2 para. 17 partly in force; Sch. 2 para. 17 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 17(1)-(3) in force at 1.10.2002 by S.I. 2002/2478, art. 3(1)(d)

- 18 (1) Section 43ZA (conditional inclusion in medical, dental, ophthalmic and pharmaceutical lists) is amended as provided in this paragraph.
- (2) In subsection (1)—
- (a) in paragraph (a), for “Health Authority” there is substituted “ Primary Care Trust or Health Authority in whose list he is included ”, and
- (b) before “Health Authority”, in each other place where it occurs, there is inserted “ Primary Care Trust or ”.
- (3) In subsection (4)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (b)(iii), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (4) In subsection (5), for “Health Authority’s decision”, in both places, there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (5) In subsection (7), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- 19 In section 43C (indemnity cover for Part 2 practitioners), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 20 (1) Section 43D (supplementary lists) is amended as provided in this paragraph.
- (2) In subsection (1)—
- (a) after “publication by” there is inserted “ each Primary Care Trust and ”, and

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- (b) after “by the” there is inserted “ Primary Care Trust or ”.
- (3) In subsection (3)—
 - (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
 - (b) in paragraph (j), before “Health Authorities” there is inserted “ Primary Care Trusts and ”.
- (4) In subsection (4), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (5) In subsection (7)—
 - (a) before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (6) In subsection (8)—
 - (a) before “Health Authority” there is inserted “ Primary Care Trust or ”, and
 - (b) for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (7) In subsection (9), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (8) In subsection (10), after “by a” there is inserted “ Primary Care Trust or ”.
- (9) In subsection (11)—
 - (a) in paragraph (a), after “prepared” there is inserted “ by the same Primary Care Trust or ”, and
 - (b) in paragraph (b)—
 - (i) for “Health Authorities in England” there is substituted “ Primary Care Trusts ”, and
 - (ii) for “Health Authorities in Wales” there is substituted “ Health Authorities ”.
- 21 In each of the following—
 - (a) section 49F (disqualification of practitioners),
 - (b) section 49G (contingent removal), and
 - (c) section 49I (suspension),
 before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 22 In section 49J (suspension pending appeal)—
 - (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”, and
 - (b) in subsection (6), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- 23 In section 49L (review of decisions)—
 - (a) in subsections (1) and (3), before “Health Authority” there is inserted “ Primary Care Trust or ”, and

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- (b) in subsection (2), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.
- 24 In section 49M (appeals)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”,
- (b) in subsection (3), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority ”, and
- (c) in subsection (7), after “payments by” there is inserted “ Primary Care Trusts and ”.
- 25 (1) Section 49N (national disqualification) is amended as provided in this paragraph.
- (2) In subsection (1)—
- (a) before “all Health Authorities”, in each place where it occurs, there is inserted “ all Primary Care Trusts and ”, and
- (b) in paragraph (c), before “any Health Authority” there is inserted “ any Primary Care Trust or ”.
- (3) In subsection (3), for “a Health Authority’s refusal” there is substituted “ the refusal by a Primary Care Trust or Health Authority ”.
- (4) In subsection (4), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (5) In subsection (6)—
- (a) in paragraph (a), after “no” there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (b), after “a list,” there is inserted “ each Primary Care Trust and ”.
- 26 In section 49O (notification of decisions), after “require a” there is inserted “ Primary Care Trust or ”.
- 27 In section 49P (withdrawal from lists), after “whom a”, in both places, there is inserted “ Primary Care Trust or ”.
- 28 (1) Section 49Q (regulations) is amended as provided in this paragraph.
- (2) In subsection (1), after “by a” there is inserted “ Primary Care Trust or ”.
- (3) In subsection (2)—
- (a) in paragraph (b), after “before a” there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (c), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- (4) In subsection (3), after “which the” there is inserted “ Primary Care Trust or ”.
- 29 In section 54, after “Committee”, in each place where it occurs, there is inserted “ , Primary Care Trust ”.
- 30 In section 56 (inadequate Part 2 services)—
- (a) before “Health Authority”, where it first occurs, there is inserted “ Primary Care Trust or ”, and
- (b) in paragraph (i), after “authorise the” there is inserted “ Primary Care Trust or ”.

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- 31 In section 83 (sums otherwise payable to those providing services), before “Health Authority”, in the second place where it occurs, there is inserted “ Primary Care Trust or ”.

Commencement Information

- I4** Sch. 2 para. 31 wholly in force at 1.10.2002; Sch. 2 para. 31 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 31 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(b) and in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(d)

- 32 In section 83A (remission and repayment of charges and travelling expenses), in subsection (1)—
- (a) after paragraph (b) there is inserted—
- “(ba) for the reimbursement by a Primary Care Trust to an NHS trust and, in such cases as may be prescribed, to a Health Authority or another Primary Care Trust, of payments made by virtue of exercising the functions conferred under paragraph (b) above; and”,
- and
- (b) in paragraph (c), for “of payments” to the end there is substituted “ of such payments. ”

Commencement Information

- I5** Sch. 2 para. 32 wholly in force at 1.10.2002; Sch. 2 para. 32 not in force at Royal Assent, see s. 42(3); Sch. 2 para. 32 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(b) and in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(d)

- 33 In section 92 (transfers of property held on trust), in subsection (1), after “Strategic Health Authority,” (inserted by paragraph 26 of Schedule 1 to this Act) there is inserted “ Primary Care Trust, ”.
- 34 In section 96A (powers of health authorities, etc, to raise money by appeals, etc), in subsection (5)(b), after “Strategic Health Authority,” (inserted by paragraph 28(d) of Schedule 1 to this Act) there is inserted “ Primary Care Trust or ”.
- 35 In section 103 (special arrangement as to payment of remuneration), in subsection (3)(a)—
- (a) “or a Primary Care Trust” is omitted, and
- (b) for “Health Authority” there is substituted “ Primary Care Trust, Health Authority or Local Health Board ”.
- 36 (1) Section 124 (special notices of births and deaths) is amended as provided in this paragraph.
- (2) Before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (3) In subsection (2), for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”.
- (4) In subsection (5), for “Health Authority’s offices” there is substituted “ offices of the Primary Care Trust or of the Health Authority ”.

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37 In Schedule 5A (which relates to Primary Care Trusts), after paragraph 10 there is inserted—

- “10A Where the registration of a dentist in the dentist’s register is suspended—
- (a) by an order under section 32 of the Dentists Act 1984 (interim suspension); or
 - (b) by a direction or order of the Health Committee under that Act (health cases),

the suspension shall not terminate any contract of employment made between him and a Primary Care Trust, but a person whose registration is so suspended shall not perform any duties under a contract made between him and a Primary Care Trust which involves the practice of dentistry within the meaning of that Act.”

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