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Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, SCHEDULE 8 is up to date with all changes known to be in force on or before 06 August 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 8

Section 37(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

The 1977 Act

1 The 1977 Act is amended as follows.

Commencement Information

II Sch. 8 para. 1 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 1 in force at 1.10.2002 by [S.I. 2002/2478, art. 3\(1\)\(e\)](#) and in force for certain purposes for E. at 1.10.2002 by [S.I. 2002/2478, art. 3\(2\)\(b\)](#) ([S.I. 2002/2532, art. 2, Sch.](#) purports to bring Sch. 8 para. 1 in force on 10.10.2002 for W. only); Sch. 8 para. 1 in force for certain further purposes for E. at 1.1.2003 by [S.I. 2002/3190, art. 2](#)

2 In section 29 (arrangements and regulations for general medical services), in subsection (8), for paragraph (c) there is substituted—
“(c) by an interim suspension order under section 41A of that Act,”.

Commencement Information

I2 Sch. 8 para. 2 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 2 in force for W. at 10.10.2002 by [S.I. 2002/2532, art. 2, Sch.](#); Sch. 8 para. 2 in force for E. at 1.1.2003 by [S.I. 2002/3190, art. 2](#)

3 In section 43C (indemnity cover), in subsection (3), for the definition of “list” there is substituted—
““list” means a list of any kind mentioned in paragraphs (a) to (e) of section 49F below;”.

Commencement Information

I3 Sch. 8 para. 3 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 3 in force at 1.10.2002 by [S.I. 2002/2478, art. 3\(2\)\(b\)](#) ([S.I. 2002/2532, art. 2, Sch.](#) purports to bring Sch. 8 para. 3 in force on 10.10.2002 for W. only)

4 (1) Section 97A (financial duties of Health Authorities and Special Health Authorities) is amended as follows.

(2) In subsection (1)—

- (a) after “duty of” there is inserted “ every Strategic Health Authority and of ”,
- (b) for “the Health Authority” there is substituted “ the Authority ”, and
- (c) in paragraph (a), after “subsection” there is inserted “ (A1) or ”.

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- (3) In each of subsections (3), (6), (7) and (8), before “Health Authority”, in each place where it occurs, there is inserted “ Strategic Health Authority, ”.
- (4) In subsection (9)—
- (a) in paragraph (a), and in the words following paragraph (c), before “Health Authority” there is inserted “ Strategic Health Authority, ”, and
 - (b) in each of paragraphs (b)(i) and (c)(i), before “Health Authority” there is inserted “ Strategic Health Authority or ”.

Commencement Information

- I4** Sch. 8 para. 4 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 4 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 4(1)(2)(b)(c) in force on 10.10.2002 for W. only)

- 5 In section 97AA (resource limits for Health Authorities and Special Health Authorities)—
- (a) in subsection (1), after “duty of” there is inserted “ every Strategic Health Authority, ”, and
 - (b) in subsection (3)(b), before “Health Authority” there is inserted “ Strategic Health Authority, ”.

Commencement Information

- I5** Sch. 8 para. 5 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 5 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#)

- 6 In section 97D (financial duties of Primary Care Trusts), in subsection (1)(b), “, apart from subsection (5A)” is omitted.

Commencement Information

- I6** Sch. 8 para. 6 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 6 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#)

- 7 (1) Section 97E (resource limits for Primary Care Trusts) is amended as follows.
- (2) In subsection (1), for “the Health Authority for the trust’s area” there is substituted “ the Secretary of State ”.
- (3) For subsection (2A) there is substituted—
- “(2A) But in specifying an amount for a Primary Care Trust under subsection (1) above (or in varying the amount under subsection (4) below), the Secretary of State may take into account (in whatever way he thinks appropriate)—
- (a) any such use of resources; and
 - (b) the use of any resources which would have been for the purpose of the trust’s general Part 2 expenditure but for an order under section 103(1) below,
- during any period he thinks appropriate (or such elements of such uses of resources as he thinks appropriate).”

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Commencement Information

I7 Sch. 8 para. 7 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 7 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#)

8 In section 104 (superannuation of officers of certain hospitals), in subsection (1) (a), for “Health Authorities” there is substituted “ NHS trusts ”.

Commencement Information

I8 Sch. 8 para. 8 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 8 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(2\)\(b\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 8 in force on 10.10.2002 for W. only)

9 In section 105 (payments for certain medical examinations), in subsection (2)(b), after “officer of a” there is inserted “ NHS trust, Primary Care Trust, ”.

Commencement Information

I9 Sch. 8 para. 9 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 9 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(2\)\(b\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 9 in force on 10.10.2002 for W. only)

10 In section 126 (orders, regulations and directions)—
(a) in subsection (4), after “section 16BB, 18” (substituted by section 6(3) of this Act), there is inserted “ or 19A(7) ”, and
(b) in subsection (4A), for “directions given in accordance with section 18 above as” there is substituted “ the directions ”.

Commencement Information

I10 Sch. 8 para. 10 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 10 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), [art. 2](#), [Sch.](#)

11 In Schedule 7 (additional provisions about Community Health Councils), in paragraph 7, for the definition of “local authority” there is substituted—
““local authority” means the council of a Welsh county or county borough, and”.

Commencement Information

I11 Sch. 8 para. 11 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 11 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), [art. 2](#), [Sch.](#)

12 In Schedule 12A (expenditure of Health Authorities and Primary Care Trusts), in each of paragraphs 4(2)(b) and 5(2)(b), for “the Health Authority within whose area the area of the trust falls” there is substituted “ the trust ”.

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Commencement Information

112 Sch. 8 para. 12 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 12 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#)

VALID FROM 01/04/2003

The Medical Act 1983 (c. 54)

13 The Medical Act 1983 is amended as follows.

VALID FROM 01/04/2003

14 In section 40 (appeals), in subsection (11), for “enabling directions to be given as to the costs of” there is substituted “ any order as to costs (or, in Scotland, expenses) in relation to ”.

VALID FROM 01/04/2003

15 In Schedule 6 (transitional and saving provisions), in paragraph 18, “section 40(4) of this Act or” is omitted.

VALID FROM 01/04/2003

The Dentists Act 1984 (c. 24)

16 In section 29 of the Dentists Act 1984 (appeals), in subsection (4), for “enabling directions to be given as to the costs of” there is substituted “ any order as to costs (or, in Scotland, expenses) in relation to ”.

VALID FROM 01/04/2003

The Opticians Act 1989 (c. 44)

17 In section 23 of the Opticians Act 1989 (appeals in disciplinary and other cases), in subsection (2), for “enabling directions to be given as to the costs of” there is substituted “ any order as to costs (or, in Scotland, expenses) in relation to ”.

The National Health Service and Community Care Act 1990 (c. 19)

18 In section 12 of the National Health Service and Community Care Act 1990 (which relates to functions of health authorities), in subsection (4), the words after paragraph (b) are omitted.

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Commencement Information

I13 Sch. 8 para. 18 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 18 in force at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e); (S.I. 2002/2532, art. 2, Sch. purports to bring Sch. 8 para. 18 in force on 10.10.2002 for W. only)

The Local Government (Wales) Act 1994 (c. 19)

19 In Schedule 10 to the Local Government (Wales) Act 1994 (amendments relating to social services), paragraph 11(4) is omitted.

Commencement Information

I14 Sch. 8 para. 19 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 19 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

The Health Authorities Act 1995 (c. 17)

20 The Health Authorities Act 1995 is amended as follows.

Commencement Information

I15 Sch. 8 para. 20 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 20 in force at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e) and in force for certain purposes for E. at 1.10.2002 by S.I. 2002/2478, art. 3(2)(b) (S.I. 2002/2532, art. 2, Sch. purports to bring Sch. 8 para. 20 in force on 10.10.2002 for W. only)

21 Section 1 (which substituted section 8 of the 1977 Act) is omitted.

Commencement Information

I16 Sch. 8 para. 21 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 21 in force at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e) (S.I. 2002/2532, art. 2, Sch. purports to bring Sch. 8 para. 21 in force on 10.10.2002 for W. only)

22 In Schedule 1 (amendments), paragraphs 32(b), 53 and 107(12)(b) are omitted.

Commencement Information

I17 Sch. 8 para. 22 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 22 in force at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e) and in force for certain purposes at 1.10.2002 by S.I. 2002/2478, art. 3(2)(b) (S.I. 2002/2532, art. 2, Sch. purports to bring Sch. 8 para. 22 in force on 10.10.2002 for W. only)

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

23 The National Health Service (Primary Care) Act 1997 is amended as follows.

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Commencement Information

I18 Sch. 8 para. 23 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 23 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 23 in force on 10.10.2002 for W. only)

24 In Part 2 of Schedule 2 (which makes pre-consolidation amendments), paragraphs 71(3), 73 and 75 are omitted.

Commencement Information

I19 Sch. 8 para. 24 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 24 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 24 in force on 10.10.2002 for W. only)

The Government of Wales Act 1998 (c. 38)

25 The Government of Wales Act 1998 is amended as follows.

Commencement Information

I20 Sch. 8 para. 25 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 25 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 25 in force on 10.10.2002 for W. only)

26 In section 27 (reform of Welsh health authorities), in subsection (7)(a), for “section 8(1) and (5)(a)” there is substituted “section 8(1)(b) and (5)(b)”.

Commencement Information

I21 Sch. 8 para. 26 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 26 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 26 in force on 10.10.2002 for W. only)

27 Section 148 (Health Authorities) is omitted.

Commencement Information

I22 Sch. 8 para. 27 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 27 in force at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(1\)\(e\)](#) ([S.I. 2002/2532](#), [art. 2](#), [Sch.](#) purports to bring Sch. 8 para. 3 in force on 10.10.2002 for W. only)

The 1999 Act

28 The 1999 Act is amended as follows.

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Commencement Information

I23 Sch. 8 para. 28 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 28 in force for certain purposes for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e)

29 In section 18 (duty of quality), in subsection (1), at the beginning there is inserted “It is the duty of each Strategic Health Authority to put and keep in place arrangements for the purpose of monitoring and improving the quality of health care which is provided to individuals in their area, and”.

Commencement Information

I24 Sch. 8 para. 29 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 29 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e)

30 In section 21 (arrangements with the Audit Commission), in subsection (1)(a), for “20(1)(b) or (d)” there is substituted “ 20(1)(b), (d), (da) or (db) ”.

Commencement Information

I25 Sch. 8 para. 30 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 30 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

31 In Schedule 4 (minor amendments), paragraphs 5, 31(2) and 35 are omitted.

Commencement Information

I26 Sch. 8 para. 31 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 31 in force for at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e) (S.I. 2002/2532, art. 2, Sch. purports to bring Sch. 8 para. 31 in force on 10.10.2002 for W. only)

The Health and Social Care Act 2001 (c. 15)

32 The Health and Social Care Act 2001 is amended as follows.

Commencement Information

I27 Sch. 8 para. 32 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 32 in force at 1.10.2002 by S.I. 2002/2478, art. 3(1)(e) (S.I. 2002/2532, art. 2, Sch. purports to bring Sch. 8 para. 32 in force on 10.10.2002 for W. only)

33 In section 1 (determination of allotments to and resource limits for Health Authorities and Primary Care Trusts), subsections (4) and (5) are omitted.

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Commencement Information

I28 Sch. 8 para. 33 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 33 in force at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** (S.I. 2002/2532, **art. 2**, **Sch.** purports to bring Sch. 8 para. 33 in force on 10.10.2002 for W. only)

- 34 In section 3 (supplementary payments to NHS trusts and Primary Care Trusts), subsections (3) and (4) are omitted.

Commencement Information

I29 Sch. 8 para. 34 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 34 in force at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** (S.I. 2002/2532, **art. 2**, **Sch.** purports to bring Sch. 8 para. 34 in force on 10.10.2002 for W. only)

- 35 In section 11 (public involvement and consultation)—
- (a) in subsection (2), before paragraph (a) there is inserted—
- “(za) Strategic Health Authorities,”
- and
- (b) after subsection (3) there is inserted—
- “(4) Subsection (5) applies to health services for which a Strategic Health Authority is not responsible by virtue of subsection (3), but which are provided or to be provided to individuals in the area of the Authority, and for which—
- (a) a Primary Care Trust any part of whose area falls within the Authority’s area, or
- (b) an NHS trust which provides services at or from a hospital or other establishment or facility which falls within the Authority’s area,
- is responsible by virtue of subsection (3).
- (5) A Strategic Health Authority may give directions to Primary Care Trusts falling within paragraph (a) of subsection (4), and NHS trusts falling within paragraph (b) of that subsection, as to the arrangements which they are to make under subsection (1) in relation to health services to which this subsection applies.
- (6) It is the duty of each Primary Care Trust and each NHS trust to which such directions are given to comply with them.”

Commencement Information

I30 Sch. 8 para. 35 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 35 in force for E. and for W. (insofar as the Secretary of State is the appropriate authority) at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)**

- 36 In section 43 (remote provision of pharmaceutical, etc, services), subsection (5) is omitted.

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Commencement Information

I31 Sch. 8 para. 36 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 36 in force at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** (S.I. 2002/2532, **art. 2**, **Sch.** purports to bring Sch. 8 para. 36 in force on 10.10.2002 for W. only)

37 In Schedule 5 (minor and consequential amendments), paragraph 5(12)(b) is omitted.

Commencement Information

I32 Sch. 8 para. 37 not in force at Royal Assent, see s. 42(3); Sch. 8 para. 37 in force at 1.10.2002 by S.I. 2002/2478, **art. 3(1)(e)** (S.I. 2002/2532, **art. 2**, **Sch.** purports to bring Sch. 8 para. 37 in force on 10.10.2002 for W. only)

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