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## SCHEDULES

### SCHEDULE 1

Section 1(3)

#### ENGLISH HEALTH AUTHORITIES: CHANGE OF NAME

#### PART 1

#### AMENDMENTS OF 1977 ACT

1 The 1977 Act is amended as follows.

##### Commencement Information

**II** Sch. 1 para. 1 wholly in force at 1.10.2002; Sch. 1 para. 1 not in force at Royal Assent, see s. 42(3); Sch. 1 para. 1 in force for certain purposes for E. at 2.9.2002 by S.I. 2002/2202, art. 3(a); Sch. 1 in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(c)

2 In section 12 (provision supplementary to sections 8 and 11), in subsection (2)(a), at the beginning there is inserted “Strategic Health Authorities and”.

3 In section 16 (exercise of functions)—

- (a) in subsection (1), after “exercisable by” there is inserted “ a Strategic Health Authority or ”,
- (b) in subsection (2)—
  - (i) before paragraph (a) there is inserted—  
“(za) by another Strategic Health Authority;”,
  - and
  - (ii) in paragraph (c), after “Local Health Boards” (inserted by paragraph 5 of Schedule 5) there is inserted “ , other Strategic Health Authorities ”, and
- (c) in subsection (4)(a), before “Health Authority” (in both places) there is inserted “ Strategic Health Authority or ”.

##### Commencement Information

**I2** Sch. 1 para. 3 wholly in force at 1.10.2002; Sch. 1 para. 3 not in force at Royal Assent, see s. 42(3); Sch. 1 para. 3 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(a); Sch. 1 in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(c)

4 In section 16B (exercise of functions by Primary Care Trusts)—

- (a) in subsection (2)(c), after “following:” there is inserted “ Strategic Health Authorities, ”, and
- (b) in subsection (3)(c), after “one or more” there is inserted “ Strategic Health Authorities, ”.

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#### Commencement Information

**I3** Sch. 1 para. 4 wholly in force at 1.10.2002; Sch. 1 para. 4 not in force at Royal Assent, see s. 42(3); Sch. 1 para. 4 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(a); Sch. 1 in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(c)

- 5 In section 16C (advice for Health Authorities and Primary Care Trusts)—
- (a) in subsection (1), after “Every” there is inserted “ Strategic Health Authority and every ”, and
  - (b) in subsection (2), before “Health Authorities” there is inserted “ Strategic Health Authorities and ”.
- 6 In section 16D (Secretary of State’s directions: distribution of functions)—
- (a) in subsection (1), after “direct a” there is inserted “ Strategic Health Authority, ”, and
  - (b) in subsection (2), after “of a” there is inserted “ Strategic Health Authority or ”.

#### Commencement Information

**I4** Sch. 1 para. 6 wholly in force at 1.10.2002; Sch. 1 para. 6 not in force at Royal Assent, see s. 42(3); Sch. 1 para. 6 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(a); Sch. 1 in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(c)

- 7 In section 17 (Secretary of State’s directions: exercise of functions), in subsection (2), before paragraph (a) there is inserted—
- “(za) Strategic Health Authorities;”.

#### Commencement Information

**I5** Sch. 1 para. 7 wholly in force at 1.10.2002; Sch. 1 para. 7 not in force at Royal Assent, see s. 42(3); Sch. 1 para. 7 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(a); Sch. 1 in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(c)

- 8 In section 17B (Health Authority’s directions: exercise of functions), in subsection (1), for “Health Authority” there is substituted “ Strategic Health Authority ”.
- 9 In section 18 (directions and regulations under preceding provisions), in subsection (1B), for “Health Authority” there is substituted “ Strategic Health Authority ”.
- 10 In section 22 (co-operation between Health Authorities and local authorities), in subsection (1A), before paragraph (a) there is inserted—
- “(za) a Strategic Health Authority;”.
- 11 In section 23 (voluntary organisations and other bodies), in subsection (2), after “or by a” there is inserted “ Strategic Health Authority, ”.
- 12 In section 26 (supply of goods and services by the Secretary of State)—
- (a) in subsection (1)(b), after “State or by a” there is inserted “ Strategic Health Authority, ”,

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- (b) in subsection (3), in each of paragraphs (b) and (c), after “or a” there is inserted “ Strategic Health Authority, ”, and
  - (c) in subsection (4)(b), after “providing” there is inserted “ Strategic Health Authorities, ”.
- 13 In section 27 (conditions of supply under section 26)—
  - (a) in subsection (1)—
    - (i) after “officer of a” there is inserted “ Strategic Health Authority, ”, and
    - (ii) after “that the” there is inserted “ Strategic Health Authority, ”, and
  - (b) in subsection (3), after “directions to” there is inserted “ Strategic Health Authorities, ”.
- 14 In section 28 (supply of goods and services by local authorities)—
  - (a) in subsection (1), after “any” there is inserted “ Strategic Health Authority, ”, and
  - (b) in subsection (3)—
    - (i) after “available to” there is inserted “ Strategic Health Authorities, ”, and
    - (ii) after “to enable” there is inserted “ Strategic Health Authorities, ”.
- 15 In section 28A (power to make payments towards expenditure on community services), in subsection (2B), after “by a” there is inserted “ Strategic Health Authority, ”.
- 16 In section 28BB (power of local authorities to make payments to NHS bodies), in subsection (2), after “means a” there is inserted “ Strategic Health Authority or ”.
- 17 In section 37 (Dental Practice Board), in subsection (1)(b), for “Health Authority” there is substituted “ Strategic Health Authority ”.
- 18 In section 49S (the Family Health Services Appeal Authority), in subsection (8)(b), after “by a” there is inserted “ Strategic Health Authority, ”.
- 19 In section 51 (university clinical teaching and research)—
  - (a) in subsection (2)—
    - (i) after “by a” there is inserted “ Strategic Health Authority, ”, and
    - (ii) after “by the” there is inserted “ Strategic Health Authority, ”, and
  - (b) in subsection (3), before paragraph (a) there is inserted—
    - “(za) Strategic Health Authorities;”.

#### Commencement Information

- 16** Sch. 1 para. 19 wholly in force at 1.10.2002; Sch. 1 para. 19 not in force at Royal Assent, see s. 42(3); Sch. 1 para. 19 in force for E. at 2.9.2002 by S.I. 2002/2202, art. 3(a); Sch. 1 in force at 1.10.2002 insofar as not already in force by S.I. 2002/2478, art. 3(1)(c)

- 20 In section 65 (accommodation and services for private patients), before “Health Authority or”, in each place where it occurs, there is inserted “ Strategic Health Authority, ”.
- 21 In section 84A (intervention orders), in subsection (2), before paragraph (a) there is inserted—
  - “(za) Strategic Health Authorities;”.

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- 22 In section 84B (intervention orders: effect)—
- (a) in subsection (1), in each of paragraphs (a) and (b), after “of a” there is inserted “ Strategic Health Authority, ”, and
  - (b) in subsection (6), before “a Health Authority” there is inserted “ a Strategic Health Authority or ”.
- 23 In section 85 (default powers), in subsection (1), before paragraph (a) there is inserted—
- “(za) a Strategic Health Authority;”.
- 24 In section 90 (gifts on trust), after “A” there is inserted “ Strategic Health Authority, ”.
- 25 In section 91 (private trusts for hospitals), in subsection (3)(d), after “case, the” there is inserted “ Strategic Health Authority, ”.
- 26 In section 92 (further transfers of trust property)—
- (a) in subsection (1), after “functions of any” there is inserted “ Strategic Health Authority, ”, and
  - (b) in subsection (1A), before paragraph (a) there is inserted—
- “(za) a Strategic Health Authority;”.
- 27 In section 96 (trusts: supplementary provisions), in subsection (1A)(a), after “or a” there is inserted “ Strategic Health Authority, ”.
- 28 In section 96A (power of health authorities, etc to raise money)—
- (a) in subsection (1), before “Health Authority,”, in both places, there is inserted “ Strategic Health Authority, ”,
  - (b) in subsection (3), after “benefit of the” there is inserted “ Strategic Health Authority, ”,
  - (c) in subsection (4), before “Health Authority,” there is inserted “ Strategic Health Authority, ”,
  - (d) in subsection (5)(b), before “Health Authority” there is inserted “ Strategic Health Authority, ”, and
  - (e) in each of subsections (7), (8) and (9), before “Health Authority,”, in each place where it occurs, there is inserted “ Strategic Health Authority, ”.
- 29 In section 98 (accounts and audit)—
- (a) in subsection (1), before paragraph (a) there is inserted—
- “(za) every Strategic Health Authority;”,
- and
- (b) in subsection (2AA), for “Health Authority” there is substituted “ Strategic Health Authority ”.
- 30 In section 99 (regulation of financial arrangements), in subsection (1), before paragraph (a) there is inserted—
- “(za) Strategic Health Authorities;”.
- 31 In section 125 (protection of members and officers of authorities), before paragraph (a) there is inserted—
- “(za) a Strategic Health Authority;”.
- 32 In section 126 (orders and regulations, and directions), in subsection (3A), after “or by a” there is inserted “ Strategic Health Authority or ”.

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- 33 In section 128 (interpretation and construction), in subsection (1A), before “Health Authority,”, in both places, there is inserted “ Strategic Health Authority, ”.
- 34 (1) Schedule 5 (which relates to the constitution of Health Authorities and Special Health Authorities) is amended as provided in this paragraph.
- (2) In Part 1 (membership of Health Authorities)—
- (a) for “Health Authority”, in each place where it occurs, there is substituted “ Strategic Health Authority ”,
- (b) in paragraph 4, for “Health Authorities” there is substituted “ Strategic Health Authorities ”,
- (c) after paragraph 4 there is inserted—
- “4A Paragraphs 1 to 4 above apply in relation to Health Authorities as they apply in relation to Strategic Health Authorities.”,
- and
- (d) in the heading, for “Membership of Health Authorities” there is substituted “ Membership of Strategic Health Authorities and Health Authorities ”.
- (3) In Part 3 (supplementary provisions)—
- (a) in paragraph 8, after “Each” there is inserted “ Strategic Health Authority, each ”, and
- (b) in paragraph 9, in sub-paragraph (7)(a), before “Health Authority” there is inserted “ Strategic Health Authority or ”.
- 35 (1) Schedule 5A (which relates to Primary Care Trusts) is amended as provided in this paragraph.
- (2) In Part 2 (Constitution and Membership), in paragraph 10, after “in relation to” there is inserted “ Strategic Health Authorities, ”.
- (3) In Part 3 (Powers and duties), in paragraph 20, for “Health Authority” there is substituted “ Strategic Health Authority ”.
- (4) In Part 4 (Transfer of property), in paragraph 21, for “Health Authority” (in each place where it occurs) there is substituted “ Strategic Health Authority ”.
- (5) In Part 5 (Transfer of staff), in paragraph 23(2), for paragraph (a) there is substituted—
- “(a) a Strategic Health Authority,”.

## PART 2

### AMENDMENTS OF OTHER ACTS

#### *The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 36 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (which makes provision about payments to make up civil remuneration), in paragraph 15—
- (a) in the entry in the first column, before “a Health Authority” there is inserted “ a Strategic Health Authority, ”, and

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- (b) in the entry in the second column, before “Health Authority” there is inserted “ Strategic Health Authority, ”.

*The Hospital Complaints Procedure Act 1985 (c. 42)*

- 37 In section 1 of the Hospital Complaints Procedure Act 1985 (hospital complaints procedure), in subsection (1)—
- (a) for “Health Authority and” there is substituted “ Strategic Health Authority and Health Authority, to each ”, and
- (b) after “which that” there is inserted “ Strategic Health Authority, ”.

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 38 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as provided in this paragraph.
- (2) In section 7 (persons discharged from hospital), in subsection (9), in paragraph (a) of the definition of “the managers”, after “means the” there is inserted “ Strategic Health Authority, ”.
- (3) In section 16 (interpretation), after the definition of “statutory services” there is inserted—
- ““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the 1977 Act;”.

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

- 39 The National Health Service and Community Care Act 1990 is amended as follows.
- 40 In section 4 (NHS contracts), in subsection (2), before paragraph (a) there is inserted—
- “(za) a Strategic Health Authority;”.
- 41 In section 4A (provision of certain services by persons on ophthalmic or pharmaceutical lists), in subsection (1), after “under which” there is inserted “ a Strategic Health Authority, ”.
- 42 In section 8 (transfer of property, rights and liabilities to NHS trusts), before “Health Authority”, in each place where it occurs, there is inserted “ Strategic Health Authority, ”.
- 43 In section 21 (schemes for meeting losses and liabilities of certain health service bodies)—
- (a) in subsection (2), before paragraph (a) there is inserted—
- “(za) Strategic Health Authorities;”,
- and
- (b) in each of subsections (3), (4) and (5), before “Health Authority” there is inserted “ Strategic Health Authority, ”.
- 44 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after “means a” there is inserted “ Strategic Health Authority, ”.
- 45 In section 60 (removal of Crown immunities), in subsection (7)(a), at the beginning there is inserted “ a Strategic Health Authority or ”.

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- 46 In Schedule 2 (which makes provision about NHS trusts)—
- (a) in each of paragraphs 4(1), 4(2), 5(3), 13, 30(2) and 31, before “Health Authority” there is inserted “ Strategic Health Authority, ”, and
  - (b) in paragraph 30(1), after paragraph (a) there is inserted—
    - “(aa) a Strategic Health Authority, or”.

*The Health Service Commissioners Act 1993 (c. 46)*

- 47 In section 2 of the Health Service Commissioners Act 1993 (bodies subject to investigation), in subsection (1), for paragraph (a) there is substituted—  
“(a) Strategic Health Authorities,”.

*The 1999 Act*

- 48 The 1999 Act is amended as follows.
- 49 In section 20 (functions of the Commission for Health Improvement)—
- (a) in subsection (1)(c), before “Health Authorities” there is inserted “ Strategic Health Authorities, ”, and
  - (b) in subsection (7), in the definition of “NHS body”, after “means a” there is inserted “ Strategic Health Authority, ”.
- 50 In section 21 (arrangements with the Audit Commission), in subsection (1)(b)(iii), after “relate to” there is inserted “ Strategic Health Authorities, ”.
- 51 In section 26 (co-operation between NHS bodies), after “duty of” there is inserted “ Strategic Health Authorities, ”.
- 52 In section 28 (plans for improving health etc)—
- (a) in subsection (6)—
    - (i) in paragraphs (b) and (g), before “Health Authorities” there is inserted “ Strategic Health Authorities, ”, and
    - (ii) in paragraph (h), after “provision by” there is inserted “ Strategic Health Authorities, ”, and
  - (b) in subsection (9), after “duty of” there is inserted “ Strategic Health Authorities, ”.
- 53 In section 31 (arrangements between NHS bodies and local authorities), in subsection (8), in the definition of “NHS body”, after “means a” there is inserted “ Strategic Health Authority, ”.
- 54 In section 61 (English and Scottish border provisions), in subsection (2), for “Health Authority” there is substituted “ Strategic Health Authority ”.

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

- 55 (1) The Health and Social Care Act 2001 is amended as provided in this paragraph.
- (2) In section 7 (functions of overview and scrutiny committees), in subsection (4), after “means a” there is inserted “ Strategic Health Authority, ”.
- (3) In section 46 (directed partnership arrangements), in subsection (5), in the definition of “NHS body”, after “means a” there is inserted “ Strategic Health Authority, ”.

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## SCHEDULE 2

Section 2(5)

### REALLOCATION OF FUNCTIONS OF HEALTH AUTHORITIES TO PRIMARY CARE TRUSTS

#### PART 1

##### AMENDMENTS OF 1977 ACT

1 The 1977 Act is amended as follows.

#### **Commencement Information**

**I7** 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 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.



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- (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—
- ““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)—

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- (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;”.
- (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.

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- (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**

**18** [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](#)

- 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

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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**

**19** 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
  - (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 ”.

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- (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
  - (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.

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- (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 ”.
- 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**

**I10** 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)

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- 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

**III** 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 ”.
- 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

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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.”

## PART 2

### AMENDMENTS OF OTHER ACTS

#### *The National Assistance Act 1948 (c. 29)*

- 38 In section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C), after “consent of such” there is inserted “ Primary Care Trust or ”.

#### *The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 39 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (which makes provision about payments to make up civil remuneration), in paragraph 16, in the entry in the second column, before “Health Authority” there is inserted “ Primary Care Trust, ”.

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

- 40 (1) The Health Services and Public Health Act 1968 is amended as provided in this paragraph.
- (2) In section 63 (provision of instruction for certain persons), in subsection (2)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (3) In section 64 (financial assistance to certain voluntary organisations), in subsection (3)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.

#### *The Health and Safety at Work etc Act 1974 (c. 37)*

- 41 In section 60 of the Health and Safety at Work etc Act 1974 (which makes supplementary provision in relation to the employment medical advisory service), in subsection (1), after “that each” there is inserted “ Primary Care Trust and ”.

#### *The Mental Health Act 1983 (c. 20)*

- 42 The Mental Health Act 1983 is amended as follows.
- 43 In section 25A (applications for supervision), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 44 In section 25C (supervision applications: supplementary), in subsection (6), after “consent of the” there is inserted “ Primary Care Trust or ”.
- 45 In section 25F (reclassification of patient subject to after-care under supervision), in subsection (1), after “effect to the” there is inserted “ Primary Care Trust or ”.
- 46 In section 39 (information as to hospitals), in subsection (1), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.



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- 47 In section 117 (after-care), in each of subsections (2), (2A) and (3), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- 48 In section 140 (notification of hospitals having arrangements for reception of urgent cases)—
- (a) after “duty of” there is inserted “ every Primary Care Trust and of ”,
  - (b) for “Health Authority’s area” there is substituted “ area of the Primary Care Trust or Health Authority ”, and
  - (c) after “available to the” there is inserted “ Primary Care Trust or ”.
- 49 In section 145 (interpretation), in paragraph (a) of the definition of “the managers”, before “Health Authority” there is inserted “ Primary Care Trust, ”.

*The Public Health (Control of Disease) Act 1984 (c. 22)*

- 50 (1) The Public Health (Control of Disease) Act 1984 is amended as provided in this paragraph.
- (2) In section 11 (cases of notifiable disease and food poisoning to be reported), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust or ”.
- (3) In section 12 (fees for certificates under section 11), in subsection (1), after “that a” there is inserted “ Primary Care Trust or ”.
- (4) In section 39 (keeper of common lodging-house to notify case of infectious disease), in subsection (3), after “to the” there is inserted “ Primary Care Trust or ”.

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 51 In section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (persons discharged from hospital), in subsection (9), for paragraph (a) of the definition of “health authority” there is substituted—
- “(a) in relation to England, means a Primary Care Trust,
  - (aa) in relation to Wales, means a Health Authority, and”.

*The Children Act 1989 (c. 41)*

- 52 In Schedule 2 to the Children Act 1989 (local authority support for children and families), in paragraph 1A(3)(a), for “and” there is substituted “ or ”.

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

- 53 The National Health Service and Community Care Act 1990 is amended as follows.
- 54 In section 4A (provision of certain services by persons on ophthalmic or pharmaceutical lists), in subsection (1), after “a Strategic Health Authority,” (inserted by paragraph 41 of Schedule 1 to this Act) there is inserted “ a Primary Care Trust, ”.
- 55 (1) In section 18 (indicative amounts for doctors’ practices)—
- (a) in subsection (1)—
    - (i) after “financial year,” there is inserted “ every Primary Care Trust and ”, and

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- (ii) before “Health Authority”, in the second and third places it occurs, there is inserted “ Primary Care Trust or ”,
  - (b) before “Health Authority”, in each other place where it occurs except in subsection (7), there is inserted “ Primary Care Trust or ”, and
  - (c) in subsection (7), for “Health Authority” there is substituted “ Primary Care Trust ”.
- (2) This paragraph shall cease to have effect on the coming into force of paragraph 80 of Schedule 4 to the 1999 Act (which repeals section 18 of the National Health Service and Community Care Act 1990).
- 56 In section 47 (assessment of needs for community care services), in subsection (3)
- (a) before “Health Authority”, where it first occurs, there is inserted “ Primary Care Trust or ”, and
  - (b) before “Health Authority”, in each other place where it occurs, there is inserted “ Primary Care Trust, ”.
- 57 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after “Strategic Health Authority,” (inserted by paragraph 44 of Schedule 1 to this Act) there is inserted “ Primary Care Trust, ”.
- 58 In Schedule 2 (which makes provision about NHS trusts), in paragraph 31, after “Strategic Health Authority” (inserted by paragraph 46 of Schedule 1 to this Act) there is inserted “ Primary Care Trust, ”.

*The Access to Health Records Act 1990 (c. 23)*

- 59 (1) The Access to Health Records Act 1990 is amended as provided in this paragraph.
- (2) In section 1 (definitions of certain terms), in subsection (2)(a)(ii), before “Health Authority” there is inserted “ Primary Care Trust, ”.
- (3) In section 7 (duty of health service bodies etc to take advice), before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust, ”.

*The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 60 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), before “Health Authority” there is inserted “ Primary Care Trust or ”.

*The Health Service Commissioners Act 1993 (c. 46)*

- 61 (1) The Health Service Commissioners Act 1993 is amended as provided in this paragraph.
- (2) In section 2 (bodies subject to investigation)—
- (a) in subsection (1), in paragraph (da), “established for areas in England” is omitted, and
  - (b) in subsection (2), in paragraph (a), “whose areas are in Wales” is omitted.
- (3) In section 6 (which provides for certain action by Health Authorities, etc not to be investigated), in each of subsections (3) and (5), after “taken by a” there is inserted “ Primary Care Trust or ”.

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*The Health Authorities Act 1995 (c. 17)*

- 62 In Schedule 2 to the Health Authorities Act 1995 (transitional provisions and savings), in paragraph 2, before “Health Authority”, in each place where it occurs, there is inserted “ Primary Care Trust, ”.

*The Employment Rights Act 1996 (c. 18)*

- 63 In section 43K of the Employment Rights Act 1996 (extended meaning of “worker” for Part 4A of that Act), in subsection (1)(c)(i), before “Health Authority” there is inserted “ Primary Care Trust or ”.

*The Police Act 1997 (c. 50)*

- 64 In section 115 of the Police Act 1997 (enhanced criminal record certificates), in subsection (6E), before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.

*The School Standards and Framework Act 1998 (c. 31)*

- 65 In Schedule 9 to the School Standards and Framework Act 1998 (which provides for the constitution of school governing bodies), in paragraph 10 (community special schools), in sub-paragraph (5)(a), after “by the” there is inserted “ Primary Care Trust or ”.

*The Government of Wales Act 1998 (c. 38)*

- 66 (1) The Government of Wales Act 1998 is amended as provided in this paragraph.  
(2) In Schedule 5 (bodies and offices covered by section 74), in paragraph 20, “for an area in, or consisting of, Wales” is omitted.  
(3) In Schedule 17 (audit, etc, of Welsh public bodies), in paragraph 12, “for an area in, or consisting of, Wales” is omitted.

*The 1999 Act*

- 67 The 1999 Act is amended as follows.
- 68 In section 10(1) (which substitutes new sections 43A and 43B in the 1977 Act), in the new section 43A (remuneration for Part 2 services), in subsection (2)(b), after “Health Authority” there is inserted “ , Primary Care Trust ”.
- 69 (1) Section 28 (plans for improving health care, etc) is amended as follows.  
(2) In each of subsections (1) and (2), after “Health Authority” there is inserted “ and each Primary Care Trust ”.  
(3) In subsection (3), after “Health Authority” there is inserted “ or Primary Care Trust ”.  
(4) For subsection (4) there is substituted—  
“(4) Those bodies are—  
(a) any local authority whose area falls wholly or partly within the area of the Health Authority or Primary Care Trust, and

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- (b) if the plan is a Health Authority's, any NHS trust which provides services at or from a hospital or other establishment or facility which falls within the area of the Health Authority.”
- (5) In subsection (5), after “Health Authority” there is inserted “ or Primary Care Trust ”.
- (6) In subsection (6)(h), after “Health Authorities” there is inserted “ and Primary Care Trusts ”.
- (7) For subsection (7) there is substituted—
  - “(7) In exercising their respective functions—
    - (a) Health Authorities and Primary Care Trusts must have regard to any plan prepared or reviewed by them under this section,
    - (b) Strategic Health Authorities must have regard to any plan prepared or reviewed by a Primary Care Trust any part of whose area falls within their area, and
    - (c) NHS trusts and local authorities must have regard to any plan under this section in relation to which they have participated, and Primary Care Trusts must also do so in relation to plans in which they have participated by virtue of subsection (5).”
- (8) In subsection (8)—
  - (a) after “Health Authority” there is inserted “ or Primary Care Trust ”, and
  - (b) in each of paragraphs (a) and (b), for “Authority's area” there is substituted “ area of the Authority or Trust ”.

*The Care Standards Act 2000 (c. 14)*

- 70 In section 20 of the Care Standards Act 2000 (urgent procedure for cancellation, etc of registration of establishment or agency), in subsection (6)(b), before “Health Authority” there is inserted “ Primary Care Trust or ”.

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

- 71 The Health and Social Care Act 2001 is amended as follows.
- 72 In section 18 (out of hours medical services)—
- (a) in subsection (2), for paragraph (b) there is substituted—
    - “(b) for approval to be given, as respects out of hours services provided for persons in the area of any Primary Care Trust or Health Authority, by—
      - (i) that Primary Care Trust or Health Authority,
      - (ii) another Primary Care Trust, or
      - (iii) another Health Authority,”
  - (b) in each of paragraphs (c) and (e), before “Health Authority” there is inserted “ Primary Care Trust or ”, and
  - (c) in paragraph (i), after “of” there is inserted “ Primary Care Trusts and of ”.
- 73 (1) Section 28 (pilot schemes for local pharmaceutical services) is amended as provided in this paragraph.
- (2) In subsection (1), before “Health Authorities” there is inserted “ Primary Care Trusts and ”.

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- (3) In subsection (2), before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.
- (4) In subsection (6)—
- (a) after “made by” there is inserted “Primary Care Trusts and”, and
  - (b) before “Health Authority” there is inserted “Primary Care Trust or”.
- (5) In subsection (7), “or a Primary Care Trust” is omitted.
- 74 In section 30 (designation of priority neighbourhoods or premises), before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.
- 75 In section 31 (reviews of pilot schemes), in subsection (3)(a), after “the” there is inserted “Primary Care Trust or”.
- 76 In section 32 (variation and termination of pilot schemes)—
- (a) in subsection (1), after “authorising” there is inserted “Primary Care Trusts or”, and
  - (b) in each of subsections (2) and (3), before “Health Authority” there is inserted “Primary Care Trust or”.
- 77 In section 34 (funding of preparatory work)—
- (a) in subsection (1), after “regulations for” there is inserted “Primary Care Trusts and”, and
  - (b) in subsection (3), before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.
- 78 In section 40(1) (which inserts a new section 28J into the 1977 Act), in that new section 28J (local pharmaceutical services schemes), after “made by” there is inserted “Primary Care Trusts and”.
- 79 In Schedule 1 (exempt information relating to health services), in paragraph 10, after “by a” there is inserted “Primary Care Trust or”.
- 80 In Schedule 2 (pilot schemes for local pharmaceutical services)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”,
  - (b) in paragraph 2(5)(d), before “Health Authorities” there is inserted “Primary Care Trusts and”, and
  - (c) in paragraph 5(1)(a), for “Health Authority’s area” there is substituted “area of the Primary Care Trust or Health Authority”.
- 81 (1) Schedule 3 (which inserts a new Schedule 8A into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new Schedule 8A (local pharmaceutical services schemes)—
- (a) in paragraph 1(1), before “Health Authorities” there is inserted “Primary Care Trusts and”,
  - (b) in paragraph 1(2)—
    - (i) in paragraph (a), after “by” there is inserted “a Primary Care Trust or”, and
    - (ii) in paragraph (c), after “other” there is inserted “Primary Care Trust or”,
  - (c) in paragraph 1(7), after “a” there is inserted “Primary Care Trust or”,
  - (d) in paragraph 1(8), “or a Primary Care Trust” is omitted,

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- (e) in paragraph 2(1), after “allowing a” there is inserted “ Primary Care Trust or ”,
  - (f) in paragraph 2(2)(b), after “a” there is inserted “ Primary Care Trust or ”,
  - (g) in paragraph 3(2), after “than” there is inserted “ Primary Care Trusts and ”, and
  - (h) in paragraph 3(3)(k), after “authorise” there is inserted “ Primary Care Trusts and ”.
- 82 In Schedule 5 (minor and consequential amendments), in paragraph 9, before “Health Authority”, in both places, there is inserted “ Primary Care Trust or ”.

### SCHEDULE 3

Section 4(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 as follows.
- 2 (1) Section 1 (pilot schemes) is amended as provided in this paragraph.
- (2) In subsection (6), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “ Strategic Health Authority or a ”.
- (3) In subsection (8), for paragraph (a) of the definition of “authority” there is substituted—
- “(a) in relation to England, a Strategic Health Authority;
  - (aa) in relation to Wales, a Health Authority; and”.
- 3 (1) Section 8ZA (lists of persons who may perform personal medical services or personal dental services) is amended as provided in this paragraph.
- (2) In subsection (1), after “publication” there is inserted “ by each Primary Care Trust and ”.
- (3) In subsection (3)—
- (a) in each of paragraphs (a), (b), (c), (e), (g) and (k), before “Health Authority” there is inserted “ Primary Care Trust or ”, and
  - (b) in paragraph (j), after “of” there is inserted “ Primary Care Trusts and ”.
- (4) In subsection (4), in each of paragraphs (a), (b) and (d), before “Health Authority” there is inserted “ Primary Care Trust or ”.
- (5) In subsection (8)—
- (a) before “Health Authority”, in both places, 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 ”.

*Status: Point in time view as at 01/01/2003.*

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- (6) In subsection (9)—
- (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 (10), for “Health Authority’s decision” there is substituted “ decision of the Primary Care Trust or of the Health Authority ”.
- 4 In section 8A (delegation of Health Authority functions relating to pilot schemes)—
- (a) for subsection (1) there is substituted—
    - “(1) A Strategic Health Authority may not, under section 17A of the 1977 Act, direct a Primary Care Trust to exercise any functions of the Strategic Health Authority arising under a pilot scheme if the Primary Care Trust is providing any services under the pilot scheme.”,
  - and
  - (b) in subsection (2), for “Health Authorities”, in both places, there is substituted “ Strategic Health Authorities ”.
- 5 In section 12 (leaving medical lists), in subsection (2)—
- (a) for “an authority” there is substituted “ a Primary Care Trust, Health Authority or Health Board ”, and
  - (b) for “by them or by any other authority” there is substituted “ by any authority ”.
- 6 (1) Section 13 (preferential treatment on transferring to medical lists) is amended as provided in this paragraph.
- (2) In subsection (1), for “the authority’s medical list” there is substituted “ the medical list of the relevant body ”.
- (3) After subsection (1) there is inserted—
- “(1A) For the purposes of this section—
  - (a) where the authority concerned is a Health Authority or a Health Board, the relevant body is that Authority or Board;
  - (b) where the authority concerned is a Strategic Health Authority, the relevant body is the Primary Care Trust designated in relation to the pilot scheme by the Secretary of State.”
- (4) In subsection (6), for “authority” there is substituted “ relevant body ”.
- 7 (1) Section 21(1) (which inserts new sections 28C and 28D into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new section 28C (personal medical or dental services)—
- (a) in subsection (1), before “Health Authority” there is inserted “ Strategic Health Authority or a ”,
  - (b) in subsection (3), in each of paragraphs (a) and (b), after “by the” there is inserted “ Primary Care Trust or ”, and
  - (c) in subsection (6), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “ Strategic Health Authority or a ”.

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- (3) In the new section 28D (persons with whom section 28C agreements may be made), in subsection (1), before “Health Authority” there is inserted “ Strategic Health Authority or a ”.
- 8 In section 22(1) (which inserts a new section 28E into the 1977 Act), in that new section 28E (which provides for regulations as to personal medical or dental services)—
- (a) in subsection (2)(a), after “than” there is inserted “ Strategic Health Authorities and ”,
  - (b) in subsection (3)(k), after “authorise” there is inserted “ Strategic Health Authorities and ”,
  - (c) in subsection (7)(a), after “circumstances)” there is inserted “ Primary Care Trusts and ”, and
  - (d) in subsection (8)(a), before “Health Authority” (in both places) there is inserted “ Strategic Health Authority or ”.
- 9 In section 40 (interpretation), in subsection (2), at the end of the definition of “authority” there is inserted “ , except in Schedule 1 ”.
- 10 (1) Schedule 1 (preferential treatment on transferring to medical lists) is amended as provided in this paragraph.
- (2) In paragraph 1(1), for “an authority’s medical list” there is substituted “ the medical list of a Primary Care Trust, a Health Authority or a Health Board (in this Schedule referred to as an “authority”) ”.
- (3) In paragraph 9—
- (a) after “Schedule” there is inserted “ , an “authority” means a Primary Care Trust, a Health Authority or a Health Board, and ”, and
  - (b) in paragraph (a), for “a Health Authority’s medical list” there is substituted “ the medical list of a Primary Care Trust or of a Health Authority ”.

## PART 2

### AMENDMENTS OF OTHER ACTS

#### *The 1977 Act*

- 11 In section 15 of the 1977 Act (duty of Health Authority in relation to family health services), in subsection (1ZA), after “duty of” there is inserted “ each Strategic Health Authority and ”.

#### *The National Health Service (Scotland) Act 1978 (c. 29)*

- 12 In the National Health Service (Scotland) Act 1978, in section 17C (personal medical or dental services)—
- (a) in subsection (5), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “ Strategic Health Authority or by a ”, and
  - (b) in subsection (6), for the definition of “Health Authority” there is substituted—



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““Strategic Health Authority” and “Health Authority” have the same meaning as in the National Health Service Act 1977;”.

*The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 13 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), after “by a” there is inserted “Strategic Health Authority,”.

*The 1999 Act*

- 14 In section 6(2) of the 1999 Act (which inserts a new section 28EE into the 1977 Act), in that new section 28EE—
- (a) subsection (1) is omitted, and
  - (b) in subsection (2), for “Health Authorities”, in both places, there is substituted “Strategic Health Authorities”.

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

- 15 The Health and Social Care Act 2001 is amended as follows.
- 16 (1) Section 26(1) (which inserts a new section 28DA into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new section 28DA (lists of persons who may perform personal medical services or personal dental services)—
- (a) in subsection (1), after “publication” there is inserted “by each Primary Care Trust and”,
  - (b) in subsection (3)—
    - (i) in each of paragraphs (a), (b), (c), (e), (g) and (k), before “Health Authority” there is inserted “Primary Care Trust or”, and
    - (ii) in paragraph (j), after “of” there is inserted “Primary Care Trusts and”,
  - (c) in subsection (4), in each of paragraphs (a), (b) and (d), before “Health Authority” there is inserted “Primary Care Trust or”,
  - (d) in subsection (8)—
    - (i) before “Health Authority”, in both places, there is inserted “Primary Care Trust or”, and
    - (ii) in paragraph (c), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”,
  - (e) in subsection (9)—
    - (i) before “Health Authority” there is inserted “Primary Care Trust or”, and
    - (ii) for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”, and
  - (f) in subsection (10), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.
- 17 In Schedule 1 (exempt information relating to health services), in paragraph 11, after “request to a” there is inserted “Strategic Health Authority or”.

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## SCHEDULE 4

Section 6(2)

### LOCAL HEALTH BOARDS

#### Commencement Information

**I12** Sch. 4 not in force at Royal Assent, see s. 42(3); Sch. 4 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

After Schedule 5A to the 1977 Act there is inserted—

### “SCHEDULE 5B

#### LOCAL HEALTH BOARDS

##### PART 1

##### LHB ORDERS

- 1 (1) An LHB order shall specify—
  - (a) the name of the Board; and
  - (b) the operational date of the Board.
- (2) The operational date of a Local Health Board is the date on which functions exercisable by it may first be undertaken fully by the Board.
- 2 (1) An LHB order may provide for the establishment of a Local Health Board with effect from a date earlier than the operational date.
- (2) During the period beginning with that earlier date and ending with the day immediately preceding the operational date (referred to in this Schedule as the preparatory period), the exercise of any functions by the Board shall be limited to such exercise as may be specified in the LHB order for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date.
- (3) Sub-paragraphs (4) and (5) below apply for so long as there is a Health Authority for any part of the area of Wales specified in a particular LHB order.
- (4) That LHB order may require such a Health Authority to meet the costs of the Board performing its functions during the preparatory period by doing either or both of the following—
  - (a) discharging such liabilities of the Board as may be incurred during the preparatory period and are of a description specified in the order;
  - (b) paying the Board sums to enable it to meet expenditure of a description specified in the order.
- (5) An LHB order may require such a Health Authority or an NHS trust in Wales to make available to the Local Health Board during the preparatory period—
  - (a) premises and other facilities of the authority or NHS trust;
  - (b) officers of the authority;
  - (c) staff of the NHS trust.

*Status: Point in time view as at 01/01/2003.*

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## PART 2

### STATUS, CONSTITUTION AND MEMBERSHIP

#### **Status**

- 3 A Local Health Board is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and a Local Health Board's property is not to be regarded as property of, or property held on behalf of, the Crown.
- 4 Every Local Health Board shall be a body corporate.

#### **Membership**

- 5 The members of a Local Health Board shall be—
  - (a) a chairman appointed by the National Assembly for Wales;
  - (b) if the Assembly thinks fit, a vice-chairman appointed by the Assembly;
  - (c) officers of the Board; and
  - (d) a number of persons who are not officers of the Board.
- 6 (1) The National Assembly for Wales may by regulations make provision about—
  - (a) the appointment of the chairman, vice-chairman and other members of a Local Health Board (including any conditions to be fulfilled for appointment);
  - (b) the tenure of office of the chairman, vice-chairman and other members of a Local Health Board (including the circumstances in which they cease to hold office or may be removed or suspended from office);
  - (c) how many persons may be appointed as members of a Local Health Board and how many of those members may be officers (a minimum and maximum number may be specified for both purposes);
  - (d) the appointment and constitution of any committees of a Local Health Board (which may include or consist of persons who are not members of the Board);
  - (e) the appointment and tenure of office of the members of any committees of a Local Health Board;
  - (f) the procedure to be followed by a Local Health Board, and by any committee of the Board, in the exercise of its functions;
  - (g) the circumstances in which a person who is not an officer of the Local Health Board is to be treated as if he were such an officer.
  - (2) The power to make provision under paragraphs (c) and (f) of sub-paragraph (1) above includes power to make regulations about the number of persons who may be appointed and the procedure to be followed during the preparatory period.
  - (3) Any regulations under this paragraph may, in particular, make provision to deal with cases where the post of any officer of a Local Health Board is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.
- 7 Any reference in this Part of this Schedule to a committee of a Local Health Board includes a reference to sub-committees of, and joint committees and joint sub-committees including, the Board.
- 8 The validity of proceedings of a Local Health Board, or of any of its committees, shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

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### **Staff**

- 9 (1) A Local Health Board may employ such officers as it thinks fit.
- (2) Subject to sub-paragraph (3) below, a Board may—
- (a) pay its officers such remuneration and allowances; and
  - (b) employ them on such other terms and conditions, as it thinks fit.
- (3) A Board shall—
- (a) in exercising its powers under sub-paragraph (2) above; and
  - (b) otherwise in connection with the employment of its officers, act in accordance with regulations made by the National Assembly for Wales and any directions given by the Assembly.
- (4) Before making any regulations under sub-paragraph (3) above, the Assembly shall consult such bodies as it may recognise as representing persons who, in its opinion, are likely to be affected by the regulations.
- 10 (1) Without prejudice to the generality of section 16BB above the National Assembly for Wales may direct a Local Health Board—
- (a) to make the services of any of its officers available to another Local Health Board; or
  - (b) to employ any person who is or was employed by another Local Health Board and is specified in the direction.
- (2) Before it gives a direction under sub-paragraph (1) above the Assembly shall—
- (a) consult the person whose services are to be made available or who is to be employed;
  - (b) satisfy itself that the Board has consulted that person; or
  - (c) consult any such body as the Assembly may recognise as representing that person.
- (3) Sub-paragraph (2) above does not apply in relation to a direction under sub-paragraph (1)(a) above if the Assembly—
- (a) considers it necessary to give the direction for the purpose of dealing temporarily with an emergency; and
  - (b) has previously consulted bodies recognised by the Assembly as representing the person whose services are to be made available about the giving of directions for that purpose.
- 11 In addition to making provision in relation to Strategic Health Authorities, Health Authorities and Special Health Authorities, regulations under paragraph 10(2) of Schedule 5 to this Act may also provide—
- (a) for the transfer of officers of one Local Health Board to another; and
  - (b) for arrangements under which the officers of a Local Health Board are placed at the disposal of another Local Health Board or a local authority.

### **Remuneration, pensions etc of members**

- 12 (1) A Local Health Board may pay the chairman, the vice-chairman (if any) and any other members of the Board such remuneration and such travelling and other allowances as may be determined by the National Assembly for Wales.

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- (2) A Board may pay the chairman or any person who has been chairman of the Board such pension, allowance or gratuity as may be determined by the National Assembly for Wales.
- (3) A Board may pay the members of any committee of a Board such travelling and other allowances as may be determined by the National Assembly for Wales.
- (4) If, when a person ceases to be chairman of a Board, the National Assembly for Wales determines that there are special circumstances which make it right that that person should receive compensation, the Board shall pay to him a sum by way of compensation of such amount as the Assembly may determine.

### PART 3

#### OTHER MATTERS

##### *General powers*

- 13 (1) Subject to sub-paragraph (3), a Local Health Board may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its functions.
  - (2) That includes, in particular—
    - (a) acquiring and disposing of land and other property;
    - (b) entering into contracts;
    - (c) accepting gifts of money, land and other property, including money, land or other property held on trust, either for the general or any specific purposes of the Local Health Board or for all or any purposes relating to the health service.
  - (3) A Local Health Board may not do anything mentioned in sub-paragraph (2) without the consent of the Assembly (which may, if the Assembly thinks fit, be given in general terms covering one or more descriptions of case).
- 14 (1) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by a Local Health Board of any function exercisable by it by virtue of section 16BB or 16BC above are enforceable by or (as the case may be) against that Board (and not against any other health service body or the National Assembly for Wales).
  - (2) This paragraph does not apply in relation to the joint exercise of any functions by a Local Health Board with another body under section 16BC(2)(c) above.

##### *Specific powers and duties*

- 15 (1) A Local Health Board may conduct, commission or assist the conduct of research.
  - (2) A Board may, in particular, make officers available or provide facilities under sub-paragraph (1) above.
- 16 A Local Health Board may—
  - (a) make officers available in connection with any instruction provided under section 63 of the Health Services and Public Health Act 1968;

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- (b) make officers and facilities available in connection with training by a university or any other body providing training in connection with the health service.
- 17 The National Assembly for Wales may by regulations make provision in relation to—
- (a) reports to be prepared by Local Health Boards;
  - (b) information to be supplied by them;
  - (c) their accounts, and the audit and publication of their accounts;
  - (d) the publication of any other document.

### ***Compulsory acquisition***

- 18 (1) A Local Health Board may be authorised to purchase land compulsorily for the purposes of its functions by means of an order made by the Board and confirmed by the National Assembly for Wales.
- (2) The Acquisition of Land Act 1981 applies to the compulsory purchase of land under this paragraph.
- (3) No order is to be made by a Local Health Board under Part 2 of the Acquisition of Land Act 1981 in respect of any land unless the proposal to acquire the land compulsorily—
- (a) has been submitted to the National Assembly for Wales in the form, and with the information, required by the Assembly; and
  - (b) has been approved by the Assembly.

### ***Dissolution***

- 19 (1) The National Assembly for Wales may, if a Local Health Board is dissolved, by order transfer (or provide for the transfer) to itself or to another Local Health Board any property, rights or liabilities of the dissolved Board.
- (2) If any consultation requirements apply, they must be complied with before the order is made.
- (3) In this paragraph, “consultation requirements” means requirements about consultation contained in regulations made by the Assembly.

### ***Transfer of property***

- 20 (1) The National Assembly for Wales may by order (referred to in this paragraph and paragraph 21 below as a transfer order)—
- (a) transfer (or provide for the transfer of) any of the property, rights and liabilities of a health service authority to a Local Health Board;
  - (b) create or impose (or provide for the creation or imposition of) new rights or liabilities in respect of property transferred or retained.
- (2) Any property, rights and liabilities which—
- (a) belong to a health service authority other than the National Assembly for Wales or are used or managed by a Health Authority; and
  - (b) are to be transferred to a Local Health Board by or under a transfer order,
- must be identified by agreement between the health service authority (or Health Authority) and the Local Health Board or, in default of agreement, by direction of the Assembly.

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- (3) Where a transfer order transfers (or provides for the transfer of)—
- (a) land held on lease from a third party; or
  - (b) any other asset leased or hired from a third party or in which a third party has an interest,
- the transfer is binding on the third party despite the fact that, apart from this sub-paragraph, the transfer would have required the third party's consent or concurrence.
- (4) In sub-paragraph (3) above, “third party” means a person other than a health service authority.
- (5) In this paragraph and paragraph 21 below, “health service authority” means the National Assembly for Wales, a Health Authority, a Local Health Board or an NHS trust in Wales.
- 21 (1) Stamp duty is not chargeable in respect of any transfer to a Local Health Board effected by or under a transfer order.
- (2) Where it becomes necessary, for the purpose of a transfer by or under a transfer order, to apportion any property, rights or liabilities, the order may contain such provisions as appear to the National Assembly for Wales to be appropriate for the purpose.
- (3) Where a transfer order transfers (or provides for the transfer of) any property or rights to which paragraph 20(3) above applies, the order must contain such provisions as appear to the National Assembly for Wales to be appropriate to safeguard the interests of third parties (within the meaning of that sub-paragraph), including, where appropriate, provision for the payment of compensation of an amount to be determined in accordance with the order.
- (4) A certificate issued by the National Assembly for Wales that—
- (a) any specified property;
  - (b) any specified interest in or right over any property; or
  - (c) any specified right or liability,
- has been vested in a Local Health Board by or under a transfer order is conclusive evidence of that fact for all purposes.
- In this sub-paragraph, “specified” means specified in the certificate.
- (5) A transfer order may include provision for matters to be settled by arbitration by a person determined in accordance with the order.
- (6) Paragraph 20 above and this paragraph do not prejudice—
- (a) any existing power of a health service authority to transfer property, rights or liabilities to a Local Health Board;
  - (b) the extent of the power conferred by section 126(4) above.

### ***Transfer of staff***

- 22 (1) The National Assembly for Wales may by order transfer to a Local Health Board any specified description of employees to which this paragraph applies.
- (2) This paragraph applies to employees of—
- (a) a Health Authority;
  - (b) an NHS trust in Wales;
  - (c) a Local Health Board.

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- (3) An order may be made under this paragraph only if any prescribed requirements about consultation have been complied with in relation to each of the employees to be transferred.
- 23 (1) The contract of employment of an employee transferred under paragraph 22 above—
- (a) is not terminated by the transfer; and
  - (b) has effect from the date of the transfer as if originally made between the employee and the Local Health Board to which he is transferred.
- (2) Without prejudice to sub-paragraph (1) above—
- (a) all the rights, powers, duties and liabilities of the body from which an employee is transferred under paragraph 22 above under or in connection with his contract of employment shall by virtue of this sub-paragraph be transferred to the Local Health Board to which the employee is transferred under that paragraph; and
  - (b) anything done before the date of the transfer by or in relation to the body from which he is so transferred in respect of the employee or the contract of employment shall be deemed from that date to have been done by or in relation to the Local Health Board to which he is transferred.
- (3) Sub-paragraphs (1) and (2) above do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the body from which they would be transferred, or the Local Health Board to which they would be transferred, that he objects to the transfer.
- (4) Where an employee objects as mentioned in sub-paragraph (3) above his contract of employment with the body from which he would be transferred shall be terminated immediately before the date on which the transfer would occur; but he shall not be treated, for any purpose, as having been dismissed by that body.
- (5) This paragraph is without prejudice to any right of an employee to which paragraph 22 above applies to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise merely because, under this paragraph, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.
- 24 (1) Where an employee is to be transferred by an order under paragraph 22 above but is to continue to be employed for certain purposes by the transferor, the order may provide that the contract of employment of the employee shall, on the date on which the employee is transferred, be divided so as to constitute two separate contracts of employment between the employee and the transferor and the employee and the Local Health Board in question.
- (2) Where an employee's contract of employment is divided as provided under sub-paragraph (1) above, the order shall provide for paragraph 23 above to have effect in the case of the employee and his contract of employment subject to appropriate modifications.
- 25 Where a Local Health Board is dissolved, an order under paragraph 19 above includes power to transfer employees of the Board and the order may make any provision in relation to the transfer of those employees which is or may be made in relation to the transfer of employees under paragraph 22 above.



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### **Interpretation**

- 26 In this Schedule, “NHS trust in Wales” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.”

## SCHEDULE 5

Section 6(2)

### AMENDMENTS RELATING TO LOCAL HEALTH BOARDS

#### *The 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 1(gg) there is inserted—  
“(gh) Local Health Boards;”.

#### **Commencement Information**

- I13** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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

- 2 (1) Section 63 of the Health Services and Public Health Act 1968 (provision of instruction for officers of hospital authorities etc) is amended as follows.
- (2) In subsection (1)(a), for “or Primary Care Trust” there is substituted “, Primary Care Trust or Local Health Board ”.
- (3) In subsection (5A), for “or Primary Care Trust”, in both places, there is substituted “, Primary Care Trust or Local Health Board ”.
- (4) In subsection (5B), the “and” at the end of paragraph (bb) is omitted, and after that paragraph there is inserted—  
“(bbb) Local Health Boards; and”.

#### **Commencement Information**

- I14** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

#### *The Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)*

- 3 In section 3 of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(a)—
- (a) for “1978 and” there is substituted “ 1978, ”, and
- (b) after “1977” there is inserted “ and a Local Health Board established under section 16BA of that Act ”.

*Status: Point in time view as at 01/01/2003.*

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**Commencement Information**

**I15** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The 1977 Act*

4 The 1977 Act is amended as follows.

**Commencement Information**

**I16** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

5 In section 16 (exercise of functions), in subsection (2)(c), after “Trusts” there is inserted “, Local Health Boards”.

**Commencement Information**

**I17** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

6 In section 16B (exercise of functions by Primary Care Trusts), in subsection (2)(c), after “NHS trusts” there is inserted “, Local Health Boards”.

**Commencement Information**

**I18** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

7 In section 16C (advice for Health Authorities and Primary Care Trusts), in subsection (2), after “Primary Care Trusts” there is inserted “ and Local Health Boards”.

**Commencement Information**

**I19** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

8 In section 22 (co-operation between health authorities and local authorities), in subsection (1A), the “or” at the end of paragraph (c) is omitted and after that paragraph there is inserted—  
 “(cc) a Local Health Board; or”.

**Commencement Information**

**I20** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*Status: Point in time view as at 01/01/2003.*

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- 9 In section 23 (voluntary organisations and other bodies), in subsection (2), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”.

**Commencement Information**

**I21** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 10 In section 26 (supply of goods and services by Secretary of State), in subsection (1) (b), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”.

**Commencement Information**

**I22** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 11 In section 27 (conditions of supply under section 26)—  
(a) in subsection (1), for “or Primary Care Trust”, in both places, there is substituted “ , Primary Care Trust or Local Health Board ”, and  
(b) in subsection (3), for “and Primary Care Trusts” there is substituted “ , Primary Care Trusts and Local Health Boards ”.

**Commencement Information**

**I23** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 12 In section 28 (supply of goods and services by local authorities)—  
(a) in subsection (1), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”, and  
(b) in subsection (3), after “Primary Care Trusts”, in both places, there is inserted “ , Local Health Boards ”.

**Commencement Information**

**I24** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 13 In section 28A (power to make payments towards expenditure on community services)—  
(a) in subsection (1)—  
(i) the “and” at the end of paragraph (a) is omitted, and  
(ii) at the end of paragraph (b) there is inserted “ ; and ”, and after that paragraph there is inserted—  
“(c) a Local Health Board.”,

and

*Status: Point in time view as at 01/01/2003.*

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- (b) in subsection (2B), after “Primary Care Trust” there is inserted “, Local Health Board”.

**Commencement Information**

**I25** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 14 In section 28BB (power of local authorities to make payments to NHS bodies), in subsection (2), in the definition of “relevant NHS body”, after “Primary Care Trust” there is inserted “ or Local Health Board”.

**Commencement Information**

**I26** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 15 In section 51 (university clinical teaching and research)—
- (a) in subsection (2), for “or Primary Care Trust”, in both places, there is substituted “, Primary Care Trust or Local Health Board”, and
- (b) in subsection (3), the “and” at the end of paragraph (bb) is omitted and after that paragraph there is inserted—
- “(bbb) Local Health Boards; and”.

**Commencement Information**

**I27** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 16 In section 84A (intervention orders), in subsection (2), after paragraph (d) there is inserted—
- “(e) Local Health Boards.”

**Commencement Information**

**I28** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 17 In section 84B (intervention orders: effect), in subsection (1), in each of paragraphs (a) and (b), for “or Primary Care Trust” there is substituted “, Primary Care Trust or Local Health Board”.

**Commencement Information**

**I29** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 18 In section 85 (Secretary of State’s default powers), in subsection (1), after paragraph (bb) there is inserted—
- “(bbb) a Local Health Board;”.

*Status: Point in time view as at 01/01/2003.*

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**Commencement Information**

**I30** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 19 In section 92 (further transfers of trust property), in subsection (1A), after paragraph (c) there is inserted—  
“(cc) a Local Health Board;”.

**Commencement Information**

**I31** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 20 In section 96A (power of health authorities etc to raise money), in each of subsections (1), (3), (4), (7), (8) and (9), after “Special Health Authority”, in each place where it occurs, there is inserted “, Local Health Board”.

**Commencement Information**

**I32** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 21 In section 98 (accounts and audit), in subsection (1), after paragraph (bb) there is inserted—  
“(bbb) every Local Health Board;”.

**Commencement Information**

**I33** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 22 In section 99 (regulation of financial arrangements), in subsection (1), after paragraph (ba) there is inserted—  
“(bb) Local Health Boards;”.

**Commencement Information**

**I34** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 23 In section 125 (protection of members and officers of authorities), the “and” at the end of paragraph (bb) is omitted and after that paragraph there is inserted—  
“(bbb) a Local Health Board; and3”.

**Commencement Information**

**I35** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

*Status: Point in time view as at 01/01/2003.*

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- 24 In paragraph 2 of Schedule 7 (which makes additional provision in relation to Community Health Councils)—
- (a) in sub-paragraphs (d) and (e), after “Primary Care Trusts”, in each place where it occurs, there is inserted “, Local Health Boards ”, and
  - (b) in sub-paragraphs (f) and (g), for “and Primary Care Trusts” there is substituted “, Primary Care Trusts and Local Health Boards ”.

**Commencement Information**

**I36** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Acquisition of Land Act 1981 (c. 67)*

- 25 In section 16 of the Acquisition of Land Act 1981 (statutory undertakers’ land excluded from compulsory purchase), in subsection (3), the “and” at the end of paragraph (b) is omitted, and at the end of paragraph (c) there is inserted
- “and
- (d) a Local Health Board established under section 16BA of that Act;”.

**Commencement Information**

**I37** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Hospital Complaints Procedure Act 1985 (c. 42)*

- 26 In section 1 of the Hospital Complaints Procedure Act 1985 (hospital complaints procedure), in subsection (1B), after “Trust”, where it first occurs, there is inserted “and Local Health Board ”, and in the second place where it occurs there is inserted “ or Local Health Board ”.

**Commencement Information**

**I38** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Income and Corporation Taxes Act 1988 (c. 1)*

- 27 In section 519A of the Income and Corporation Taxes Act 1988 (health service bodies), in subsection (2), after paragraph (ab) there is inserted—
- “(aba) a Local Health Board;”.

**Commencement Information**

**I39** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*Status: Point in time view as at 01/01/2003.*

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*The Housing Act 1988 (c. 50)*

- 28 In Schedule 2 to the Housing Act 1988 (grounds for possession of dwelling-houses let on assured tenancies), in the second paragraph of Ground 16, after “1990,” there is inserted “ or by a Local Health Board, ”.

**Commencement Information**

- I40** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), [art. 2](#), [Sch.](#)

*The Road Traffic Act 1988 (c. 52)*

- 29 In section 144 of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), in subsection (2)(da), after “1977” there is inserted “ , by a Local Health Board established under section 16BA of that Act ”.

**Commencement Information**

- I41** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), [art. 2](#), [Sch.](#)

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

- 30 The National Health Service and Community Care Act 1990 is amended as follows.

**Commencement Information**

- I42** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), [art. 2](#), [Sch.](#)

- 31 In section 4 (NHS contracts), in subsection (2), after paragraph (bb) there is inserted—  
“(bbb) a Local Health Board;”.

**Commencement Information**

- I43** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), [art. 2](#), [Sch.](#)

- 32 In section 8 (transfer of property, rights and liabilities to NHS trust)—  
(a) in subsections (1), (2), (3) and (5), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”, and  
(b) in subsection (6)—  
(i) in paragraph (a), after “Health Authority” there is inserted “ , Local Health Board ”, and  
(ii) for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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

**I44** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 33 In section 21 (schemes for meeting losses and liabilities of certain health service bodies), in subsection (2), after paragraph (aaa) there is inserted—  
 “(aab) Local Health Boards;”.

#### Commencement Information

**I45** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 34 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after “Health Authority” there is inserted “, Local Health Board”.

#### Commencement Information

**I46** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 35 In section 61 (health service bodies: taxation), in subsection (3), after “Primary Care Trust” there is inserted “ or Local Health Board ”.

#### Commencement Information

**I47** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 36 (1) Schedule 2 (National Health Service trusts) is amended as provided in this paragraph.  
 (2) In paragraph 4, for “or Primary Care Trust”, in both places, there is substituted “, Primary Care Trust or Local Health Board”.  
 (3) In paragraph 13, after “Primary Care Trust” there is inserted “ or Local Health Board ”.  
 (4) In paragraph 30(1), after paragraph (bbb) there is inserted—  
 “(bbc) a Local Health Board, or”.

#### Commencement Information

**I48** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

#### *The Welsh Language Act 1993 (c. 38)*

- 37 In section 6 of the Welsh Language Act 1993 (meaning of “public body”), in subsection (1), after paragraph (f) there is inserted—



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“(ff) a Local Health Board established under section 16BA of the National Health Service Act 1977;”.

**Commencement Information**

**I49** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Health Service Commissioners Act 1993 (c. 46)*

38 In the Health Service Commissioners Act 1993, in section 2 (bodies subject to investigation), in subsection (2), for paragraph (aa) there is substituted—  
“(aa) Local Health Boards,”.

**Commencement Information**

**I50** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Vehicle Excise and Registration Act 1994 (c. 22)*

39 In Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt vehicles), in paragraph 7, at the end of sub-paragraph (d) there is inserted  
“or  
(e) a Local Health Board established under section 16BA of that Act.”

**Commencement Information**

**I51** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Value Added Tax Act 1994 (c. 23)*

40 In section 41 of the Value Added Tax Act 1994 (application to Crown), in subsection (7), after “Primary Care Trust” there is inserted “ and a Local Health Board ”.

**Commencement Information**

**I52** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Data Protection Act 1998 (c. 29)*

41 In section 69 of the Data Protection Act 1998 (meaning of “health professional”), in subsection (3), after paragraph (bb) there is inserted—  
“(bbb) a Local Health Board established under section 16BA of that Act,”.

*Status: Point in time view as at 01/01/2003.*

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#### Commencement Information

**I53** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

#### *The Government of Wales Act 1998 (c. 38)*

- 42 (1) The Government of Wales Act 1998 is amended as provided in this paragraph.
- (2) In Schedule 5 (bodies and offices covered by section 74), after paragraph 25 there is inserted—
- “25A A Local Health Board.”
- (3) In Schedule 17 (audit etc of Welsh public bodies), after paragraph 12 there is inserted—
- “12A A Local Health Board.”

#### Commencement Information

**I54** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

#### *The 1999 Act*

- 43 The 1999 Act is amended as follows.

#### Commencement Information

**I55** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

- 44 In section 20 (functions of the Commission for Health Improvement), after subsection (7) there is inserted—
- “(8) If a Local Health Board has responsibility for any health care—
- (a) paragraphs (a), (b) and (c) of subsection (1) are to be read as if they included a reference to that Local Health Board as well as to the bodies which are mentioned there, and
- (b) the definition of “NHS body” in subsection (7) is to be read as if it included a reference to that Local Health Board.”

#### Commencement Information

**I56** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

- 45 In section 31 (arrangements between NHS bodies and local authorities), in subsection (8), in the definition of “NHS body”, after “Primary Care Trust” there is inserted “ , Local Health Board ”.

*Status: Point in time view as at 01/01/2003.*

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**Commencement Information**

**I57** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Care Standards Act 2000 (c. 14)*

46 In section 121 of the Care Standards Act 2000 (general interpretation), in subsection (1), in the definition of “National Health Service body”, for “or a Primary Care Trust” there is substituted “, a Primary Care Trust or a Local Health Board”.

**Commencement Information**

**I58** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

*The Learning and Skills Act 2000 (c. 21)*

47 In section 138 of the Learning and Skills Act 2000 (Wales: provision of information by public bodies), in subsection (3), after paragraph (b) there is inserted—  
“(ba) a Local Health Board,”.

**Commencement Information**

**I59** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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

48 In Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act), in Part 3 (National Health Service), after paragraph 39 there is inserted—  
“39A A Local Health Board established under section 16BA of the National Health Service Act 1977.”

**Commencement Information**

**I60** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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

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

**Commencement Information**

**I61** [Sch. 5](#) not in force at Royal Assent, see s. 42(3); [Sch. 5](#) in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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- 50 In section 7 (functions of overview and scrutiny committees), in subsection (4), after “Primary Care Trust” there is inserted “ , Local Health Board ”.

**Commencement Information**

**I62** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 51 In section 46 (directed partnership arrangements), in subsection (5), in the definition of “NHS body”, after “Primary Care Trust” there is inserted “ , Local Health Board ”.

**Commencement Information**

**I63** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

SCHEDULE 6

Section 20(11)

THE COMMISSION FOR PATIENT AND PUBLIC INVOLVEMENT IN HEALTH

*Status*

- 1 The Commission for Patient and Public Involvement in Health (“the Commission”) is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commission’s property is not to be regarded as property of, or property held on behalf of, the Crown.

**Commencement Information**

**I64** Sch. 6 para. 1 partly in force; Sch. 6 para. 1 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 1 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

*Powers*

- 2 (1) Subject to any directions given by the Secretary of State, the Commission may do anything which appears to it to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) acquiring and disposing of land and other property, and
  - (b) entering into contracts.

**Commencement Information**

**I65** Sch. 6 para. 2 partly in force; Sch. 6 para. 2 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 2 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

*Status: Point in time view as at 01/01/2003.*

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### Membership

- 3 The Commission is to consist of a chairman appointed by the Secretary of State, and a number of other members.

#### Commencement Information

**I66** Sch. 6 para. 3 partly in force; Sch. 6 para. 3 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 3 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

### Appointment, procedure etc

- 4 (1) The Secretary of State may by regulations make provision as to—
- (a) the appointment of the chairman and other members of the Commission (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment, and the terms of their appointment),
  - (b) the tenure of office of the chairman and other members of the Commission (including circumstances in which they cease to hold office or may be removed or suspended from office),
  - (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the Commission (including committees and sub-committees which consist of or include persons who are not members of the Commission),
  - (d) the procedure of the Commission and any of its committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment).
- (2) The regulations may, in particular, make provision to deal with cases where the post of any officer of the Commission is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.

#### Commencement Information

**I67** Sch. 6 para. 4 partly in force; Sch. 6 para. 4 in force for certain purposes at Royal Assent, see s. 42(3); Sch. 6 para. 4 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

- 5 The regulations may include provision applying, or corresponding to, any provision of Part 5A of the Local Government Act 1972 (access to meetings and documents), with or without modifications.

#### Commencement Information

**I68** Sch. 6 para. 5 partly in force; Sch. 6 para. 5 in force for certain purposes at Royal Assent, see s. 42(3); Sch. 6 para. 5 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

- 6 (1) The Secretary of State may direct a Special Health Authority to exercise—
- (a) his function of appointing the chairman under paragraph 3, and
  - (b) any functions conferred on him by regulations made under paragraph 4 in relation to the appointment or the tenure of office of the chairman and the other members.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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)*

- (2) If he does so, the 1977 Act has effect as if—
- (a) the directions were directions of the Secretary of State under section 16D of that Act, and, accordingly,
  - (b) the functions were exercisable by the Special Health Authority under section 16D.

#### Commencement Information

**I69** Sch. 6 para. 6 partly in force; Sch. 6 para. 6 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 6 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

#### Remuneration and allowances

- 7
- (1) The Commission may pay to its chairman and to any other member such remuneration and allowances as the Secretary of State may determine.
  - (2) The Commission may pay to any member of a committee or sub-committee such allowances as the Secretary of State may determine.
  - (3) If the Secretary of State so determines, the Commission must pay, or make provision for the payment of, such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the chairman or any other member of the Commission.
  - (4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the Commission to receive compensation, the Commission must pay to him such compensation as the Secretary of State may determine.

#### Commencement Information

**I70** Sch. 6 para. 7 partly in force; Sch. 6 para. 7 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 7 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

#### Staff

- 8
- (1) There is to be a Chief Executive of the Commission who is to be an employee of the Commission and is to be responsible to the Commission for the general exercise of the Commission's functions.
  - (2) Subject to sub-paragraph (3), the Chief Executive is to be appointed by the Commission.
  - (3) The first Chief Executive is to be appointed by the Secretary of State on such terms and conditions as the Secretary of State may determine.
  - (4) The Commission may appoint such other employees as it considers appropriate, on such terms and conditions as the Commission may determine.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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

**I71** Sch. 6 para. 8 partly in force; Sch. 6 para. 8 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 8 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

#### *Delegation of functions*

9 The Commission may arrange for the discharge of any of its functions by a committee, sub-committee, member or employee of the Commission.

#### Commencement Information

**I72** Sch. 6 para. 9 partly in force; Sch. 6 para. 9 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 9 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

#### *Assistance*

10 (1) The Commission may arrange for such persons as it thinks fit to assist it in the discharge of any of its functions.  
(2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

#### Commencement Information

**I73** Sch. 6 para. 10 partly in force; Sch. 6 para. 10 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 10 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

#### *Payments and loans to the Commission*

11 (1) The Secretary of State may make payments out of money provided by Parliament to the Commission of such amounts, at such times and on such conditions (if any) as he considers appropriate.  
(2) The Secretary of State may make loans out of money provided by Parliament to the Commission on such terms (including terms as to repayment and interest) as he may determine.  
(3) The approval of the Treasury is required as to the amount and terms of any loan under sub-paragraph (2).  
(4) The Secretary of State may give directions to the Commission as to the application of any sums he pays it under sub-paragraph (1) or (2), and the Commission must comply with any such directions.

#### Commencement Information

**I74** Sch. 6 para. 11 partly in force; Sch. 6 para. 11 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 11 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

*Status: Point in time view as at 01/01/2003.*

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### Accounts and audit

- 12 (1) The Commission must keep accounts in such form as the Secretary of State may determine.
- (2) The Commission must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The Commission must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.
- (5) In this paragraph, “financial year” means—
- (a) the period beginning with the date on which the Commission is established and ending with the next 31st March, and
  - (b) each successive period of 12 months ending with 31st March.

#### Commencement Information

**I75** Sch. 6 para. 12 partly in force; Sch. 6 para. 12 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 12 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

### Reports and other information

- 13 (1) The Commission shall—
- (a) prepare a report in relation to its activities in each financial year,
  - (b) as soon as possible after the end of each financial year, send a copy of its report for that year to the Secretary of State,
  - (c) publish any such report in whichever way the Commission considers appropriate,
  - (d) make such other reports to the Secretary of State, and supply to him such information, as he may require.
- (2) The Secretary of State shall lay before Parliament any report he receives under subparagraph (1)(b).
- (3) The Secretary of State may make regulations providing for the Commission to make other reports, in accordance with the regulations, to prescribed persons or descriptions of person.
- (4) In this paragraph “financial year” has the meaning given in paragraph 12(5).

#### Commencement Information

**I76** Sch. 6 para. 13 partly in force; Sch 6 para. 13 in force for certain purposes at Royal Assent, see s. 42(3); Sch. 6 para. 13 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2



*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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)*

### *Application of seal and evidence*

- 14 The application of the seal of the Commission must be authenticated by the signature—
- (a) of any member of the Commission, or
  - (b) of any other person who has been authorised by the Commission (whether generally or specially) for that purpose.

#### **Commencement Information**

**I77** Sch. 6 para. 14 partly in force; Sch. 6 para. 14 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 14 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

- 15 A document purporting to be duly executed under the seal of the Commission or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

#### **Commencement Information**

**I78** Sch. 6 para. 15 partly in force; Sch. 6 para. 15 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 15 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

### *Miscellaneous amendments*

- 16 In the First Schedule to the Public Records Act 1958 (c. 51) (definition of public records), the following entry is inserted at the appropriate place in Part 2 of the Table at the end of paragraph 3—

“Commission for Patient and Public Involvement in Health.”

#### **Commencement Information**

**I79** Sch. 6 para. 16 partly in force; Sch. 6 para. 16 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 16 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments etc subject to investigation), the following entry is inserted at the appropriate place—

“Commission for Patient and Public Involvement in Health.”

#### **Commencement Information**

**I80** Sch. 6 para. 17 partly in force; Sch. 6 para. 17 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 17 in force for E. at 1.1.2003 by S.I. 2002/3190, art. 2

- 18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—

“The Commission for Patient and Public Involvement in Health.”

*Status: Point in time view as at 01/01/2003.*

**Changes to legislation:** National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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

**181** Sch. 6 para. 18 partly in force; Sch. 6 para. 18 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 18 in force for E. at 1.1.2003 by [S.I. 2002/3190](#), [art. 2](#)

19 In Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities for the purposes of the Act), in Part 3 (National Health Service), after paragraph 45A there is inserted—

“45B The Commission for Patient and Public Involvement in Health.”

#### Commencement Information

**182** Sch. 6 para. 19 partly in force; Sch. 6 para. 19 not in force at Royal Assent, see s. 42(3); Sch. 6 para. 19 in force for E. at 1.1.2003 by [S.I. 2002/3190](#), [art. 2](#)

## SCHEDULE 7

Section 25(4)

### THE COUNCIL FOR THE REGULATION OF HEALTH CARE PROFESSIONALS

#### *Status*

- 1 The Council is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Council’s property is not to be regarded as property of, or property held on behalf of, the Crown.
- 2 For the purposes of—
  - (a) section 23(2)(b) of the Scotland Act 1998 (c. 46) (power of Scottish Parliament to require persons outside Scotland to attend to give evidence or produce documents); and
  - (b) section 70(6) of that Act (accounts prepared by cross-border bodies),
 the Council is to be treated as a cross-border public authority within the meaning of that Act.

#### *Powers*

- 3 The power in section 26(1) includes the power to—
  - (a) acquire and dispose of land and other property, and
  - (b) enter into contracts.

#### *Membership and chairman*

- 4 (1) The Council is to consist of—
  - (a) a member appointed by the National Assembly for Wales,
  - (b) a member appointed by the Scottish Ministers,
  - (c) a member appointed by the Department of Health, Social Services and Public Safety in Northern Ireland,
  - (d) a member appointed by each regulatory body (who need not be a member of a regulatory body), and

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- (e) other members appointed by the Secretary of State.
- (2) Subject to sub-paragraph (3), the members of the Council shall elect one of their number as chairman.
- (3) The first chairman shall be appointed as such from among the members by the Secretary of State.
- (4) The number of members to be appointed under paragraph (d) of sub-paragraph (1) is to be one fewer than the total number of other members.

#### *Appointment, procedure etc*

- 5 (1) The Secretary of State may direct a Special Health Authority to exercise his function of appointing members of the Council under paragraph 4(1)(e).
- (2) If he does so, the 1977 Act has effect as if—
  - (a) the directions were directions of the Secretary of State under section 16D of that Act, and, accordingly,
  - (b) the function were exercisable by the Special Health Authority under section 16D.
- 6 The Secretary of State may by regulations provide for—
  - (a) the election of the chairman and the appointment of other members of the Council (including any conditions to be fulfilled for appointment),
  - (b) the tenure of office of the chairman and other members of the Council (including the circumstances in which they cease to hold office or may be removed or suspended from office), and
  - (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the Council (including committees and sub-committees which consist of or include persons who are not members of the Council).

#### **Commencement Information**

**I83** Sch. 7 para. 6 wholly in force at 27.8.2002; Sch. 7 para. 6 in force for certain purposes at Royal Assent, see s. 42(3); Sch. 7 para. 6 in force at 27.8.2002 by [S.I. 2002/2202](#), [art. 2\(1\)](#)

- 7 The Council may regulate its own procedure.
- 8 The validity of any proceedings of the Council is not affected by a vacancy amongst its members or by a defect in the appointment of a member.

#### *Members' interests*

- 9 (1) The Council must establish and maintain a system for the declaration and registration of private interests of its members.
- (2) The Council must publish entries recorded in the register of members' interests.

#### *Remuneration and allowances*

- 10 (1) The Council may pay to its chairman, and to any other member of the Council, such remuneration and allowances as the Secretary of State may determine.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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)*

- (2) The Council may pay to any member of a committee or sub-committee of the Council such allowances as the Secretary of State may determine.
- (3) If the Secretary of State so determines, the Council must provide for the payment of such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the chairman or any other member of the Council.
- (4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the Council to receive compensation, the Council must pay to him such compensation as the Secretary of State may determine.

#### *Employees*

- 11 The Council may appoint such employees as it considers appropriate on such terms and conditions as it may determine.

#### *Delegation of functions*

- 12 (1) The Council may arrange for the discharge of any of its functions by—
  - (a) a committee, sub-committee, member or employee of the Council, or
  - (b) any other person.
- (2) If the Council does arrange for the discharge of any function as mentioned in sub-paragraph (1)(b), the arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

#### *Assistance*

- 13 (1) The Council may arrange for such persons as it thinks fit to assist it in the discharge of any of its functions in relation to a particular case or class of case.
- (2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

#### *Payments and loans to Council*

- 14 (1) The Secretary of State may make payments out of money provided by Parliament to the Council of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) An appropriate authority may make payments to the Council of such amounts, at such times and on such conditions (if any) as it considers appropriate.
- (3) The Secretary of State may make loans out of money provided by Parliament to the Council on such terms (including terms as to repayment and interest) as he may determine.
- (4) An appropriate authority may make loans to the Council on such terms (including terms as to repayment and interest) as it may determine.
- (5) The approval of the Treasury is required as to the amount and terms of any loan under sub-paragraph (3).

*Status: Point in time view as at 01/01/2003.*

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- (6) Except as provided by sub-paragraphs (3) and (4), the Council has no power to borrow money.
- (7) The Secretary of State may give directions to the Council as to the application of any sums received by it under sub-paragraph (1) or (3).
- (8) An appropriate authority may give directions to the Council as to the application of any sums received by it from the authority under sub-paragraph (2) or (4).
- (9) The Council must comply with any directions under sub-paragraph (7) or (8).
- (10) In this paragraph, “appropriate authority” means the National Assembly for Wales, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland.

#### *Accounts*

- 15 (1) The Council must keep accounts in such form as the Secretary of State may determine.
- (2) The Council must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The Council must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) Within that period the Council must also send copies of the annual accounts to—
  - (a) the Scottish Ministers,
  - (b) the National Assembly for Wales, and
  - (c) the Department of Health, Social Services and Public Safety in Northern Ireland.
- (5) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.
- (6) A copy of the accounts shall be laid before—
  - (a) the Scottish Parliament by the Scottish Ministers,
  - (b) the Northern Ireland Assembly by the Department of Health, Social Services and Public Safety there,and the National Assembly for Wales shall publish the accounts.
- (7) In this paragraph and paragraph 16, “financial year” means—
  - (a) the period beginning with the date on which the Council is established and ending with the next 31st March following that date, and
  - (b) each successive period of 12 months ending with 31st March.

#### *Reports and other information*

- 16 (1) The Council must prepare a report on the exercise of its functions during each financial year.

*Status: Point in time view as at 01/01/2003.*

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- (2) As soon as possible after the end of each financial year, the Council must lay a copy of its report for that year before Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.
- (3) The Council must comply with any request by Parliament to prepare, and lay before it, other reports or to provide Parliament with other information.
- (4) The Council must also comply with any corresponding request by—
  - (a) the Scottish Parliament, in relation to matters which concern a subject for which any member of the Scottish Executive has general responsibility,
  - (b) the Northern Ireland Assembly, in relation to transferred matters concerning Northern Ireland (“transferred matters” having the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47)).

#### Commencement Information

**I84** Sch. 7 para. 16 wholly in force at 1.4.2003; Sch. 7 para. 16 not in force at Royal Assent, see s. 42(3); Sch. 7 para. 16(1)(2) in force at 1.12.2002 by [S.I. 2002/2202](#), [art. 2\(2\)](#); Sch. 7 para. 16(3)(4) in force at 1.4.2003 by [S.I. 2002/2202](#), [art. 2\(3\)](#)

#### *Application of seal and evidence*

- 17 The application of the seal of the Council must be authenticated by the signature of—
  - (a) any member of the Council, or
  - (b) any other person who has been authorised by the Council (whether generally or specially) for that purpose.
- 18 A document purporting to be duly executed under the seal of the Council or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

#### *Meetings of the Council in Northern Ireland*

- 19 (1) Sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 (c.9) (which provides for public access to meetings of a district council and for the publication of information concerning such meetings) shall, with the modifications set out below, apply in relation to meetings of the Council in Northern Ireland as they apply in relation to meetings of a district council.
- (2) The modifications are—
  - (a) any reference to a district council shall be read as a reference to the Council, and
  - (b) any reference to councillors or members of the council shall be read as references to members of the Council.

#### *Miscellaneous amendments*

- 20 In the First Schedule to the Public Records Act 1958 (c. 51) (definition of public records), the following entry is inserted at the appropriate place in Part 2 of the Table at the end of paragraph 3—
 

“Council for the Regulation of Health Care Professionals.”

*Status: Point in time view as at 01/01/2003.*

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- 21 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (c. 67) (bodies to which the Act applies), after paragraph 1(bc) there is inserted—  
“(bd) the Council for the Regulation of Health Care Professionals;”
- 22 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—  
“The Council for the Regulation of Health Care Professionals.”
- 23 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—  
“The Council for the Regulation of Health Care Professionals.”
- 24 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies and offices: general), the following entry is inserted at the appropriate place—  
“The Council for the Regulation of Health Care Professionals.”

## SCHEDULE 8

Section 37(1)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The 1977 Act*

- 1 The 1977 Act is amended as follows.

#### **Commencement Information**

**I85** 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**

**I86** 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;”.

*Status: Point in time view as at 01/01/2003.*

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#### Commencement Information

**I87** 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 ”.
- (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

**I88** 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

**I89** 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

**I90** 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.



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(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).”

#### Commencement Information

**I91** 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

**I92** 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

**I93** 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

**I94** 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.](#)

*Status: Point in time view as at 01/01/2003.*

**Changes to legislation:** National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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)

- 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**

**I95** 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 ”.

**Commencement Information**

**I96** 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 ”.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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)*

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.

**Commencement Information**

- I97** 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**

- I98** 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**

- I99** 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**

- I100** 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.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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**

**I101** 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.

**Commencement Information**

**I102** 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**

**I103** 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**

**I104** 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**

**I105** 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.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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

**I106** 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.

#### Commencement Information

**I107** 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

**I108** 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

**I109** 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

**I110** 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.

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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

**I111** 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.

#### Commencement Information

**I112** 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

**I113** 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.”

*Status: Point in time view as at 01/01/2003.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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**

**I114** 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.

**Commencement Information**

**I115** 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**

**I116** 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)

SCHEDULE 9

Section 37(2)

REPEALS

PART 1

NATIONAL HEALTH SERVICE

**Commencement Information**

**I117** Sch. 9 Pt. 1 not in force at Royal Assent, see s. 42(3); specified entries in Sch. 9 Pt. 1 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\(1\)\(f\)](#); further specified entry in Sch. 9 Pt. 1 in force for E. at 1.10.2002 by [S.I. 2002/2478](#), [art. 3\(2\)\(c\)](#); further specified entries in Sch. 9 Pt. 1 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), [art. 2](#), [Sch.](#)

**Short title and chapter**

**Extent of repeal**

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

In section 63(5B), the “and” at the end of paragraph (bb).

National Health Service Act 1977 (c. 49)

In section 17B(1), the words from “which” to the end.  
Section 18(1A)(b).  
In section 22(1A), the “or” at the end of paragraph (c).

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*Status: Point in time view as at 01/01/2003.*

**Changes to legislation:** National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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)

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	<p>In section 28A(1), the “and” at the end of paragraph (a).</p> <p>In section 29B(3), the “or” at the end of paragraph (b).</p> <p>In section 33(1A)(b), “for areas in Wales”.</p> <p>In section 44(2), “with the approval of the Health Authority”.</p> <p>In section 51(3), the “and” at the end of paragraph (bb).</p> <p>Section 97(6)(bb) and (c) and (8).</p> <p>In section 103(3)(a), “or a Primary Care Trust”.</p> <p>In section 125, the “and” at the end of paragraph (bb).</p> <p>In section 126(4A), the “or” at the end of paragraph (b).</p> <p>In Schedule 12A, in paragraph 4(2) the “or” at the end of paragraph (a); in paragraph 5(1) the “and” at the end of paragraph (a); in paragraph 5(2) the “or” at the end of paragraph (a); and in paragraph 7(3) “or Primary Care Trust”.</p>
Acquisition of Land Act 1981 (c. 67)	In section 16(3), the “and” at the end of paragraph (b).
Health Service Commissioners Act 1993 (c. 46)	In section 2, in subsection (1)(da), “established for areas in England”; and in subsection (2)(a), “whose areas are in Wales”.
Government of Wales Act 1998 (c. 38)	In Schedule 5, in paragraph 20, “for an area in, or consisting of, Wales”.
	In Schedule 17, in paragraph 12, “for an area in, or consisting of, Wales”.
Health Act 1999 (c. 8)	In section 6(2), in the inserted section 28EE of the 1977 Act, subsection (1).
	In section 20(1), the “and” at the end of paragraph (d).
	In section 23(6), the definition of “NHS premises”.
	In Schedule 2, in paragraph 7(2), the words after “Commission”; and paragraph 7(6) and (7).
Health and Social Care Act 2001 (c. 15)	In section 28(7), “or a Primary Care Trust”.
	In Schedule 3, in the new Schedule 8A inserted by that Schedule, in paragraph 1(8), “or a Primary Care Trust”.
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	In Schedule 2, in paragraph 2, sub-paragraphs (3) to (5); and paragraph 55.

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*Status: Point in time view as at 01/01/2003.*

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VALID FROM 01/04/2003

## PART 2

### HEALTH CARE PROFESSIONS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Medical Act 1983 (c. 54)	Section 40(1)(c), (4) to (6), (9) and (10). In Schedule 4, in paragraph 3(b) “to Her Majesty in Council”; paragraph 10(2); in paragraph 10(3) “or (2)”, and “or that sub-paragraph as applied by sub-paragraph (2) above”. In Schedule 6, in paragraph 18, “section 40(4) of this Act or”.
Dentists Act 1984 (c. 24)	Section 29(2). In section 51, the words from “(other” to “appeals)”.
Osteopaths Act 1993 (c. 21)	Section 10 (10). Section 31(3) to (5) and (7). Section 35(3).
Chiropractors Act 1994 (c. 17)	Section 10(10). Section 31(3) to (5) and (7). Section 35(3).

## PART 3

### MISCELLANEOUS

#### Commencement Information

**I118** Sch. 9 Pt. 3 not in force at Royal Assent, see s. 42(3); specified entries in Sch. 9 Pt. 3 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\(1\)\(f\)](#); further specified entry in Sch. 9 Pt. 3 in force for E. at 1.10.2002 by [S.I. 2002/2478, art. 3\(2\)\(c\)](#); further specified entries in Sch. 9 Pt. 3 in force for W. at 10.10.2002 by [S.I. 2002/2532, art. 2, Sch.](#); further specified entries in Sch. 9 Pt. 3 in force for E.W. at 1.1.2003 by [S.I. 2002/3190, art. 2\(2\)\(d\)](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
National Health Service Act 1977 (c. 49)	In section 97D(1)(b), “, apart from subsection (5A)”.
National Health Service and Community Care Act 1990 (c. 19)	In section 12(4), the words after paragraph (b).
Local Government (Wales) Act 1994 (c. 19)	In Schedule 10, paragraph 11(4).

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**Status:** Point in time view as at 01/01/2003.

**Changes to legislation:** National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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)

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Health Authorities Act 1995 (c. 17)	Section 1. In Schedule 1, paragraphs 32(b), 53 and 107(12)(b).
National Health Service (Primary Care) Act 1997 (c. 46)	In Schedule 2, paragraphs 71(3), 73 and 75.
Government of Wales Act 1998 (c. 38)	Section 148.
Health Act 1999 (c. 8)	In Schedule 4, paragraphs 5, 31(2) and 35.
Health and Social Care Act 2001 (c. 15)	Section 1(4) and (5). Section 3(3) and (4). Section 43(5). In Schedule 5, paragraph 5(12)(b).

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**Status:**

Point in time view as at 01/01/2003.

**Changes to legislation:**

National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 26 June 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.