



Health and Social Care (Community Health and Standards) Act 2003

CHAPTER 43

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

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2 The constitution is to name the corporation and, if the...
3 Eligibility for membership
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5 The constitution is to require a minimum number of members...
6 Becoming a member
7 Board of Governors
8 (1) The following may not become or continue as members...
9 (1) More than half of the members of the board...

Status: This is the original version (as it was originally enacted).

- 10 (1) An elected member of the board of governors may...
- 11 The corporation may pay travelling and other expenses to members...
- 12 The constitution is to provide for the chairman of the...
- 13 (1) The constitution is to provide for meetings of the...
- 14 (1) The constitution is to make provision as to—
- 15 Directors
- 16 (1) The board is to consist of—
- 17 (1) It is for the board of governors at a...
- 18 (1) It is for the board of governors at a...
- 19 Initial directors of former NHS trusts
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- 21 The constitution is to make provision for dealing with conflicts...
- 22 (1) A public benefit corporation is to make the following...
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- 25 (1) A public benefit corporation is to prepare in respect...
- 26 Annual reports and forward plans
- 27 (1) A public benefit corporation is to give information as...
- 28 Meeting of board of governors to consider annual accounts and reports
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- 12 (1) The regulator must keep accounts in such form as...
- 13 The regulator must respond in writing to any recommendation which
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- 19 In Part 3 of Schedule 1 to the Northern Ireland...

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- 1 An order under section 25(3) may provide for the transfer...
- 2 The contract of employment of an employee transferred under such...
- 3 Where an employee is so transferred— (a) all the rights,...
- 4 But if the employee informs the trust or the proposed...
- 5 This Schedule does not prejudice any right of an employee...
- 6 In this Schedule, “date of transfer” means the date decided...

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- 1 The Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

- 2 In section 1 (definitions), in the definition of “voluntary hospital”,...
- 3 The National Assistance Act 1948 (c. 29)
- 4 In section 24 (authority liable for provision of accommodation), in...
- 5 The Public Records Act 1958 (c. 51)
- 6 In Schedule 1 (definition of public records), in the Table...
- 7 The Human Tissue Act 1961 (c. 54)
- 8 In section 1 (removal of parts of bodies for medical...
- 9 The Abortion Act 1967 (c. 87)
- 10 In section 1 (medical termination of pregnancy), in subsection (3),...
- 11 The Leasehold Reform Act 1967 (c. 88)
- 12 In section 28 (retention or assumption of land required for...
- 13 The Health Services and Public Health Act 1968 (c. 46)
- 14 In section 63 (provisions of instruction for officers of hospital...
- 15 The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)
- 16 In section 3 (employers exempted from insurance), in subsection (2)
(a),...
- 17 The Local Government Act 1972 (c. 70)
- 18 In section 113 (placing of staff of local authorities at...
- 19 The House of Commons Disqualification Act 1975 (c. 24)
- 20 In Part 3 of Schedule 1 (disqualifying offices), there is...
- 21 The Race Relations Act 1976 (c. 74)
- 22 In Schedule 1A (bodies and other persons subject to general...
- 23 The National Health Service Act 1977 (c. 49)
- 24 In section 18A (provision of services etc. by PCTs), in...
- 25 In section 22 (co-operation between health authorities and local
authorities),...
- 26 In section 28 (supply of goods and services by local...
- 27 In section 28A (power to make payments towards expenditure on...
- 28 In section 63 (hospital accommodation on part payment), in
subsection...
- 29 In section 65 (accommodation and services for private patients), in...
- 30 In section 81 (charges for more expensive supplies), in paragraph...
- 31 In section 82 (charges for repairs and replacements in certain...
- 32 In section 83A (remission and repayment of charges and payment...
- 33 In section 84 (inquiries), in subsection (1), at the end...
- 34 In section 91 (private trusts for hospitals), in subsection (3),...
- 35 In section 92 (further transfers of trust property)—
- 36 In section 96 (trusts: supplementary provisions), any reference to
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- 37 In section 96A (powers of health bodies to raise money...
- 38 In section 103 (special arrangement as to payment of remuneration),...
- 39 In section 105 (payments for certain medical examinations), in
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- 40 In section 122 (recovery of charges), in subsection (1), after...
- 41 In section 125 (protection of members and officers of authorities)—...
- 42 In section 128 (interpretation and construction), in subsection (1), in...
- 43 In Schedule 5A (Primary Care Trusts), in paragraph 20(1), after...
- 44 In Schedule 8A (local pharmaceutical services schemes), in paragraph
1(8),...
- 45 In Schedule 12A (expenditure of Health Authorities and Primary Care...
- 46 The Acquisition of Land Act 1981 (c. 67)
- 47 The Acquisition of Land Act 1981 is amended as follows....

- 48 In section 16 (statutory undertakers' land excluded from compulsory purchase),...
- 49 In section 17 (local authority and statutory undertakers' land), in...
- 50 The Mental Health Act 1983 (c. 20)
- 51 In section 12 (general provisions as to medical recommendation), in...
- 52 In section 19 (regulations as to transfer of patients), in...
- 53 In section 23 (discharge of patients)— (a) in subsection (3),...
- 54 In section 24 (visiting and examination by patients), in subsection...
- 55 In section 32 (regulations for purposes of Part 2), in...
- 56 In section 139 (protection for acts done in pursuance of...
- 57 In section 145 (interpretation), in subsection (1), after paragraph (bb)...
- 58 The National Audit Act 1983 (c. 44)
- 59 In section 6 (public departments etc.), in subsection (3)(b), at...
- 60 The Public Health (Control of Disease) Act 1984 (c. 22)
- 61 In section 13 (regulations for control of certain diseases), in...
- 62 In section 37 (removal to hospital of person with notifiable...
- 63 In section 41 (removal to hospital of inmate of common...
- 64 The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)
- 65 In section 2 (rights of authorised representatives of disabled persons),...
- 66 In section 7 (persons discharged from hospital), in subsection (9),...
- 67 The Company Directors Disqualification Act 1986 (c. 46)
- 68 After section 22B there is inserted— Application of Act to...
- 69 The AIDS (Control) Act 1987 (c. 33)
- 70 In section 1 (periodical reports on matters relating to AIDS...
- 71 The Copyright, Designs and Patents Act 1988 (c. 48)
- 72 In section 48 (material communicated to the Crown in the...
- 73 The Road Traffic Act 1988 (c. 52)
- 74 In section 144 (exceptions from requirement of third-party insurance), in...
- 75 The Children Act 1989 (c. 41)
- 76 In section 24 (persons qualifying for advice and assistance), in...
- 77 In section 24C (information), in subsection (2)(c), after “trust” there...
- 78 In section 27 (co-operation between authorities), in subsection (3)(d), for...
- 79 In section 47 (local authority’s duty to investigate), in subsection...
- 80 In section 80 (inspection of children’s homes etc. by persons...
- 81 In section 85 (children accommodated by health authorities and local...
- 82 In Schedule 2 (local authority support for children and families),...
- 83 The National Health Service and Community Care Act 1990 (c. 19)
- 84 In section 21 (schemes for meeting losses and liabilities etc....
- 85 In Schedule 2 (NHS trusts)— (a) in the case of...
- 86 The Town and Country Planning Act 1990 (c. 8)
- 87 The Access to Health Records Act 1990 (c. 23)
- 88 In section 11 (interpretation), in the definition of “health service...
- 89 The Water Industry Act 1991 (c. 56)
- 90 In Schedule 4A (premises that are not to be disconnected...
- 91 The London Local Authorities Act 1991 (c. xiii)
- 92 In section 4 (interpretation of Part 2), in paragraph (d)...
- 93 The Health Service Commissioners Act 1993 (c. 46)
- 94 In section 2 (the bodies subject to investigation), in subsection...
- 95 The Vehicle Excise and Registration Act 1994 (c. 22)
- 96 In Schedule 2 (exempt vehicles), in paragraph 7, after the...

- 97 The Value Added Tax Act 1994 (c. 23)
- 98 In Schedule 8 (zero-rating), in the Notes to Group 12,...
- 99 The Employment Rights Act 1996 (c. 18)
- 100 In section 50 (right to time off for public duties),...
- 101 In section 218 (change of employer), in subsection (10), after...
- 102 The Housing Grants, Construction and Regeneration Act 1996 (c. 53)
- 103 In section 3 (ineligible applicants), in subsection (2)(f), for “or...
- 104 The Education Act 1996 (c. 56)
- 105 In section 332 (duty of Health Authority, a Primary Care...
- 106 The Data Protection Act 1998 (c. 29)
- 107 In section 69 (meaning of “health professional”), in subsection (3),...
- 108 The Health Act 1999 (c. 8)
- 109 In section 31 (arrangements between NHS bodies and local authorities),...
- 110 The Care Standards Act 2000 (c. 14)
- 111 In section 42 (power to extend the application of Part...
- 112 In section 121 (general interpretation), in subsection (1), in the...
- 113 The Freedom of Information Act 2000 (c. 36)
- 114 In Part 3 of Schedule 1 (National Health Service), after...
- 115 The Health and Social Care Act 2001 (c. 15)
- 116 In section 7 (functions of overview and scrutiny committees)—
- 117 In section 28 (pilot schemes: local pharmaceutical services), in subsection...
- 118 In section 33 (NHS contracts), in subsection (1), after “body...
- 119 The Anti-terrorism, Crime and Security Act 2001 (c. 24)
- 120 In Schedule 4 (extension of existing disclosure powers), at the...
- 121 The International Development Act 2002 (c. 1)
- 122 In Schedule 1 (statutory bodies to which section 9 applies),...
- 123 The National Health Service Reform and Health Care Professions Act 2002 (c. 17)
- 124 In section 23 (joint working with the prison service), in...
- 125 The Adoption and Children Act 2002 (c. 38)
- 126 In section 8 (adoption support agencies), in subsection (2)(d), for...
- 127 The Nationality, Immigration and Asylum Act 2002 (c. 41)
- 128 In section 133 (medical inspectors), in subsection (4)(a), after subparagraph...
- 129 The Community Care (Delayed Discharges etc.) Act 2003 (c. 5)
- 130 In section 1 (meaning of “NHS body” and “qualifying hospital...

SCHEDULE 5 — Audit of accounts of NHS foundation trusts

- 1 General duty
- 2 Right to documents and information
- 3 Reports
- 4 (1) When an auditor of an NHS foundation trust has...
- 5 (1) Any report under paragraph 3 must be sent by...
- 6 Referral to regulator
- 7 Audit of accounts of directors or officers
- 8 Restriction on disclosure of information

SCHEDULE 6 — CHAI: supplementary

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- 3 Chairman and other members

- 4 Remuneration of chairman and other members
- 5 Employees
- 6 Procedure
- 7 Discharge of functions
- 8 Assistance
- 9 Payments and loans
- 10 Accounts
- 11 Seal and evidence
- 12 A document purporting to be duly executed under the seal...

SCHEDULE 7 — CSCI: supplementary

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- 3 Chairman and other members
- 4 Remuneration of chairman and other members
- 5 Employees
- 6 Procedure
- 7 Discharge of functions
- 8 Assistance
- 9 Payments and loans
- 10 Accounts
- 11 Seal and evidence
- 12 A document purporting to be duly executed under the seal...

SCHEDULE 8 — CHAI and CSCI: transfers of property and staff, etc

- 1 Transfer schemes
- 2 Transfer
- 3 Employment
- 4 (1) Paragraph 2 does not operate to transfer the rights...
- 5 For the purposes of this Schedule, where a person holds...
- 6 Transitional

SCHEDULE 9 — Part 2: minor and consequential amendments

- 1 Public Records Act 1958 (c. 52)
- 2 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 3 Parliamentary Commissioner Act 1967 (c. 13)
- 4 Local Authority Social Services Act 1970 (c. 42)
- 5 Superannuation Act 1972 (c. 11)
- 6 The CHAI and the CSCI must each pay to the...
- 7 House of Commons Disqualification Act 1975 (c. 24)
- 8 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 9 National Health Service Act 1977 (c. 49)
- 10 Children Act 1989 (c. 41)
- 11 Health Service Commissioners Act 1993 (c. 46)
- 12 Audit Commission Act 1998 (c. 18)
- 13 Government of Wales Act 1998 (c. 38)
- 14 Protection of Children Act 1999 (c. 14)
- 15 Local Government Act 1999 (c. 27)
- 16 Care Standards Act 2000 (c. 14)
- 17 In section 5, in paragraph (a), for “the National Care...
- 18 (1) Section 8 is amended as follows.
- 19 In section 10— (a) subsection (1) is omitted; and
- 20 In section 11(4), for “the Commission” substitute “the CHAI or...

- 21 In section 23(4)(d), after the second “or” insert “against a...
- 22 In section 29(1)— (a) for “the Commission”, in the first...
- 23 In section 31— (a) in subsection (6), for “powers” substitute...
- 24 In section 36A for “the Commission”, in all places, substitute...
- 25 In section 42, at the end insert—
- 26 In section 45(4)— (a) omit “Subject to section 47(6)”;
- 27 In section 51(1), for the words from “in relation to”...
- 28 In section 55(3)(e)— (a) for “the Commission” substitute “the CSCI”;
- 29 In section 113, after subsection (1) insert—
- 30 In section 121, in the Table in subsection (13), insert...
- 31 Freedom of Information Act 2000 (c. 36)
- 32 Adoption and Children Act 2002 (c. 38)

SCHEDULE 10 — Recovery of NHS charges: exempted payments

- 1 Any payment made to or for the injured person under—...
- 2 Any payment made in the exercise of a discretion out...
- 3 Any payment made out of property held for the purposes...
- 4 (1) Any payment made to the injured person by an...
- 5 Any payment which apart from this paragraph would be made...
- 6 Any payment to the extent that it is made—
- 7 Any payment to the extent that it is made in...
- 8 Any payment of a prescribed description, either generally or in...

SCHEDULE 11 — Part 4: minor and consequential amendments

- 1 National Health Service (Amendment) Act 1949 (c. 93)
- 2 Health Services and Public Health Act 1968 (c. 46)
- 3 (1) Section 59 is amended as follows.
- 4 In section 63(2)— (a) after paragraph (a) insert—
- 5 In section 64(3)(b), after “make arrangements” insert “or any service...
- 6 Patents Act 1977 (c. 37)
- 7 National Health Service Act 1977 (c. 49)
- 8 In section 3, at the end insert—
- 9 In section 15(1)(a), for “general medical services, general dental services”...
- 10 In section 16BB(4), at the end insert “(including functions under...
- 11 In section 16BC(1), at the end insert “or sections 16CA...
- 12 In section 18A(3)— (a) in paragraph (a), omit “general medical,...
- 13 (1) Section 26 is amended as follows.
- 14 In section 28C(1)(a) and (b), (2)(a) and (b) and (4),...
- 15 (1) Section 28D is amended as follows.
- 16 In section 28EE(2), for “personal” substitute “primary”.
- 17 In section 28I(a), for the words from “personal medical services”...
- 18 (1) Section 41(1) is amended as follows.
- 19 In section 43(1), for “general medical services or general dental...
- 20 In section 43D(10)— (a) omit paragraphs (a) and (b);
- 21 (1) Section 44 is amended as follows.
- 22 (1) Section 45 is amended as follows.
- 23 After section 45 insert— Local Medical Committees (1) A Primary Care Trust may recognise a committee formed...
- 24 In section 49N(1)— (a) in paragraph (a), for “49F(1)(a) to...
- 25 Section 53 (immunisation) shall cease to have effect.
- 26 (1) Section 54 (as substituted by the National Health Service...
- 27 (1) Section 72 is amended as follows.

- 28 In section 77, at the end insert—
- 29 In section 78(3), for “paragraphs 2 and 5” substitute “paragraph...
- 30 In section 83(a), for “to 79” substitute “and 78”.
- 31 In section 83A(1)(a), for the words from “section 77(1)” to...
- 32 In section 85(1)— (a) insert “or” at the end of...
- 33 (1) Section 98 is amended as follows.
- 34 In section 99(1)— (a) insert “and” at the end of...
- 35 In section 100(1)— (a) insert “and” at the end of...
- 36 In section 103(1)(a)— (a) after “in respect of” insert “primary...
- 37 In section 105(2)(a), for the words from “as part of”...
- 38 In section 126(4), after “19A(7) above” insert “, or by...
- 39 In section 128(1), at the appropriate places in alphabetical order...
- 40 (1) In Schedule 7A, paragraph 3 is amended as follows....
- 41 In Schedule 8A, in paragraph 1(5), for the words from...
- 42 (1) Schedule 9A is amended as follows.
- 43 In Schedule 10, in paragraph 3, for “general medical services...
- 44 In Schedule 12, in paragraph 1(1)(b), for “accordance with section...
- 45 In Schedule 12A, insert “or” after paragraphs 1(2)(b), 2(2)(a), 4(2) (aa),...
- 46 National Health Service (Scotland) Act 1978 (c. 29)
- 47 Medical Act 1983 (c. 54)
- 48 In section 11(4), in the definition of “medical practice”—
- 49 In section 12(2)(a), for “general medical services under Part II...
- 50 Dentists Act 1984 (c. 24)
- 51 Community Health Councils (Access to Information) Act 1988 (c. 24)
- 52 Copyright, Designs and Patents Act 1988 (c. 48)
- 53 Health and Medicines Act 1988 (c. 49)
- 54 In section 12(1)— (a) omit “The Dental Estimates Board shall...
- 55 In section 17(1)— (a) omit “29, 36”;
- 56 National Health Service and Community Care Act 1990 (c. 19)
- 57 Access to Health Records Act 1990 (c. 23)
- 58 Water Industry Act 1991 (c. 56)
- 59 Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
- 60 Health Service Commissioners Act 1993 (c. 46)
- 61 In section 2— (a) in subsection (1)(c), for the words...
- 62 (1) Section 2A is amended as follows.
- 63 In section 6(5)— (a) omit “29, 36”;
- 64 In section 18(1), after “partly” insert “or wholly”.
- 65 Employment Rights Act 1996 (c. 18)
- 66 Education Act 1996 (c. 56)
- 67 Health Act 1999 (c. 8)
- 68 Freedom of Information Act 2000 (c. 36)
- 69 Health and Social Care Act 2001 (c. 15)
- 70 Section 18 shall cease to have effect.
- 71 In section 28(4), for the words from “personal medical services”...
- 72 (1) Schedule 1 is amended as follows.
- 73 In Schedule 2, in paragraph 5(2), for paragraphs (c) and...
- 74 National Health Service Reform and Health Care Professions Act 2002 (c. 17)

SCHEDULE 12 — Privy Council appointments

- 1 Pharmacy Act 1954 (2 & 3 Eliz 2 c. 61)
- 2 Medical Act 1983 (c. 54)

- 3 Dentists Act 1984 (c. 24)
- 4 Opticians Act 1989 (c. 44)
- 5 Osteopaths Act 1993 (c. 21)
- 6 Chiropractors Act 1994 (c. 17)
- 7 The Nursing and Midwifery Order 2001 (S.I. 2002/253)
- 8 The Health Professions Order 2001 (S.I. 2002/254)

SCHEDULE 13 — Amendments consequential on the abolition of the Public Health Laboratory Service Board

- 1 Parliamentary Commissioner Act 1967 (c. 13)
- 2 House of Commons Disqualification Act 1975 (c. 24)
- 3 Race Relations Act 1976 (c. 74)
- 4 National Health Service Act 1977 (c. 49)
- 5 Income and Corporation Taxes Act 1988 (c. 1)
- 6 National Health Service and Community Care Act 1990 (c. 19)
- 7 Health Service Commissioners Act 1993 (c. 46)
- 8 Employment Rights Act 1996 (c. 18)
- 9 Government of Wales Act 1998 (c. 38)
- 10 Freedom of Information Act 2000 (c. 36)
- 11 International Development Act 2002 (c. 1)
- 12 Nationality, Immigration and Asylum Act 2002 (c. 41)

SCHEDULE 14 — Repeals and revocations

- Part 1 — NHS FOUNDATION TRUSTS
- Part 2 — STANDARDS
- Part 3 — RECOVERY OF NHS CHARGES
- Part 4 — DENTAL AND MEDICAL SERVICES
- Part 5 — REPLACEMENT OF WELFARE FOOD SCHEMES
- Part 6 — LOANS BY SECRETARY OF STATE TO NHS TRUSTS
- Part 7 — ABOLITION OF THE PUBLIC HEALTH LABORATORY SERVICE BOARD