

Status: Point in time view as at 08/01/2004.

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SCHEDULES

SCHEDULE 1

Section 1

CONSTITUTION OF PUBLIC BENEFIT CORPORATIONS

Requirement for a constitution

- 1 (1) A public benefit corporation is to have a constitution.
- (2) As well as any provision authorised or required to be made by this Schedule, the constitution may make further provision (other than provision as to the powers of the corporation) consistent with this Schedule.
- 2 The constitution is to name the corporation and, if the corporation is an NHS foundation trust, its name must include the words “NHS foundation trust”.

Eligibility for membership

- 3 (1) The persons who may become or continue as members of a public benefit corporation are—
 - (a) individuals who live in any area specified in the constitution as the area for a public constituency,
 - (b) individuals employed by the corporation under a contract of employment and, if the constitution so provides, individuals who exercise functions for the purposes of the corporation otherwise than under a contract of employment with the corporation,
 - (c) if the constitution so provides, individuals who have attended any of the corporation’s hospitals as either a patient or the carer of a patient within a period specified in the constitution.
- (2) The constitution may specify one or more areas as areas for public constituencies, each of which must be an electoral area for the purposes of local government elections in England and Wales or an area consisting of two or more such electoral areas.
- (3) A person may become or continue as a member of the corporation by virtue of sub-paragraph (1)(b) only if—
 - (a) he is employed by the corporation under a contract of employment which has no fixed term or has a fixed term of at least 12 months, or
 - (b) he has been continuously employed by the corporation for at least 12 months or, where he exercises functions for the purposes of the corporation as mentioned in that sub-paragraph, he has done so continuously for such a period.

Chapter 1 of Part 14 of the Employment Rights Act 1996 (c. 18) applies for the purpose of determining whether an individual has been continuously employed by the corporation, or has continuously exercised functions for the purposes of the corporation, as it applies for the purposes of that Act.

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- (4) The constitution may divide those who come within sub-paragraph (1)(b) into two or more descriptions of individuals.
- (5) An individual providing care in pursuance of a contract (including a contract of employment), or as a volunteer for a voluntary organisation, does not come within sub-paragraph (1)(c).

A voluntary organisation is a body, other than a public or local authority, the activities of which are not carried on for profit.

- (6) The constitution may divide those who come within sub-paragraph (1)(c) into three or more descriptions of individuals, one of which is to comprise the carers of patients.
- (7) The constitution may make further provision as to the circumstances in which a person may not become or continue as a member.

Constituencies

- 4 (1) Members of a public benefit corporation are referred to as follows.
- (2) Those who live in an area specified in the constitution as an area for any public constituency are referred to collectively as a public constituency.
- (3) Those who come within paragraph 3(1)(b) are referred to collectively as the staff constituency and, if the power in paragraph 3(4) is exercised, each description of members is referred to as a class within that constituency.
- (4) Those who come, within paragraph 3(1)(c) are referred to collectively as the patients' constituency and, if the power in paragraph 3(6) is exercised, each description of members is referred to as a class within that constituency.
- (5) A person who is a member of a constituency, or of a class within a constituency, may not while that membership continues be a member of any other constituency or class.
- (6) A person who comes within paragraph 3(1)(b) may not become or continue as a member of any constituency other than the staff constituency.
- 5 The constitution is to require a minimum number of members of each constituency or, where there are classes within the constituency, of each class.

Becoming a member

- 6 (1) An individual who is eligible to become a member of a public benefit corporation may do so on an application made to the corporation.
- (2) The constitution may provide for any individual who is—
- (a) eligible to become a member of the staff constituency, and
 - (b) invited by the corporation to become a member of that constituency (and, where there are classes within the constituency, a member of the appropriate class),
- to become a member of the corporation as a member of that constituency (and class) without an application being made, unless he informs the corporation that he does not wish to do so.
- (3) The constitution may provide for any individual who is—

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- (a) eligible to become a member of the patients' constituency (otherwise than as the carer of a patient), and
- (b) invited by the corporation to become a member of a specified constituency (and where there are classes within the constituency, a member of the specified class),

to become a member of the corporation as a member of that constituency (and class) without an application being made, unless he informs the corporation that he does not wish to do so.

- (4) The constituency and, where applicable, class to be specified—
 - (a) if he is eligible to be a member of any public constituency, is that constituency,
 - (b) otherwise, is the patients' constituency and, where applicable, the class of which he is eligible to become a member.

Board of Governors

- 7 (1) A public benefit corporation is to have a board of governors.
- (2) Only members of the corporation and persons appointed under the following provisions may become or continue as members of the board.
- (3) The members of the board other than the appointed members are to be chosen by election.
- (4) Members of a constituency or, where there are classes within it, members of each class may elect any of their number to be a member of the board.
- 8 (1) The following may not become or continue as members of the board of governors—
 - (a) a person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged,
 - (b) a person who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it,
 - (c) a person who within the preceding five years has been convicted in the British Islands of any offence if a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him.
- (2) The constitution may make further provision as to the circumstances in which a person may not become or continue as a member of the board.
- 9 (1) More than half of the members of the board of governors are to be elected by members of the corporation other than those who come within paragraph 3(1)(b).
- (2) At least three members of the board are to be elected by the staff constituency or, where there are classes within it, at least one member of the board is to be elected by each class and at least three members are to be elected altogether.
- (3) At least one member of the board is to be appointed by a Primary Care Trust for which the corporation provides goods or services.
- (4) At least one member of the board is to be appointed by one or more qualifying local authorities.

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A qualifying local authority is a local authority for an area which includes the whole or part of an area specified in the constitution as the area for a public constituency.

- (5) If any of the corporation's hospitals includes a medical or dental school provided by a university, at least one member of the board is to be appointed by that university.
- (6) An organisation specified in the constitution as a partnership organisation may appoint a member of the board.
- 10 (1) An elected member of the board of governors may hold office for a period of three years.
- (2) Such a member is to be eligible for re-election at the end of that period.
- (3) But such a member ceases to hold office if he ceases to be a member of the corporation.
- 11 The corporation may pay travelling and other expenses to members of the board of governors at rates decided by the corporation.
- 12 The constitution is to provide for the chairman of the corporation or (in his absence) another person to preside at meetings of the board of governors.
- 13 (1) The constitution is to provide for meetings of the board of governors to be open to members of the public.
- (2) But the constitution may provide for members of the public to be excluded from a meeting for special reasons.
- 14 (1) The constitution is to make provision as to—
- (a) the conduct of elections for membership of the board,
 - (b) the appointment of persons to membership,
 - (c) the practice and procedure of the board,
 - (d) the removal of a member from office.
- (2) The constitution may make further provision about the board.

Directors

- 15 (1) A public benefit corporation is to have a board of directors.
- (2) The constitution is to provide for all the powers of the corporation to be exercisable by the board of directors on its behalf.
- (3) But the constitution may provide for any of those powers to be delegated to a committee of directors or to an executive director.
- 16 (1) The board is to consist of—
- (a) executive directors, one of whom is to be the chief executive (and accounting officer) and another the finance director,
 - (b) non-executive directors, one of whom is to be the chairman.
- (2) One of the executive directors is to be a registered medical practitioner or a registered dentist (within the meaning of the Dentists Act 1984 (c. 24)); and another is to be a registered nurse or a registered midwife.
- (3) A person may not be appointed as an executive director if he is within paragraph 8(1).

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- (4) A person may be appointed as a non-executive director only if—
- (a) he is a member of a public constituency or the patients' constituency, or
 - (b) where any of the corporation's hospitals includes a medical or dental school provided by a university, he exercises functions for the purposes of that university,
- and he is not within paragraph 8(1).
- 17 (1) It is for the board of governors at a general meeting to appoint or remove the chairman and the other non-executive directors.
- Removal of a non-executive director under this sub-paragraph requires the approval of three-quarters of the members of the board.
- (2) It is for the non-executive directors to appoint or remove the chief executive.
 - (3) It is for a committee consisting of the chairman, the chief executive and the other non-executive directors to appoint or remove the executive directors.
 - (4) The appointment of a chief executive requires the approval of the board of governors.
- 18 (1) It is for the board of governors at a general meeting to decide the remuneration and allowances, and the other terms and conditions of office, of the non-executive directors.
- (2) The corporation is to establish a committee of non-executive directors to decide the remuneration and allowances, and the other terms and conditions of office, of the executive directors; but the constitution may make provision for those matters to be decided pending the establishment of such a committee.

Initial directors of former NHS trusts

- 19 (1) This paragraph applies, where the application for authorisation is made under section 4, to the exercise of the powers mentioned in paragraph 17 to appoint the initial non-executive directors and the initial chief executive.
- (2) The power to appoint the initial chairman of the corporation is to be exercised by appointing the chairman of the NHS trust, if he wishes to be appointed.
 - (3) The power to appoint the other initial non-executive directors of the corporation is to be exercised, so far as possible, by appointing any of the non-executive directors of the NHS trust (other than the chairman) who wish to be appointed.
 - (4) A person appointed in accordance with sub-paragraph (2) or (3) is to be appointed for the unexpired period of his term of office as chairman or (as the case may be) non-executive director of the NHS trust; but if, on any such appointment, that period is less than 12 months, he is to be appointed for 12 months.
 - (5) The power to appoint the initial chief executive of the corporation is to be exercised by appointing the chief officer of the NHS trust, if he wishes to be appointed.
 - (6) Sub-paragraphs (a) and (b) of paragraph 16(4) do not apply to the appointment of any initial non-executive director in pursuance of this paragraph; and paragraph 17(4) does not apply to the appointment of the initial chief executive of the corporation in pursuance of sub-paragraph (5).

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Register of members etc.

- 20 (1) A public benefit corporation is to have—
- (a) a register of members showing, in respect of each member, the constituency to which he belongs and, where there are classes within it, the class to which he belongs,
 - (b) a register of members of the board of governors,
 - (c) a register of interests of the members of the board of governors,
 - (d) a register of directors,
 - (e) a register of interests of the directors.
- (2) The constitution may make further provision about the registers including, in particular, admission to, and removal from, the registers.
- 21 The constitution is to make provision for dealing with conflicts of interest of members of the board of governors and of the directors.
- 22 (1) A public benefit corporation is to make the following documents available for inspection by members of the public free of charge at all reasonable times—
- (a) a copy of the current constitution,
 - (b) a copy of the current authorisation,
 - (c) a copy of the latest annual accounts and of any report of the auditor on them,
 - (d) a copy of the latest annual report,
 - (e) a copy of the latest information as to its forward planning,
 - (f) a copy of any notice given under section 23.
- (2) Any person who requests it is to be provided with a copy of or extract from any of the above documents.
- (3) The corporation is also to make the registers mentioned in paragraph 20 available for inspection by members of the public, except in circumstances prescribed by regulations; and, so far as the registers are required to be available—
- (a) they are to be available free of charge at all reasonable times,
 - (b) a person who requests it is to be provided with a copy of or extract from them.
- (4) If the person requesting a copy or extract under this paragraph is not a member of the corporation, the corporation may impose a reasonable charge for doing so.

Auditor

- 23 (1) A public benefit corporation is to have an auditor.
- (2) It is for the board of governors to appoint or remove the auditor at a general meeting of the board.
- (3) An officer of the Audit Commission may be the auditor if he is appointed by the board with the agreement of the Commission.
- (4) But a person may not be appointed as auditor unless he (or, in the case of a firm, each of its members) is a member of one or more of the following bodies—
- (a) the bodies mentioned in section 3(7)(a) to (e) of the Audit Commission Act 1998 (c. 18),
 - (b) any other body of accountants established in the United Kingdom and for the time being approved by the regulator for the purposes of this paragraph.

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- (5) Where an officer of the Audit Commission is appointed as auditor, the Commission is to charge the public benefit corporation such fees for his services as will cover the full cost of providing them.
- (6) The corporation is to establish a committee of non-executive directors as an audit committee to perform such monitoring, reviewing and other functions as are appropriate.
- (7) In this paragraph “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

Accounts

- 24 (1) A public benefit corporation is to keep accounts in such form as the regulator may with the approval of the Treasury direct.
- (2) The accounts are to be audited by the corporation’s auditor.
- (3) But the Comptroller and Auditor General may examine—
 - (a) the accounts,
 - (b) any records relating to them, and
 - (c) any report of the auditor on them.
- (4) If trustees are appointed under section 22, the Comptroller and Auditor General may also examine—
 - (a) the accounts kept by the trustees,
 - (b) any records relating to them, and
 - (c) any report of an auditor on them.
- (5) In auditing the accounts the auditor is to comply with any directions given by the regulator as to the standards, procedures and techniques to be adopted.
- 25 (1) A public benefit corporation is to prepare in respect of each financial year annual accounts in such form as the regulator may with the approval of the Treasury direct.
- (2) In preparing its annual accounts, the corporation is to comply with any directions given by the regulator with the approval of the Treasury as to—
 - (a) the methods and principles according to which the accounts are to be prepared,
 - (b) the information to be given in the accounts.
- (3) In determining the form and content of the annual accounts the regulator is to aim to ensure that the accounts present a true and fair view.
- (4) The corporation must—
 - (a) lay a copy of the annual accounts, and any report of the auditor on them, before Parliament, and
 - (b) once it has done so, send copies of those documents to the regulator.
- (5) The constitution is to provide for the functions of the corporation under this paragraph to be delegated to the accounting officer.
- (6) In this paragraph and paragraph 27 “financial year” means—

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- (a) the period beginning with the date on which the corporation is authorised under section 6 and ending with the next 31st March, and
- (b) each successive period of twelve months beginning with 1st April.

Annual reports and forward plans

- 26 (1) A public benefit corporation is to prepare annual reports and send them to the regulator.
- (2) The reports are to give—
- (a) information on any steps taken by the corporation to secure that (taken as a whole) the actual membership of any public constituency and (if there is one) of the patients' constituency is representative of those eligible for such membership,
 - (b) any other information the regulator requires.
- (3) It is for the regulator to decide—
- (a) the form of the reports,
 - (b) when the reports are to be sent to it,
 - (c) the periods to which the reports are to relate.
- 27 (1) A public benefit corporation is to give information as to its forward planning in respect of each financial year to the regulator.
- (2) The document containing the information is to be prepared by the directors.
- (3) In preparing the document the directors must have regard to the views of the board of governors.

Meeting of board of governors to consider annual accounts and reports

- 28 The following documents are to be presented to the board of governors of a public benefit corporation at a general meeting—
- (a) the annual accounts,
 - (b) any report of the auditor on them,
 - (c) the annual report.

Instruments etc.

- 29 (1) The constitution is to make provision for the authentication of the fixing of the corporation's seal.
- (2) A document purporting to be duly executed under the corporation's seal 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.

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SCHEDULE 2

Section 2

INDEPENDENT REGULATOR OF NHS FOUNDATION TRUSTS

Membership

- 1 (1) The regulator is to consist of a number of members (but not more than 5) appointed by the Secretary of State.
- (2) One of the members is to be appointed as chairman and another as deputy chairman.
- (3) The deputy chairman need not be appointed before the end of the period of six months beginning with the establishment of the regulator.

Commencement Information

II Sch. 2 para. 1 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Tenure of office

- 2 (1) A person is to hold and vacate office as a member in accordance with the terms of his appointment.
- (2) But—
 - (a) he may at any time resign his office by giving notice to the Secretary of State,
 - (b) the Secretary of State may at any time remove him from office on the ground of incapacity or misbehaviour.
- (3) A person is not to be appointed as a member for a period of more than four years.
- (4) A person who ceases to be a member is eligible for re-appointment.

Commencement Information

I2 Sch. 2 para. 2 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Remuneration and pensions

- 3 (1) The regulator is to pay to the chairman—
 - (a) such remuneration, and
 - (b) such travelling and other allowances,as the Secretary of State may determine.
- (2) The regulator is to pay to the members (other than the chairman) such travelling and other allowances as the Secretary of State may determine.
- (3) In the case of any such person who holds or has held office as chairman as the Secretary of State may determine, the regulator is to pay—
 - (a) such pension, allowance or gratuity to or in respect of him, or
 - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,as the Secretary of State may determine.

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Commencement Information

I3 Sch. 2 para. 3 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Staff

- 4 The regulator may, after consulting the Minister for the Civil Service as to numbers and terms and conditions of service, employ such staff as the regulator may determine.

Commencement Information

I4 Sch. 2 para. 4 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Superannuation

- 5 (1) Sub-paragraph (2) applies where—
- (a) a person is an active or deferred member of a scheme under section 1 of the Superannuation Act 1972 (c. 11), and
 - (b) he is appointed as chairman.
- (2) In such a case the Minister for the Civil Service may determine that the person's term of office as chairman is to be treated for the purposes of the scheme as service in the employment by reference to which he is a member (whether or not any benefits are payable by virtue of paragraph 3(3)).
- (3) Employment with the regulator is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply; and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of Other Bodies there is inserted— “ The Independent Regulator of NHS Foundation Trusts ”.
- (4) The regulator must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (2) or (3) in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c. 11).

Commencement Information

I5 Sch. 2 para. 5 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Procedure

- 6 (1) The regulator may regulate its own procedure and make any arrangements it considers appropriate for the discharge of its functions.
- (2) The validity of any act of the regulator is not affected by any vacancy among the members or by any defect in the appointment of any member.

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Commencement Information

I6 Sch. 2 para. 6 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Delegation of functions

- 7 Anything which the regulator is authorised or required to do may be done by—
- (a) the chairman or deputy chairman or any committee,
 - (b) any member of the staff,
- if authorised by the regulator (generally or specifically) for that purpose.

Commencement Information

I7 Sch. 2 para. 7 in force at 1.1.2004 by S.I. 2003/3346, art. 2

General powers

- 8 (1) The regulator may do anything which appears to it to be necessary or desirable for the purposes of or in connection with the exercise of its functions.
- (2) That includes in particular—
- (a) acquiring and disposing of property,
 - (b) entering into contracts,
 - (c) accepting gifts of property,
- and co-operating with other public authorities.

Commencement Information

I8 Sch. 2 para. 8 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Specific powers

- 9 (1) The regulator may with the consent of the Secretary of State borrow money temporarily by way of overdraft, but may not otherwise borrow money.
- (2) The regulator may conduct, commission or assist the conduct of research.

Commencement Information

I9 Sch. 2 para. 9 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Finance

- 10 The Secretary of State may make contributions towards the regulator's expenses.

Commencement Information

I10 Sch. 2 para. 10 in force at 1.1.2004 by S.I. 2003/3346, art. 2

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Reports and other information

- 11 (1) As soon as possible after the end of each financial year, the regulator must prepare an annual report on how it has exercised its functions during the year.
- (2) The regulator must—
- (a) lay a copy of the report before Parliament, and
 - (b) once it has done so, send a copy of it to the Secretary of State.
- (3) The regulator must in respect of each financial year prepare a report which provides an overall summary of the accounts of NHS foundation trusts.
- (4) The report must be prepared as soon as possible after the regulator has received the accounts of all NHS foundation trusts for the relevant financial year.
- (5) The regulator must—
- (a) lay a copy of the report before Parliament, and
 - (b) once it has done so, send a copy of it to the Secretary of State.
- (6) The regulator must provide the Secretary of State with such other reports and information relating to the exercise of the regulator’s functions as he may require.

Commencement Information

I11 Sch. 2 para. 11 in force at 1.1.2004 by S.I. 2003/3346, art. 2

- 12 (1) The regulator must keep accounts in such form as the Secretary of State may direct.
- (2) The regulator must prepare in respect of each financial year annual accounts in such form as the Secretary of State may direct.
- (3) The regulator 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 direct.
- (4) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of them and of his report before Parliament.
- (5) In paragraph 11 and this paragraph, “financial year” means—
- (a) the period beginning with the establishment of the regulator and ending with the next 31st March, and
 - (b) each successive period of twelve months beginning with 1st April.

Commencement Information

I12 Sch. 2 para. 12 in force at 1.1.2004 by S.I. 2003/3346, art. 2

- 13 The regulator must respond in writing to any recommendation which—
- (a) is made by a Committee of either House of Parliament, or a Committee of both Houses, and
 - (b) relates to the exercise by the regulator of its functions.

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Commencement Information

I13 Sch. 2 para. 13 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Seal and evidence

- 14 The application of the regulator’s seal is to be authenticated by the signature of the chairman or deputy chairman or of any member of the staff who has been authorised by the regulator (whether generally or specifically) for that purpose.

Commencement Information

I14 Sch. 2 para. 14 in force at 1.1.2004 by S.I. 2003/3346, art. 2

- 15 A document purporting to be duly executed under the regulator’s seal 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

I15 Sch. 2 para. 15 in force at 1.1.2004 by S.I. 2003/3346, art. 2

General

- 16 (1) The regulator is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The regulator’s property is not to be regarded as property of, or property held on behalf of, the Crown.
- (3) The regulator must exercise its functions effectively, efficiently and economically.

Commencement Information

I16 Sch. 2 para. 16 in force at 1.1.2004 by S.I. 2003/3346, art. 2

Amendments

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments and authorities subject to investigation), there is inserted at the appropriate place—
“ The Independent Regulator of NHS Foundation Trusts. ”

Commencement Information

I17 Sch. 2 para. 17 in force at 1.1.2004 by S.I. 2003/3346, art. 2

- 18 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices), there is inserted at the appropriate place—
“ Chairman or other member of the Independent Regulator of NHS Foundation Trusts. ”

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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

I18 Sch. 2 para. 18 in force at 1.1.2004 by [S.I. 2003/3346](#), [art. 2](#)

- 19 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (disqualifying offices), there is inserted at the appropriate place—
 “ Chairman or other member of the Independent Regulator of NHS Foundation Trusts. ”

Commencement Information

I19 Sch. 2 para. 19 in force at 1.1.2004 by [S.I. 2003/3346](#), [art. 2](#)

SCHEDULE 3

Section 25

TRANSFER OF STAFF

- 1 An order under section 25(3) may provide for the transfer of employees of an NHS foundation trust to a person mentioned in that subsection.

Commencement Information

I20 [Sch. 3 para. 1](#) partly in force; [Sch. 3 para. 1](#) in force at Royal Assent for certain purposes, see [s. 199\(1\)\(4\)](#)

VALID FROM 01/04/2004

- 2 The contract of employment of an employee transferred under such an order—
 (a) is not terminated by the transfer,
 (b) has effect from the date of transfer as if originally made between the employee and the transferee.

VALID FROM 01/04/2004

- 3 Where an employee is so transferred—
 (a) all the rights, powers, duties and liabilities of the trust under or in connection with the contract of employment are by virtue of this paragraph transferred to the transferee on the date of transfer, and
 (b) anything done before that date by or in relation to the trust in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the transferee.
 This paragraph does not prejudice the generality of paragraph 2.

Status: Point in time view as at 08/01/2004.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2004

- 4 But if the employee informs the trust or the proposed transferee that he objects to the transfer—
- (a) paragraphs 2 and 3 do not apply, and
 - (b) the contract of employment is terminated immediately before the date of transfer but the employee is not to be treated, for any purpose, as having been dismissed by the trust.

VALID FROM 01/04/2004

- 5 This Schedule does not prejudice any right of an employee to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

VALID FROM 01/04/2004

- 6 In this Schedule, “date of transfer” means the date decided under the order for the transfer of the employee.

VALID FROM 01/04/2004

SCHEDULE 4

Section 34

AMENDMENTS RELATING TO NHS FOUNDATION TRUSTS

.....

VALID FROM 01/04/2004

SCHEDULE 5

Section 38

AUDIT OF ACCOUNTS OF NHS FOUNDATION TRUSTS

.....

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

SCHEDULE 6

Section 41(2)

CHAI: SUPPLEMENTARY

Status

- 1 (1) The CHAI is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The CHAI's property is not to be regarded as property of, or property held on behalf of, the Crown.

Commencement Information

I21 Sch. 6 para. 1 in force at 8.1.2004 by [S.I. 2003/3346](#), **art. 5(a)**

General powers and duties

- 2 (1) The CHAI 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) co-operating with other public authorities in the United Kingdom,
 - (b) acquiring and disposing of land and other property,
 - (c) entering into contracts, and
 - (d) providing training.
- (3) It is the duty of the CHAI to carry out its functions effectively, efficiently and economically.

Commencement Information

I22 Sch. 6 para. 2 in force at 8.1.2004 by [S.I. 2003/3346](#), **art. 5(a)**

Chairman and other members

- 3 (1) The CHAI is to consist of—
 - (a) a person appointed as chairman by the relevant Special Health Authority,
 - (b) a member appointed by the relevant Special Health Authority who appears to that Authority to be suited to make the interests of Wales his special care, and
 - (c) other members appointed by the relevant Special Health Authority.
- (2) In paragraphs (a) and (c) of sub-paragraph (1), “relevant Special Health Authority” means the Special Health Authority which is directed by the Secretary of State to exercise the function of appointment under that paragraph.
- (3) In paragraph (b) of sub-paragraph (1), “relevant Special Health Authority” means the Special Health Authority which is directed by the Assembly to exercise the function of appointment under that paragraph.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

- (4) The Secretary of State may in the prescribed manner remove from office any person appointed under sub-paragraph (1)(a) or (c) if (and only if) he is satisfied that one of the conditions specified in sub-paragraph (6) is satisfied in relation to that person.
- (5) The Assembly may in the prescribed manner remove from office the person appointed under sub-paragraph (1)(b) if (and only if) the Assembly is satisfied that one of the conditions specified in sub-paragraph (6) is satisfied in relation to that person.
- (6) The conditions referred to in sub-paragraphs (4) and (5) in relation to a person are that—
 - (a) he is unable or unfit to carry out the duties of his office;
 - (b) he is failing to carry out the duties of his office;
 - (c) he is disqualified from holding office (or was disqualified at the time of his appointment).
- (7) The Secretary of State may by regulations make provision as to—
 - (a) the appointment of the chairman and other members (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment), and
 - (b) subject to this paragraph, the tenure of office of the chairman and other members (including the circumstances in which they cease to hold office, are disqualified from holding office or may be suspended from office).
- (8) Regulations under sub-paragraph (7)(b) relating to the suspension of a person from office may only provide for suspension where it appears to the Secretary of State (or, in the case of a person appointed under sub-paragraph (1)(b), the Assembly) that one of the conditions referred to in sub-paragraph (6) is or may be satisfied in relation to that person.
- (9) The Secretary of State may direct the Special Health Authority referred to in sub-paragraph (2) to exercise so much of any function of his under sub-paragraph (4) or under regulations under sub-paragraph (7) as may be specified in the direction.
- (10) The Assembly may direct the Special Health Authority referred to in sub-paragraph (3) to exercise so much of any function of the Assembly under sub-paragraph (5) or under regulations under sub-paragraph (7) as may be specified in the direction.
- (11) The Special Health Authority referred to in sub-paragraph (2) must consult the Assembly before exercising the function of appointment under sub-paragraph (1) (a) or (c); and the Special Health Authority referred to in sub-paragraph (3) must consult the Secretary of State before exercising the function of appointment under sub-paragraph (1)(b).
- (12) The Secretary of State must consult the Assembly before exercising any of his functions under sub-paragraph (4) or (7).
- (13) The Assembly must consult the Secretary of State before exercising any of its functions under sub-paragraph (5) or (7).
- (14) Where directions are given under this paragraph to a Special Health Authority, the 1977 Act has effect as if—

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

- (a) the directions were directions under section 16D of that Act for the exercise of functions relating to the health service and, accordingly,
 - (b) the functions were exercisable by the Special Health Authority under that section.
- (15) Subsections (4) and (5) of section 187 apply in relation to directions under this paragraph as they apply in relation to directions under subsection (2) of that section.

Commencement Information

I23 Sch. 6 para. 3 partly in force; Sch. 6 para. 3 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I24 Sch. 6 para. 3 in force at 8.1.2004 in so far as not already in force by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Remuneration of chairman and other members

- 4
- (1) The CHAI may pay to its chairman, or to any other member, such remuneration and allowances as the Secretary of State may determine.
 - (2) If the Secretary of State so determines, the CHAI 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 other member of the CHAI.
 - (3) 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 CHAI to receive compensation, the CHAI must pay to him, or make provision for the payment to him of, such compensation as the Secretary of State may determine.
 - (4) The Secretary of State must consult the Assembly before exercising any of his functions under this paragraph.

Commencement Information

I25 Sch. 6 para. 4 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Employees

- 5
- (1) The CHAI must appoint a chief executive (to be known as the “Chief Inspector of Healthcare”), who is to be an employee of the CHAI.
 - (2) The CHAI may appoint such other employees as it considers appropriate.
 - (3) Employees of the CHAI are to be appointed on such terms and conditions as it may determine.
 - (4) Without prejudice to its other powers, the CHAI may pay, or make provision for the payment of—
 - (a) pensions, allowances or gratuities, or
 - (b) compensation for loss of employment or reduction of remuneration,
 to or in respect of its employees.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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

I26 Sch. 6 para. 5 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Procedure

- 6 (1) The CHAI may—
- (a) appoint such committees and sub-committees (which may consist of or include persons who are not members of the CHAI) as it thinks fit;
 - (b) pay such remuneration and allowances to members of its committees and sub-committee as it thinks fit.
- (2) The CHAI may in all other respects regulate its own procedure.
- (3) The validity of the proceedings of the CHAI is not affected by any defect in the appointment of a member or any vacancy in membership.

Commencement Information

I27 Sch. 6 para. 6 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Discharge of functions

- 7 (1) The CHAI may arrange for—
- (a) any of its committees, sub-committees, members or employees, or
 - (b) any other person,
- to exercise any of its functions on its behalf.
- (2) If the CHAI arranges for the discharge of any function as mentioned in subparagraph (1)(b), the arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Commencement Information

I28 Sch. 6 para. 7 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Assistance

- 8 (1) The CHAI 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.

Commencement Information

I29 Sch. 6 para. 8 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

Payments and loans

- 9
- (1) The Secretary of State may make payments out of money provided by Parliament to the CHAI of such amounts, at such times and on such conditions (if any) as he considers appropriate.
 - (2) The Assembly may make payments to the CHAI of such amounts, at such times and on such conditions (if any) as it considers appropriate.
 - (3) The Secretary of State may, with the approval of the Treasury, make loans out of money provided by Parliament to the CHAI on such terms (including terms as to repayment and interest) as he may determine.
 - (4) The Assembly may make loans to the CHAI on such terms (including terms as to repayment and interest) as it may determine.
 - (5) Except as provided by this paragraph, the CHAI has no power to borrow money.

Commencement Information

I30 Sch. 6 para. 9 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Accounts

- 10
- (1) The CHAI must keep its accounts in such form as the Secretary of State may determine.
 - (2) The CHAI must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
 - (3) The CHAI 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.

Commencement Information

I31 Sch. 6 para. 10 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Seal and evidence

- 11
- The application of the seal of the CHAI must be authenticated by the signature—
- (a) of any member of the CHAI, or
 - (b) of any other person who has been authorised by the CHAI (whether generally or specifically) for that purpose.

Commencement Information

I32 Sch. 6 para. 11 in force at 8.1.2004 by [S.I. 2003/3346](#), [art. 5\(a\)](#)

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

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

Commencement Information

I33 Sch. 6 para. 12 in force at 8.1.2004 by S.I. 2003/3346, art. 5(a)

SCHEDULE 7

Section 42(2)

CSCI: SUPPLEMENTARY

Status

- 1 (1) The CSCI's property is not to be regarded as property of, or property held on behalf of, the Crown.
- (2) The CSCI is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Commencement Information

I34 Sch. 7 para. 1 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

General powers and duties

- 2 (1) The CSCI 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) co-operating with other public authorities in the United Kingdom,
 - (b) acquiring and disposing of land and other property,
 - (c) entering into contracts, and
 - (d) providing training.
- (3) It is the duty of the CSCI to carry out its functions effectively, efficiently and economically.

Commencement Information

I35 Sch. 7 para. 2 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Chairman and other members

- 3 (1) The CSCI is to consist of a chairman and other members appointed by the relevant Special Health Authority.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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) In sub-paragraph (1), “relevant Special Health Authority” means the Special Health Authority which is directed by the Secretary of State to exercise the function of appointment under that sub-paragraph.
- (3) The Secretary of State may in the prescribed manner remove the chairman or any other member from office if (and only if) the Secretary of State is satisfied that that person—
 - (a) is unable or unfit to carry out the duties of his office,
 - (b) is failing to carry out the duties of his office, or
 - (c) is disqualified from holding office (or was disqualified at the time of his appointment).
- (4) The Secretary of State may by regulations make provision as to—
 - (a) the appointment of the chairman and other members (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment), and
 - (b) subject to this paragraph, the tenure of office of the chairman and other members (including the circumstances in which they cease to hold office, are disqualified from holding office or may be suspended from office).
- (5) Regulations under sub-paragraph (4)(b) relating to the suspension of a person from office may only provide for suspension where it appears to the Secretary of State that one of the conditions referred to in sub-paragraph (3) is or may be satisfied in relation to that person.
- (6) The Secretary of State may direct the Special Health Authority referred to in sub-paragraph (2) to exercise so much of any function of his under sub-paragraph (3) or under regulations under sub-paragraph (4) as may be specified in the direction.
- (7) Where directions are given under this paragraph to a Special Health Authority, the 1977 Act has effect as if—
 - (a) the directions were directions under section 16D of that Act for the exercise of functions relating to the health service, and, accordingly,
 - (b) the functions were exercisable by the Special Health Authority under that section.
- (8) Subsections (4) and (5) of section 187 apply in relation to directions under this paragraph as they apply in relation to directions under subsection (2) of that section.

Commencement Information

I36 Sch. 7 para. 3 partly in force; Sch. 7 para. 3 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I37 Sch. 7 para. 3 in force at 1.1.2004 for E. in so far as not already in force by S.I. 2003/3346, art. 3(a)

Remuneration of chairman and other members

- 4 (1) The CSCI may pay to its chairman, or to any other member, such remuneration and allowances as the Secretary of State may determine.
- (2) If the Secretary of State so determines, the CSCI must pay or make provision for the payment of such pension, allowance or gratuities as the Secretary of State may

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

determine to or in respect of a person who is or has been the chairman or other member of the CSCI.

- (3) 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 CSCI to receive compensation, the CSCI must pay to him, or make provision for the payment to him of, such compensation as the Secretary of State may determine.

Commencement Information

I38 Sch. 7 para. 4 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Employees

- 5 (1) The CSCI must appoint a chief executive (to be known as the “Chief Inspector of Social Care”), who is to be an employee of the CSCI.
- (2) The CSCI must also appoint a Children’s Rights Director who is to be an employee of the CSCI and is to have such functions as may be prescribed.
- (3) The CSCI may appoint such other employees as it considers appropriate.
- (4) Employees of the CSCI are to be appointed on such terms and conditions as it may determine.
- (5) Without prejudice to its other powers, the CSCI may pay, or make provision for the payment of—
- (a) pensions, allowances or gratuities, or
 - (b) compensation for loss of employment or reduction of remuneration,
- to or in respect of its employees.

Commencement Information

I39 Sch. 7 para. 5 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Procedure

- 6 (1) The CSCI may—
- (a) appoint such committees and sub-committees (which may consist of or include persons who are not members of the CSCI) as it thinks fit;
 - (b) pay such remuneration and allowances to members of its committees and sub-committee as it thinks fit.
- (2) The CSCI may in all other respects regulate its own procedure.
- (3) The validity of the proceedings of the CSCI is not affected by any defect in the appointment of a member or any vacancy in membership.

Commencement Information

I40 Sch. 7 para. 6 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

Discharge of functions

- 7 (1) The CSCI may arrange for—
- (a) any of its committees, sub-committees, members or employees, or
 - (b) any other person,
- to exercise any of its functions on its behalf.
- (2) If the CSCI arranges 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.

Commencement Information

I41 Sch. 7 para. 7 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Assistance

- 8 (1) The CSCI 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.

Commencement Information

I42 Sch. 7 para. 8 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Payments and loans

- 9 (1) The Secretary of State may make payments out of money provided by Parliament to the CSCI of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) The Secretary of State may, with the approval of the Treasury, make loans out of money provided by Parliament to the CSCI on such terms (including terms as to repayment and interest) as he may determine.
- (3) Except as provided by sub-paragraph (2), the CSCI has no power to borrow money.

Commencement Information

I43 Sch. 7 para. 9 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Accounts

- 10 (1) The CSCI must keep its accounts in such form as the Secretary of State may determine.
- (2) The CSCI must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

- (3) The CSCI 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.

Commencement Information

I44 Sch. 7 para. 10 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Seal and evidence

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

Commencement Information

I45 Sch. 7 para. 11 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

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

Commencement Information

I46 Sch. 7 para. 12 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

VALID FROM 11/03/2004

SCHEDULE 8

Section 43

CHAI AND CSCI: TRANSFERS OF PROPERTY AND STAFF, ETC

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

SCHEDULE 9

Section 147

PART 2: MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 52)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate places in Part 2 of the Table at the end of paragraph 3 insert the following entries— “ Commission for Healthcare Audit and Inspection ”; “ Commission for Social Care Inspection ”.

Commencement Information

I47 Sch. 9 para. 1 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346, art. 3\(b\)](#)

I48 Sch. 9 para. 1 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346, art. 5\(b\)](#)

VALID FROM 01/04/2004

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 2 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (bf) of paragraph 1 insert—
 “(bg) the Commission for Healthcare Audit and Inspection;
 (bh) the Commission for Social Care Inspection;”.

Parliamentary Commissioner Act 1967 (c. 13)

- 3 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments subject to investigation), at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection. ”; “ Commission for Social Care Inspection. ”

Commencement Information

I49 Sch. 9 para. 3 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346, art. 3\(b\)](#)

I50 Sch. 9 para. 3 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346, art. 5\(b\)](#)

PROSPECTIVE

Local Authority Social Services Act 1970 (c. 42)

- 4 In the Local Authority Social Services Act 1970, in Schedule 1, insert at the end—

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

Section 114

Consideration of complaints.”

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

Superannuation Act 1972 (c. 11)

- 5 In Schedule 1 to the Superannuation Act 1972 (kinds of employment in relation to which pension schemes may be made), at the appropriate places in the list of “Other Bodies” insert the following entries— “ The Commission for Healthcare Audit and Inspection. ”; “ The Commission for Social Care Inspection. ”.

Commencement Information

- I51** Sch. 9 para. 5 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)
I52 Sch. 9 para. 5 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

- 6 The CHAI and the CSCI must each pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as he may determine in respect of any increase attributable to paragraph 5 in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Commencement Information

- I53** Sch. 9 para. 6 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)
I54 Sch. 9 para. 6 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

House of Commons Disqualification Act 1975 (c. 24)

- 7 In the House of Commons Disqualification Act 1975, in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection. ”; “ Commission for Social Care Inspection. ”.

Commencement Information

- I55** Sch. 9 para. 7 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)
I56 Sch. 9 para. 7 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 8 In the Northern Ireland Assembly Disqualification Act 1975, in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection. ”; “ Commission for Social Care Inspection. ”.

Commencement Information

- I57** Sch. 9 para. 8 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)
I58 Sch. 9 para. 8 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/06/2004

National Health Service Act 1977 (c. 49)

- 9 In section 19A(2) of the 1977 Act, after paragraph (a) insert—
- “(aa) a complaint under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003,”.

VALID FROM 01/04/2004

Children Act 1989 (c. 41)

- 10 (1) The Children Act 1989 has effect subject to the following amendments.
- (2) In section 65(6)(a), for “the National Care Standards Commission” substitute “ the Commission for Social Care Inspection ”.
- (3) In section 87(10)—
- (a) in the definition of “appropriate authority”, in paragraph (a), for “the National Care Standards Commission” substitute “ the Commission for Social Care Inspection ”, and
- (b) in the definition of “the Commission”, for “the National Care Standards Commission” substitute “ the Commission for Social Care Inspection ”.
- (4) In paragraph 20 of Schedule 2, at the end of paragraph (a) insert “ and the Commission for Social Care Inspection ”.

VALID FROM 01/06/2004

Health Service Commissioners Act 1993 (c. 46)

- 11 (1) The Health Service Commissioners Act 1993 has effect subject to the following amendments.
- (2) In section 4(4)(a), after “can be made” insert “ under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003 or ”.
- (3) In section 11, after subsection (1B) insert—
- “(1C) Where a Commissioner proposes to conduct an investigation pursuant to a complaint under section 3(1E), he shall afford to the person or body whose maladministration is complained of an opportunity to comment on any allegations contained in the complaint.”
- (4) In section 12(1A), for “or (1C)” substitute “ (1C) or (1E) ”.
- (5) In section 14, after subsection (2D) insert—
- “(2E) In any case where the Health Service Commissioner for England conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—

Status: Point in time view as at 08/01/2004.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)*

- (a) to the person who made the complaint;
 - (b) to any member of the House of Commons who to the Commissioner's knowledge assisted in the making of the complaint (or if he is no longer a member to such other member as the Commissioner thinks appropriate);
 - (c) to the person or body whose maladministration is complained of;
 - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
 - (e) to the Secretary of State.
- (2F) In any case where the Health Service Commissioner for England decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
 - (b) to any such member of the House of Commons as is mentioned in subsection (2E)(b)."
- (6) In section 14A, at the end insert—
- “(4) In any case where the Health Service Commissioner for Wales conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—
- (a) to the person who made the complaint;
 - (b) to any Assembly member who to the Commissioner's knowledge assisted in the making of the complaint (or if he is no longer an Assembly member to such other member as the Commissioner thinks appropriate);
 - (c) to the person or body whose maladministration is complained of;
 - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
 - (e) to the Assembly First Secretary.
- (5) In any case where the Health Service Commissioner for Wales decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
 - (b) to any such member of the Assembly as is mentioned in subsection (4)(b)."
- (7) In section 14B—
- (a) for “14A(1)”, in each place, substitute “ 14A ”, and
 - (b) in subsection (2), for “or (1C)” substitute “ (1C) or (1E) ”.

VALID FROM 01/04/2004

Audit Commission Act 1998 (c. 18)

12 (1) The Audit Commission Act 1998 has effect subject to the following amendments.

Status: Point in time view as at 08/01/2004.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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) In section 4, in subsection (7)—
- (a) in paragraph (a), after “bodies,” insert “ the Commission for Healthcare Audit and Inspection and ”;
 - (b) in paragraph (b), after “bodies,” insert “ the Commission for Social Care Inspection and ”; and
 - (c) in paragraph (c), after “case,” insert “ the National Assembly for Wales and ”.
- (3) At the end of that section insert—
- “(8) The Commission must obtain the agreement of the Commission for Healthcare Audit and Inspection before preparing or altering provisions of a code which—
- (a) are applicable to accounts which are or include accounts of health service bodies; and
 - (b) concern the function under section 5(1)(e).”.

(4) In section 7—

 - (a) in subsection (2)(a), for “such organisations” substitute “ the Commission for Healthcare Audit and Inspection and such other organisations ”; and
 - (b) in subsection (9), after paragraph (a) insert—

“(aa) the Commission for Healthcare Audit and Inspection;”.

(5) In section 33 (studies for improving economy etc in services), in subsection (6), at the end insert—

 - (d) in the case of a study which has a connection with English local authority social services (within the meaning of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003), also consult the Commission for Social Care Inspection; and
 - (e) in the case of a study which has a connection with Welsh local authority social services (within the meaning of that Part of that Act), also consult the National Assembly for Wales;”.

(6) In that section, after subsection (6) insert—

“(7) The following provisions of this section do not apply in relation to the bodies specified in subsection (8)—

 - (a) subsection (1)(a);
 - (b) subsection (1)(b), so far as relating to management other than financial management;
 - (c) subsection (4).

(8) Those bodies are—

 - (a) any Primary Care Trust;
 - (b) any Strategic Health Authority;
 - (c) any NHS trust (within the meaning of the National Health Service Act 1977) all or most of whose hospitals, establishments and facilities are situated in England.”

(7) In section 34(6), after paragraph (b) insert—

“(ba) in the case of a study which has a connection with any English local authority social service (within the meaning of Part 2 of the Health

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

and Social Care (Community Health and Standards) Act 2003), the Commission for Social Care Inspection;

(bb) in the case of a study which has a connection with any Welsh local authority social service (within the meaning of that Part of that Act), the National Assembly for Wales;”.

(8) In section 35 (studies at request of bodies subject to audit), at the end insert—

“(4) This section does not apply in relation to the bodies specified in section 33(8).”

(9) For section 37 substitute—

“37 Assistance to CHAI and CSCI

(1) The Audit Commission may provide assistance to the Commission for Healthcare Audit and Inspection or the Commission for Social Care Inspection in the discharge of any of their functions under Chapter 3 or 5 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003.

(2) Assistance under subsection (1) may be provided on such terms, including terms as to payment, as the Audit Commission and the Commission in question may agree.”

(10) In section 49(1)—

(a) after paragraph (b) insert—

“(ba) to the Commission for Social Care Inspection for the purposes of its functions under Chapter 5 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003;

(bb) to the National Assembly for Wales for the purposes of its functions under Chapter 4 of that Part of that Act;”,

(b) in paragraph (c), at the end insert “ or for the purposes of the functions of the Commission for Healthcare Audit and Inspection under Chapter 3 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 ”.

Government of Wales Act 1998 (c. 38)

13 In Schedule 5 to the Government of Wales Act 1998, for paragraph 12A substitute—

“12A The Commission for Healthcare Audit and Inspection.”

Commencement Information

I59 Sch. 9 para. 13 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2004

Protection of Children Act 1999 (c. 14)

- 14 In section 2A of the Protection of Children Act 1999, in subsection (2), for paragraph (a) substitute—
- “(a) the Commission for Social Care Inspection;
 - (aa) the Commission for Healthcare Audit and Inspection;”.

VALID FROM 15/01/2007

Local Government Act 1999 (c. 27)

- 15 In section 25(2) of the Local Government Act 1999, for paragraphs (e) to (g) substitute—
- “(e) the Commission for Social Care Inspection;”.

VALID FROM 11/03/2004

Care Standards Act 2000 (c. 14)

- 16 The Care Standards Act 2000 has effect subject to the following amendments.

VALID FROM 01/04/2004

- 17 In section 5, in paragraph (a), for “the National Care Standards Commission” substitute—
- “(i) the CHAI, in the case of independent hospitals, independent clinics and independent medical agencies;
 - (ii) the CSCI, in the case of children’s homes, care homes, residential family centres, domiciliary care agencies, nurses agencies, fostering agencies, voluntary adoption agencies and adoption support agencies;”.

VALID FROM 01/04/2004

- 18 (1) Section 8 is amended as follows.
- (2) In subsection (3), for the words from “section 7” to “Commission” substitute “section 5A or 5B is exercisable by the CHAI or the CSCI”.
- (3) At the end insert—
- “(6) In this section, “Part II services” means services of the kind provided by persons registered under Part II, other than the provision of—

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

	(a) medical or psychiatric treatment, or (b) listed services (as defined in section 2).”
	VALID FROM 01/04/2004
19	In section 10— (a) subsection (1) is omitted; and (b) in subsection (6)(b), for “by the Commission” substitute “ by the CHAI or the CSCI under this Act ”.
	VALID FROM 01/04/2004
20	In section 11(4), for “the Commission” substitute “ the CHAI or the CSCI ”.
	VALID FROM 01/04/2004
21	In section 23(4)(d), after the second “or” insert “ against a voluntary adoption agency or adoption support agency for an offence under ”.
	VALID FROM 01/04/2004
22	In section 29(1)— (a) for “the Commission”, in the first place, substitute “ the CHAI or the CSCI (as appropriate) ”, and (b) for “the Commission”, in the second place, substitute “ either the CHAI or the CSCI ”.
23	In section 31— (a) in subsection (6), for “powers” substitute “ power ”; and (b) in subsection (7), for “the Commission” substitute “ the CHAI or the CSCI ”.
	VALID FROM 01/04/2004
24	In section 36A for “the Commission”, in all places, substitute “ the CSCI ”.
	VALID FROM 01/04/2004
25	In section 42, at the end insert— “(5) Regulations under subsection (1) made by the Secretary of State may in particular specify whether, for the purposes of the application of this Part to any person, the registration authority is to be the CHAI or the CSCI.”

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2004

- 26 In section 45(4)—
- (a) omit “Subject to section 47(6)”;
 - (b) for “the Commission” substitute “ the CSCI ”; and
 - (c) at the end insert “ ; and an inspection under this section shall be regarded for all purposes as undertaken under section 80 of the Health and Social Care (Community Health and Standards) Act 2003 ”.

- 27 In section 51(1), for the words from “in relation to” to “registration authority” substitute “ in England in relation to which powers conferred by section 80 of the Health and Social Care (Community Health and Standards) Act 2003 may be exercised to pay to the CSCI ”.

VALID FROM 01/04/2004

- 28 In section 55(3)(e)—
- (a) for “the Commission” substitute “ the CSCI ”;
 - (b) for “section 31 or 46 of this Act” substitute “ section 31 of this Act or section 88 or 98 of the Health and Social Care (Community Health and Standards) Act 2003 ”.

VALID FROM 01/04/2004

- 29 In section 113, after subsection (1) insert—
- “(1A) The powers conferred by this section are exercisable by the Secretary of State if he is satisfied that—
- (a) the CHAI or the CSCI has without reasonable excuse failed to discharge, or properly to discharge, any of its functions under this Act, or
 - (b) in discharging any of its functions under this Act the CHAI or the CSCI has without reasonable excuse failed to comply with any directions given by him in relation to those functions.”

VALID FROM 01/04/2004

- 30 In section 121, in the Table in subsection (13), insert the following entries at the appropriate places— “ CHAI Section 5A ”; and “ CSCI Section 5B ”.

Freedom of Information Act 2000 (c. 36)

- 31 In the Freedom of Information Act 2000, in Part 6 of Schedule 1, at the appropriate places insert the following entries— “ Commission for Healthcare Audit and Inspection, in respect of information held for purposes other than those of its functions exercisable by virtue of paragraph 5(a)(i) of the Care Standards Act 2000.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

”; “ Commission for Social Care Inspection, in respect of information held for purposes other than those of its functions exercisable by virtue of paragraph 5(a) (ii) of the Care Standards Act 2000. ”.

Commencement Information

I60 Sch. 9 para. 31 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), **art. 3(b)**

I61 Sch. 9 para. 31 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), **art. 5(b)**

VALID FROM 01/04/2004

Adoption and Children Act 2002 (c. 38)

32 In section 99 of the Adoption and Children Act 2002, for “the National Care Standards Commission” substitute “ the Commission for Social Care Inspection ”.

SCHEDULE 10

Section 150

RECOVERY OF NHS CHARGES: EXEMPTED PAYMENTS

VALID FROM 29/01/2007

1 Any payment made to or for the injured person under—
(a) section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (compensation orders against convicted persons),
(b) section 249 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (corresponding provision in relation to Scotland), or
(c) Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)) (corresponding provision in relation to Northern Ireland).

VALID FROM 29/01/2007

2 Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—
(a) the injury suffered by the injured person, or
(b) any connected injury suffered by another.

3 Any payment made out of property held for the purposes of a prescribed trust.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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

I62 Sch. 10 para. 3 partly in force; sch. 10 para. 3 in force at Royal Assent for certain purposes, see s. 199(1)(4)

VALID FROM 29/01/2007

- 4 (1) Any payment made to the injured person by an insurer under the terms of any contract of insurance entered into between the injured person and the insurer before the occurrence of the injury in question.
- (2) In sub-paragraph (1), “insurer” means—
- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 (c. 8) to effect or carry out contracts of insurance, or
 - (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.
- (3) Sub-paragraph (2) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000,
 - (b) any relevant order under that section, and
 - (c) Schedule 2 to that Act.

VALID FROM 29/01/2007

- 5 Any payment which apart from this paragraph would be made by—
- (a) the responsible body of the health service hospital to whom the payment would subsequently be passed under section 162,
 - (b) the relevant ambulance trust to whom the payment would subsequently be passed under that section.

VALID FROM 29/01/2007

- 6 Any payment to the extent that it is made—
- (a) in consequence of an action under the Fatal Accidents Act 1976 (c. 30),
 - (b) in consequence of an action under the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)), or
 - (c) in circumstances where, had an action been brought, it would have been brought under that Act or Order.

VALID FROM 29/01/2007

- 7 Any payment to the extent that it is made in respect of a liability arising by virtue of section 1 of the Damages (Scotland) Act 1976 (c. 13).

Status: Point in time view as at 08/01/2004.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)*

- 8 Any payment of a prescribed description, either generally or in such circumstances as may be prescribed.

Commencement Information

I63 Sch. 10 para. 8 partly in force; Sch. 10 para. 8 in force at Royal Assent for certain purposes, see s. 199(1)(4)

SCHEDULE 11

Section 184

PART 4: MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 01/04/2004

National Health Service (Amendment) Act 1949 (c. 93)

- 1 (1) The National Health Service (Amendment) Act 1949 (which is spent in relation to England and Wales) shall cease to have effect.
- (2) This paragraph extends to England and Wales only.

VALID FROM 01/04/2004

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

- 2 The Health Services and Public Health Act 1968 has effect subject to the following amendments.
- 3 (1) Section 59 is amended as follows.
- (2) In subsection (1)—
- (a) after “local pharmaceutical services,” insert “ primary medical services, ”;
- (b) after “personal medical services,” insert “ primary dental services, ”.
- (3) In subsection (2), after “1977” insert “ (in the case of pharmaceutical services) ”.
- (4) In subsection (2A), omit “section 28C of the 1977 Act.”.
- (5) After subsection (2B) insert—
- “(2C) In subsection (1), the references to primary medical services and primary dental services are references to primary medical services and primary dental services provided under Part 1 of the 1977 Act or any corresponding provisions of the law in force in Northern Ireland or the Isle of Man.”

Commencement Information

I64 Sch. 11 para. 3(1) in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, art. 5(2)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

165	Sch. 11 para. 3(1) in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, art. 4(2)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
166	Sch. 11 para. 3(2)(a)(3)-(5) in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
167	Sch. 11 para. 3(2)(a)(3)-(5) in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

4	<p>In section 63(2)—</p> <p style="margin-left: 20px;">(a) after paragraph (a) insert—</p> <p style="margin-left: 40px;">“(aa) the provision or performance of a primary medical service or primary dental service under Part 1 of the 1977 Act and an activity involved in or connected with the provision or performance of such a service;”;</p> <p style="margin-left: 20px;">(b) in paragraph (ba), omit “section 28C of the 1977 Act or”.</p>
5	<p>In section 64(3)(b), after “make arrangements” insert “ or any service which a Primary Care Trust or Local Health Board is under a duty to provide under section 16CA or 16CC of that Act ”.</p>

VALID FROM 01/04/2004

Patents Act 1977 (c. 37)

6	<p>(1) Section 56(4)(a) of the Patents Act 1977 is amended as follows.</p> <p>(2) After “the provision of—” insert—</p> <p style="margin-left: 20px;">“(ai) primary medical services or primary dental services under Part 1 of the National Health Service Act 1977, or any corresponding provisions of the law in force in Northern Ireland or the Isle of Man, or”.</p> <p>(3) In sub-paragraph (i), after “1977” insert “ (in the case of pharmaceutical services) ”.</p> <p>(4) In sub-paragraph (ii), omit “section 28C of the 1977 Act,”.</p>
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National Health Service Act 1977 (c. 49)

VALID FROM 03/02/2004

7	The 1977 Act has effect subject to the following amendments.
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VALID FROM 28/02/2004

8	<p>In section 3, at the end insert—</p> <p style="margin-left: 20px;">“(4) For the purposes of the duty in subsection (1), services provided under—</p> <p style="margin-left: 40px;">(a) section 16CA(2) or 16CC(2) below, or</p> <p style="margin-left: 40px;">(b) a general medical services contract or a general dental services contract,</p>
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Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

are to be regarded as provided by the Secretary of State.”

VALID FROM 01/04/2004

- 9 In section 15(1)(a), for “general medical services, general dental services” substitute “ primary medical services, primary dental services ”.

VALID FROM 01/04/2004

- 10 In section 16BB(4), at the end insert “ (including functions under sections 16CA to 16CC below) ”.

VALID FROM 01/04/2006

- 11 In section 16BC(1), at the end insert “ or sections 16CA to 16CC below ”.

VALID FROM 01/04/2004

- 12 In section 18A(3)—
(a) in paragraph (a), omit “general medical, general dental,”; and
(b) for paragraph (b) substitute—
“(b) providing or performing primary medical services or primary dental services under this Part,”.

VALID FROM 01/04/2004

- 13 (1) Section 26 is amended as follows.
(2) In subsection (2) (as substituted by the National Health Service (Primary Care) Act 1997)—
(a) in paragraph (a), omit “general medical services, general dental services”;
(b) for paragraph (b) substitute—
“(b) providing services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements,”.
(3) In subsection (4)—
(a) in paragraph (a), omit “general medical services, general dental services”;
(b) for paragraph (aa) substitute—
“(aa) persons performing services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements”.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/03/2004

- 14 In section 28C(1)(a) and (b), (2)(a) and (b) and (4), for “personal”, in all places, substitute “ primary ”.

VALID FROM 01/03/2004

- 15 (1) Section 28D is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), at the end insert “ or NHS foundation trust ”;
 - (b) in paragraph (d), for “or a section 17C employee” substitute “ , a section 17C employee or an Article 15B employee ”;
 - (c) in paragraph (f), at the end insert “ or Local Health Board ”.
- (3) In subsection (2), after the definition of “the 1978 Act” insert—
- ““Article 15B arrangements” means arrangements for the provision of services made under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 (1972 No. 1256 (N.I. 14));
- “Article 15B employee” means an individual who, in connection with the provision of services in accordance with Article 15B arrangements, is employed by a person providing or performing those services;”.
- (4) In subsection (2), in the definition of “qualifying body”—
- (a) in paragraph (a), for “(c)” substitute “ (ba), (bb), (bc) ”;
 - (b) in paragraph (b), for “personal” substitute “ primary ”.

VALID FROM 01/03/2004

- 16 In section 28EE(2), for “personal” substitute “ primary ”.

VALID FROM 01/03/2004

- 17 In section 28I(a), for the words from “personal medical services” to “arrangements” substitute “ primary medical services or primary dental services under this Part ”.

VALID FROM 01/04/2006

- 18 (1) Section 41(1) is amended as follows.
- (2) In paragraph (b), after “medicines” insert “ and listed appliances ”.
- (3) In paragraph (c)—
- (a) after “medicines” insert “ and listed appliances ”;
 - (b) for “general dental services” substitute “ primary dental services ”.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2006

- 19 In section 43(1), for “general medical services or general dental services” substitute “ primary medical services or primary dental services under Part 1 above ”.

VALID FROM 01/04/2004

- 20 In section 43D(10)—
- (a) omit paragraphs (a) and (b);
 - (b) for the words from “paragraphs” to “a services list prepared by” substitute “ paragraphs (c) to (e), a supplementary list, a list under section 28X or a list corresponding to a list under section 28X prepared by ”.

VALID FROM 01/04/2004

- 21 (1) Section 44 is amended as follows.
- (2) In the side-note, for “local representative committees” substitute “ Local Optical Committees and Local Pharmaceutical Committees ”.
 - (3) Omit subsections (ZA1) to (B1).
 - (4) In subsection (1)—
 - (a) for the words from “a Health Authority” to “their area” substitute “ a Local Health Board is satisfied that a committee formed for its area, or for its area and that of one or more other Local Health Boards ”;
 - (b) for “the Health Authority” substitute “ the Local Health Board ”.
 - (5) Omit subsections (3)(a) to (d) and (5).

VALID FROM 01/04/2004

- 22 (1) Section 45 is amended as follows.
- (2) In the side-note, for “local representative committees” substitute “ Local Optical Committees and Local Pharmaceutical Committees ”.
 - (3) In subsection (1)—
 - (a) for “Health Authorities” substitute “ Local Health Boards ”;
 - (b) omit paragraph (b).
 - (4) In subsection (1ZA), omit paragraph (b) and the preceding “or”.
 - (5) In subsection (1A)—
 - (a) omit “Strategic Health Authority”;
 - (b) for “Health Authority” substitute “ Local Health Board ”.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

- (6) In subsection (1C), for the words from “an area” to the end substitute “ an area under subsection (B2)(b)(ii) of section 44 above shall, in respect of each year, determine the amount of its administrative expenses for that year attributable to the persons providing local pharmaceutical services in the Primary Care Trust’s area ”.
- (7) In subsection (2), for “Health Authority”, in both places, substitute “ Local Health Board ”.
- (8) In subsection (3)—
 - (a) for “Health Authority”, in both places, substitute “ Local Health Board ”;
 - (b) omit “general medical services, general dental services,”.
- (9) In subsection (4), for the words from “deputy medical practitioners” to “as the case may be” substitute “ persons providing local pharmaceutical services ”.

23 After section 45 insert—

“45A Local Medical Committees

- (1) A Primary Care Trust may recognise a committee formed for its area, or for its area and that of one or more other Primary Care Trusts, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (2) A Local Health Board may recognise a committee formed for its area, or for its area and that of one or more other Local Health Boards, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (3) This subsection applies to—
 - (a) every medical practitioner who, under a general medical services contract entered into by him, is providing primary medical services in the area for which the committee is formed; and
 - (b) every medical practitioner who is providing general ophthalmic services in that area.
- (4) This subsection applies to every other medical practitioner—
 - (a) who is performing primary medical services in the area for which the committee is formed—
 - (i) pursuant to section 16CC(2)(a) above;
 - (ii) in accordance with section 28C arrangements; or
 - (iii) under a general medical services contract; and
 - (b) who has notified the Primary Care Trust or Local Health Board that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (5) A committee recognised under this section shall be called the Local Medical Committee for the area for which it is formed.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

- (6) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (7) Regulations may require a Primary Care Trust or Local Health Board, in the exercise of its functions relating to primary medical services, to consult any committee recognised by it under this section on such occasions and to such extent as may be prescribed.
- (8) Regulations may require a Strategic Health Authority, in the exercise of any of its functions which relate to section 28C arrangements for the provision of primary medical services, to consult, on such occasions and to such extent as may be prescribed, any committee—
 - (a) which is recognised by a Primary Care Trust under this section for the area where the services are (or are to be) provided under those arrangements; and
 - (b) which is representative of persons providing or performing those services under those arrangements.
- (9) A committee recognised under this section shall have such other functions as may be prescribed.
- (10) A committee recognised under this section shall in respect of each year determine—
 - (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a) or (2)(a); and
 - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b) or (2)(b).
- (11) A Primary Care Trust or Local Health Board may—
 - (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (10)(a) as it may determine; and
 - (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under subsection (1)(a) or (2)(a) under the general medical services contracts, or arrangements under section 38 above, entered into by them with the Trust or Board.
- (12) A committee recognised under this section shall apportion the amount determined by it under subsection (10)(b) among the persons of whom it is representative under subsection (1)(b) or (2)(b); and each such person shall pay in accordance with the committee's directions the amount so apportioned to him.
- (13) References in this section to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

45B Local Dental Committees

- (1) A Primary Care Trust may recognise a committee formed for its area, or for its area and that of one or more other Primary Care Trusts, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (2) A Local Health Board may recognise a committee formed for its area, or for its area and that of one or more other Local Health Boards, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (3) This subsection applies to every dental practitioner who, under a general dental services contract entered into by him, is providing primary dental services in the area for which the committee is formed.
- (4) This subsection applies to every other dental practitioner—
 - (a) who is performing primary dental services in the area for which the committee is formed—
 - (i) under section 16CA(2) above;
 - (ii) in accordance with section 28C arrangements; or
 - (iii) under a general dental services contract; and
 - (b) who has notified the Primary Care Trust that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (5) A committee recognised under this section shall be called the Local Dental Committee for the area for which it is formed.
- (6) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (7) Regulations may require a Primary Care Trust or Local Health Board, in the exercise of its functions relating to primary dental services, to consult any committee recognised by it under this section on such occasions and to such extent as may be prescribed.
- (8) Regulations may require a Strategic Health Authority, in the exercise of any of its functions which relate to section 28C arrangements for the provision of primary dental services, to consult, on such occasions and to such extent as may be prescribed, any committee—
 - (a) which is recognised by a Primary Care Trust under this section for the area where the services are (or are to be) provided under those arrangements; and
 - (b) which is representative of persons providing or performing those services under those arrangements.
- (9) A committee recognised under this section shall have such other functions as may be prescribed.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

- (10) A committee recognised under this section shall in respect of each year determine—
- (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a) or (2)(a); and
 - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b) or (2)(b).
- (11) A Primary Care Trust or Local Health Board may—
- (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (10)(a) as it may determine; and
 - (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under subsection (1)(a) or (2)(a) under the general dental services contracts entered into by them with the Trust or Board.
- (12) A committee recognised under this section shall apportion the amount determined by it under subsection (10)(b) among the persons of whom it is representative under subsection (1)(b) or (2)(b); and each such person shall pay in accordance with the committee’s directions the amount so apportioned to him.
- (13) References in this section to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members.”

Commencement Information

I68 Sch. 11 para. 23 partly in force; Sch. 11 para. 23 in force at Royal Assent for certain purposes, see s. 199(1)(4)

VALID FROM 01/04/2004

- 24 In section 49N(1)—
- (a) in paragraph (a), for “49F(1)(a) to (e)” substitute “ 49F(1) ”;
 - (b) in paragraph (c), for the words from the beginning to “a services list” substitute “ all lists under section 28X above, or any list corresponding to a list under that section ”.

VALID FROM 01/04/2004

25 Section 53 (immunisation) shall cease to have effect.

- 26 (1) Section 54 (as substituted by the National Health Service (Primary Care) Act 1997) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “1973 or” insert “ (prior to its repeal) section 29 of ”;

Status: Point in time view as at 08/01/2004.

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- (b) in paragraph (b), at the end insert “ (prior to the coming into force of section 16CC above) ”;
 - (c) after that paragraph insert “or
 - (c) provided or performed primary medical services in accordance with section 28C arrangements, arrangements under section 16CC(2)(b) above or under a general medical services contract—
 - (i) in prescribed circumstances, or
 - (ii) if regulations so provide, in all circumstances,”.
- (3) In subsection (2), in the definition of “relevant area”—
- (a) after “Primary Care Trust”, in both places, insert “ , Local Health Board ”;
 - (b) after “by arrangement” insert “ or contract ”;
 - (c) for paragraphs (a) and (b) substitute “ provided or performed services as specified in subsection (1) above ”.

Commencement Information

I69 Sch. 11 para. 26 partly in force; Sch. 11 para. 26 in force at Royal Assent for certain purposes, see s. 199(1)(4)

VALID FROM 01/04/2004

- 27 (1) Section 72 is amended as follows.
- (2) In subsection (5), at the end insert “and
- (d) persons providing primary medical services or primary dental services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements”.
- (3) In subsection (6)(a), for “Part II” substitute “ this Act ”.

VALID FROM 01/04/2006

- 28 In section 77, at the end insert—
- “(4) This section does not apply in relation to the provision of any relevant dental service (within the meaning of section 79 below).”

VALID FROM 01/04/2006

- 29 In section 78(3), for “paragraphs 2 and 5” substitute “ paragraph 2 ”.

VALID FROM 01/04/2006

- 30 In section 83(a), for “to 79” substitute “ and 78 ”.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2006

31 In section 83A(1)(a), for the words from “section 77(1)” to “1997” substitute “section 77(1), 78(1) or 79 above”.

VALID FROM 01/04/2006

32 In section 85(1)—
(a) insert “ or ” at the end of paragraph (bbb);
(b) omit paragraph (e).

VALID FROM 01/04/2006

33 (1) Section 98 is amended as follows.
(2) In subsection (1)—
(a) insert “ and ” at the end of paragraph (dd);
(b) omit paragraph (e) and the preceding “and”.
(3) In subsection (4)—
(a) in paragraph (a), omit the words from “, other than” to the end;
(b) omit paragraph (b).

VALID FROM 01/04/2006

34 In section 99(1)—
(a) insert “ and ” at the end of paragraph (bb);
(b) omit paragraph (f) and the preceding “and”.

VALID FROM 01/04/2006

35 In section 100(1)—
(a) insert “ and ” at the end of paragraph (b);
(b) omit paragraph (e) and the preceding “and”.

VALID FROM 01/04/2004

36 In section 103(1)(a)—
(a) after “in respect of” insert “ primary medical services or primary dental services provided by any person under Part 1 of this Act or of ”;
(b) omit “or in accordance with section 28C arrangements”.

Status: Point in time view as at 08/01/2004.

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VALID FROM 01/04/2004

- 37 In section 105(2)(a), for the words from “as part of” to “arrangements” substitute “in the provision under this Act of primary medical services for that person”.

VALID FROM 03/02/2004

- 38 In section 126(4), after “19A(7) above” insert “, or by section 28E(3A), 28N, 28T or 28U above,”.

VALID FROM 03/02/2004

- 39 In section 128(1), at the appropriate places in alphabetical order insert—
- ““general dental services contract” has the meaning given by section 28K above;”;
 - ““general medical services contract” has the meaning given by section 28Q above;”;
 - ““primary dental services” means services which are primary dental services for the purposes of Part 1 (see section 16CA);”;
 - ““primary medical services” means services which are primary medical services for the purposes of Part 1 (see section 16CC).”

VALID FROM 01/04/2004

- 40 (1) In Schedule 7A, paragraph 3 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after paragraph (f) insert—
 - “(fa) persons providing primary medical services or primary dental services under Part 1 of this Act;”.
 - (b) in paragraph (g), omit the words from “or under” to “this Act”.
- (3) In sub-paragraph (2), for “(1)(g)” substitute “(1)(fa), (g)”.

VALID FROM 01/04/2004

- 41 In Schedule 8A, in paragraph 1(5), for the words from “personal medical” to the end substitute “primary medical services or primary dental services under any provision of, or made under, this Act.”

VALID FROM 01/04/2004

- 42 (1) Schedule 9A is amended as follows.

Status: Point in time view as at 08/01/2004.

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- (2) In paragraph 6, for paragraphs (a) and (b) substitute—
- “(a) health care professional of each description prescribed under section 28X above, provided that each such health care professional appointed is included in a list under that section;”.
- (3) At the end of paragraph 6 insert— “ For the purposes of paragraph (a) above, “health care professional” has the same meaning as in section 28X above. ”
- (4) In paragraph 10—
- (a) after “49N above” insert “ or for the purposes of regulations under section 28X above containing provision corresponding to those sections ”;
- (b) for paragraph (a) substitute—
- “(a) if the practitioner is a health care professional of a description prescribed under section 28X above, one member of the panel must be a health care professional of the same description;
- (aa) if the practitioner is of a description referred to in paragraph 6(c) or (d) above, one member of the panel must be a practitioner of that description; and”.
- (5) In paragraph 17(c), at the end insert “ or under any provision of regulations under section 28X above corresponding to that provision ”.

VALID FROM 01/04/2004

- 43 In Schedule 10, in paragraph 3, for “general medical services or personal medical services” substitute “ or performed services as specified in section 54(1) ”.

VALID FROM 01/04/2004

- 44 In Schedule 12, in paragraph 1(1)(b), for “accordance with section 28C arrangements or “” substitute “ the provision of primary medical services under Part 1 or in accordance with ”.

VALID FROM 01/04/2004

- 45 In Schedule 12A, insert “ or ” after paragraphs 1(2)(b), 2(2)(a), 4(2)(aa), 5(2)(a), 6A(2)(b) and 6B(2)(a).

VALID FROM 01/04/2004

- National Health Service (Scotland) Act 1978 (c. 29)*
- 46 (1) Section 17D of the National Health Service (Scotland) Act 1978 is amended as follows.
- (2) In subsection (1)—

Status: Point in time view as at 08/01/2004.

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- (a) in paragraph (b)(ii), after “arrangements or” insert “ primary medical services in accordance with ”;
 - (b) in paragraph (c)(ii), after “arrangements or” insert “ primary dental services in accordance with ”.
- (3) In subsection (2), in the definition of “NHS employee”—
- (a) in paragraph (b)(ii), after “arrangements or” insert “ primary medical services in accordance with ”;
 - (b) in paragraph (c)(i), for “36(1)(a)” substitute “ 28X ”;
 - (c) in paragraph (c)(ii), after “arrangements or” insert “ primary dental services in accordance with ”.

VALID FROM 01/04/2004

Medical Act 1983 (c. 54)

- 47 The Medical Act 1983 is amended as follows.
- 48 In section 11(4), in the definition of “medical practice”—
- (a) after “practitioners—” insert—
 - “(za) perform primary medical services under Part 1 of the National Health Service Act 1977; or”;
 - (b) in paragraph (a), omit “Part II of the National Health Service Act 1977,”;
 - (c) in paragraph (b), omit “section 28C of the 1977 Act.”
- 49 In section 12(2)(a), for “general medical services under Part II of the National Health Service Act 1977,” substitute “ primary medical services under Part 1 of the National Health Service Act 1977 or general medical services under ”.

VALID FROM 01/04/2006

Dentists Act 1984 (c. 24)

- 50 In section 40(2) of the Dentists Act 1984, after paragraph (a) insert—
- “(aa) by a person providing primary dental services under section 28C of the National Health Service Act 1977 or under a contract under section 28K of that Act, or”.

VALID FROM 01/04/2004

Community Health Councils (Access to Information) Act 1988 (c. 24)

- 51 In section 1(6) of the Community Health Councils (Access to Information) Act 1988, in the paragraph 6B inserted into Schedule 12A of the Local Government Act 1972 (c. 70)—
- (a) after paragraph (a) insert—

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- “(aa) any particular person who is or was formerly included in, or is an applicant for inclusion in, a list under section 28X of that Act; or
- (ab) any particular person who is or was formerly providing services under a contract under section 28K or section 28Q of that Act; or”;
- (b) in paragraph (b), for “such a person” substitute “ a person mentioned in paragraphs (a) to (ab) above ”.

VALID FROM 01/04/2004

Copyright, Designs and Patents Act 1988 (c. 48)

- 52 In section 240(4) of the Copyright, Designs and Patents Act 1988—
- (a) after “providing—” insert—
 - “(za) primary medical services or primary dental services under Part 1 of the National Health Service Act 1977”;
 - (b) in paragraph (a)(i), after “1977” insert “ (in the case of pharmaceutical services) ”;
 - (c) omit paragraph (b)(i).

VALID FROM 01/04/2004

Health and Medicines Act 1988 (c. 49)

- 53 The Health and Medicines Act 1988 has effect subject to the following amendments.

VALID FROM 01/04/2006

- 54 In section 12(1)—
- (a) omit “The Dental Estimates Board shall be renamed as “the Dental Practice Board” and”;
 - (b) in paragraph (a), omit “for any reference to the Dental Estimates Board there were substituted a reference to the Dental Practice Board and”;
 - (c) in paragraph (b)—
 - (i) omit “the Dental Estimates Board or”;
 - (ii) for “either or both of those Boards” substitute “ that Board ”, and
 - (iii) omit “the Dental Practice Board and”.

- 55 In section 17(1)—
- (a) omit “29, 36”;
 - (b) for “39 or 42” substitute “ 38, 39, 41 or 42 ”.

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2004

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

- 56 (1) Section 18 of the National Health Service and Community Care Act 1990 is amended as follows (for so long as it has effect).
- (2) In subsection (1), for “Health Authority”, in each place, substitute “ Local Health Board ”.
- (3) In subsection (3), for paragraphs (a) and (b) substitute—
- “(a) a person or body who has entered into a contract under section 28Q of the principal Act, otherwise than in partnership; or
- (b) two or more individuals practising in partnership who together have entered into such a contract.”.
- (4) In subsections (4) and (5), for “Health Authority”, in each place, substitute “ Local Health Board ”.
- (5) At the end insert—
- “(9) In this section, references to the “relevant” Primary Care Trust or Local Health Board, in relation to a practice, are to the Primary Care Trust or Local Health Board with which it has entered into a contract under section 28Q of the principal Act.”

VALID FROM 01/04/2004

Access to Health Records Act 1990 (c. 23)

- 57 (1) The Access to Health Records Act 1990 is amended as follows.
- (2) In section 1, in subsection (2), for paragraph (a) substitute—
- “(a) in the case of a record made by a health professional performing primary medical services under a general medical services contract made with a Primary Care Trust or Local Health Board, the person or body who entered into the contract with the Trust or Board (or, in a case where more than one person so entered into the contract, any such person);
- (aa) in the case of a record made by a health professional performing such services in accordance with arrangements under section 28C of that Act with a Primary Care Trust, Strategic Health Authority or Local Health Board, the person or body which made the arrangements with the Trust, Authority or Board (or, in a case where more than one person so made the arrangements, any such person);”.
- (3) In that subsection, in paragraph (b), after “by a health service body” insert “ (and not falling within paragraph (aa) above) ”.
- (4) In section 7—

Status: Point in time view as at 08/01/2004.

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- (a) in subsection (2), omit the words from “(other” to “section 1(2)(a) above”;
 - and
 - (b) omit subsection (3).
- (5) In section 11—
- (a) at the appropriate place, insert—
 - ““general medical services contract” means a contract under section 28Q of the National Health Service Act 1977;”;
 - (b) omit the definition of “general practitioner”.
- (6) This paragraph extends to England and Wales only.

VALID FROM 01/04/2004

Water Industry Act 1991 (c. 56)

- 58 In Schedule 4A to the Water Industry Act 1991, for paragraph 7 substitute—
- “7 Premises not falling within paragraph 5 or 6 above which are used for the provision of primary medical services or primary dental services under Part 1 of the National Health Service Act 1977.”

VALID FROM 01/04/2004

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

- 59 (1) Section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In paragraph (a), omit “28C, 29, 35”.
 - (3) Renumber the existing provision as subsection (1).
 - (4) After that provision insert—
 - “(2) In this Act “worker” also includes an individual regarded in his capacity as one who works or normally works or seeks to work as a person performing primary medical services or primary dental services—
 - (a) in accordance with arrangements made by a Primary Care Trust, Strategic Health Authority or Local Health Board under section 28C of the National Health Service Act 1977; or
 - (b) under a contract under section 28K or 28Q of that Act entered into by him with a Primary Care Trust or Local Health Board,
- and “employer” in relation to such an individual, regarded in that capacity, means that Trust, Authority or Board.”

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2004

Health Service Commissioners Act 1993 (c. 46)

- 60 The Health Service Commissioners Act 1993 has effect subject to the following amendments.
- 61 In section 2—
- (a) in subsection (1)(c), for the words from “exercising” to the end substitute “not exercising functions only or mainly in Wales”;
 - (b) in subsection (2)(b), for the words from “exercising” to the end substitute “not exercising functions only or mainly in England”.
- 62 (1) Section 2A is amended as follows.
- (2) In subsection (1)—
 - (a) for paragraph (a) substitute—
 - “(a) persons (whether individuals or bodies) providing services under a contract entered into by them with a Primary Care Trust under section 28K or 28Q of the National Health Service Act 1977”;
 - (b) in paragraph (c), for “personal”, in both places, substitute “primary”.
 - (3) In subsection (2)—
 - (a) for paragraph (a) substitute—
 - “(a) persons (whether individuals or bodies) providing services under a contract entered into by them with a Local Health Board under section 28K or 28Q of the National Health Service Act 1977;”;
 - (b) in paragraph (c), for “personal”, in both places, substitute “primary”.
- 63 In section 6(5)—
- (a) omit “29, 36”;
 - (b) for “39 or 42” substitute “38, 39, 41 or 42”.
- 64 In section 18(1), after “partly” insert “or wholly”.

VALID FROM 01/04/2004

Employment Rights Act 1996 (c. 18)

- 65 (1) Section 43K of the Employment Rights Act 1996 is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
 - “(ba) works or worked as a person performing services under a contract entered into by him with a Primary Care Trust or Local Health Board under section 28K or 28Q of the National Health Service Act 1977,”.
 - (3) In subsection (2), after paragraph (a) insert—

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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)

“(aa) in relation to a worker falling within paragraph (ba) of that subsection, the Primary Care Trust or Local Health Board referred to in that paragraph.”

VALID FROM 01/04/2006

Education Act 1996 (c. 56)

66 In section 520(1) of the Education Act 1996, for “(1A)” substitute “ 16CB ”.

VALID FROM 01/04/2004

Health Act 1999 (c. 8)

67 In Schedule 3 to the Health Act 1999, in paragraph 11(2)—
(a) in sub-paragraph (c), for the words from “provide” to “under” substitute “perform primary medical services under Part 1 of”;
(b) in sub-paragraph (d), for the words from “provide” to “under” substitute “perform primary dental services under Part 1 of”.

VALID FROM 17/01/2005

Freedom of Information Act 2000 (c. 36)

68 In Schedule 1 to the Freedom of Information Act 2000, in Part 3, before paragraph 44 insert—
“43A Any person providing primary medical services or primary dental services—
(a) in accordance with arrangements made under section 28C of the National Health Service Act 1977; or
(b) under a contract under section 28K or 28Q of that Act;
in respect of information relating to the provision of those services.”

VALID FROM 01/04/2004

Health and Social Care Act 2001 (c. 15)

69 The Health and Social Care Act 2001 has effect subject to the following amendments.
70 Section 18 shall cease to have effect.
71 In section 28(4), for the words from “personal medical services” to the end substitute “primary medical services or primary dental services under any provision of, or made under, the 1977 Act.”

Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2006

- 72 (1) Schedule 1 is amended as follows.
 - (2) For paragraphs 11 and 12 substitute—
 - “11 Information relating to a particular person who—
 - (a) is or was formerly providing primary medical services or primary dental services under a contract under section 28K or 28Q of the 1977 Act;
 - (b) is or was formerly included in, or is an applicant for inclusion in, a list under section 28X of the 1977 Act.”
 - (3) In paragraph 13, for “, 11 or 12” substitute “ or 11 ”.
-
- 73 In Schedule 2, in paragraph 5(2), for paragraphs (c) and (d) substitute—
 - “(c) primary medical services provided under Part 1 of the 1977 Act.”

VALID FROM 01/04/2004

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 74 (1) Section 17 of the National Health Service Reform and Health Care Professions Act 2002 is amended as follows.
- (2) In subsection (1)—
 - (a) after paragraph (f) insert—
 - “(fa) persons providing primary medical services or primary dental services under Part 1 of the 1977 Act.”; and
 - (b) in paragraph (g), omit the words from “or under” to “that Act”.
- (3) In subsection (2), for “(1)(g)” substitute “ (1)(fa), (g) ”.

VALID FROM 19/10/2004

SCHEDULE 12

Section 187

PRIVY COUNCIL APPOINTMENTS

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Status: Point in time view as at 08/01/2004.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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 01/04/2005

SCHEDULE 13

Section 190

AMENDMENTS CONSEQUENTIAL ON THE ABOLITION OF
THE PUBLIC HEALTH LABORATORY SERVICE BOARD

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VALID FROM 01/03/2004

SCHEDULE 14

Section 196

REPEALS AND REVOCATIONS

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Status:

Point in time view as at 08/01/2004.

Changes to legislation:

Health and Social Care (Community Health and Standards) Act 2003 is up to date with all changes known to be in force on or before 10 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.