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## SCHEDULES

### SCHEDULE 1 **E+W**

Section 2

#### CONSEQUENTIAL AMENDMENTS

##### *Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)*

- 1 The Voluntary Hospitals (Paying Patients) Act 1936 is amended as follows.
- 2 In section 1—
- (a) in the definition of “NHS trust” for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”, and
  - (b) in the definition of “Primary Care Trust” for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”.

##### *Polish Resettlement Act 1947 (c. 19)*

- 3 The Polish Resettlement Act 1947 is amended as follows.
- 4 In section 4(1), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”.

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

- 5 The National Assistance Act 1948 is amended as follows.
- 6 In section 21(8), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 7 In section 24(7)—
- (a) for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”, and
  - (b) for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”.
- 8 In section 29(6)(b), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 9 In section 47(8), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

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*Law Reform (Personal Injuries) Act 1948 (c. 41)*

10 The Law Reform (Personal Injuries) Act 1948 is amended as follows.

11 In section 2(4), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

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

12 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.

13 In Part 1 of Schedule 2—

(a) in paragraph 15, for “any other body constituted under the National Health Service Act 1977” substitute “ any other body, other than an NHS foundation trust, constituted under the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”,

(b) in paragraph 16—

(i) omit “the National Health Service Act 1977, or”, and

(ii) omit “Primary Care Trust, Health Authority or”.

*Landlord and Tenant Act 1954 (c. 56)*

14 The Landlord and Tenant Act 1954 is amended as follows.

15 In section 57(6), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

*Pharmacy Act 1954 (c. 61)*

16 The Pharmacy Act 1954 is amended as follows.

17 In section 13I, for subsection (1)(e) substitute—

“(e) Schedule 13 to the National Health Service Act 2006.”.

*Disabled Persons (Employment) Act 1958 (c. 33)*

18 The Disabled Persons (Employment) Act 1958 is amended as follows.

19 In section 3(2), for “paragraph 2 of Schedule 8 to the National Health Service Act 1977” substitute “ paragraph 2 of Schedule 20 to the National Health Service Act 2006 or paragraph 2 of Schedule 15 to the National Health Service (Wales) Act 2006 ”.

*Public Records Act 1958 (c. 51)*

20 The Public Records Act 1958 is amended as follows.

21 In paragraph 3(2) of Schedule 1, in Part 1 of the Table, in the first entry relating to the Department of Health and Social Security—

(a) for “or section 92 of the National Health Service Act 1977” substitute “ , section 92 of the National Health Service Act 1977, section 213 of the National Health Service Act 2006 or section 161 of the National Health Service (Wales) Act 2006 ”,

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- (b) for “or section 90 or 91 of the National Health Service Act 1977” substitute “, section 90 or 91 of the National Health Service Act 1977, section 218 of the National Health Service Act 2006 or paragraph 8 of Schedule 6 to that Act, or paragraph 8 of Schedule 5 to the National Health Service (Wales) Act 2006 ”,
- (c) for “or under section 92 of the National Health Service Act 1977” substitute “, under section 213 of the National Health Service Act 2006 or section 161 of the National Health Service (Wales) Act 2006, ”
- (d) for “that Act” substitute “ the National Health Service Act 1977, section 218 of the National Health Service Act 2006, paragraph 12 of Schedule 2 to, or paragraph 8 of Schedule 6 to, that Act, or paragraph 8 of Schedule 5 to the National Health Service (Wales) Act 2006 ”.

*Mental Health Act 1959 (c. 72)*

22 The Mental Health Act 1959 is amended as follows.

23 In section 8—

- (a) in subsection (2), for “Schedule 8 to the National Health Service Act 1977” substitute “ Schedule 20 to the National Health Service Act 2006 or Schedule 15 to the National Health Service (Wales) Act 2006 ”, and
- (b) in subsection (4), for “Schedule 8 to the National Health Service Act 1977” substitute “ Schedule 20 to the National Health Service Act 2006 or Schedule 15 to the National Health Service (Wales) Act 2006 ”.

24 In section 142(2), for the words from the beginning to “relates” substitute “ Section 68(4) of the National Health Service Act 2006, and section 28(4) of the National Health Service (Wales) Act 2006 (which relate ”.

25 In section 154(2), for the words from the beginning to “extension” substitute “ Section 278(4) of the National Health Service Act 2006 (which provides for the application ”.

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

26 The Public Bodies (Admission to Meetings) Act 1960 is amended as follows.

27 In paragraph 1(l) of the Schedule, for “section 5(1) of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”.

*Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)*

28 The Superannuation (Miscellaneous Provisions) Act 1967 is amended as follows.

29 In section 7—

- (a) in subsection (1)(a)(i), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”,
- (b) in subsection (1)(b), for “the said Act of 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006, other than an NHS trust or an NHS foundation trust ”, and
- (c) in subsection (5), for “the said Act of 1977” substitute “ the National Health Service Act 2006 ”.

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*Abortion Act 1967 (c. 87)*

- 30 In section 1(3) of the Abortion Act 1967, for “National Health Service Act 1977” substitute “ National Health Service Act 2006 ”.

*Leasehold Reform Act 1967 (c. 88)*

- 31 The Leasehold Reform Act 1967 is amended as follows.
- 32 In section 28(6)(c), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

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

- 33 The Health Services and Public Health Act 1968 is amended as follows.
- 34 In section 45(4)(b), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 35 In section 59(2), for “Part II of the National Health Service Act 1977” substitute “ Chapter 1 of Part 7 of the National Health Service Act 2006 or Chapter 1 of Part 7 of the National Health Service (Wales) Act 2006 ”.
- 36 In section 59(2B)—
- (a) in paragraph (a), for “section 28 of the Health and Social Care Act 2001” substitute “ section 134 of the National Health Service Act 2006 or section 92 of the National Health Service (Wales) Act 2006 ”, and
  - (b) in paragraph (b), for “Schedule 8A to the National Health Service Act 1977” substitute “ Schedule 12 to the National Health Service Act 2006 or Schedule 7 to the National Health Service (Wales) Act 2006 ”.
- 37 In section 59(2C), for “Part 1 of the 1977 Act” (in both places) substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 38 In section 63—
- (a) in subsection (2)(aa), for “Part 1 of the 1977 Act” substitute “ either of the 2006 Acts ”,
  - (b) in subsection (2)(b), for “Part II of the 1977 Act” substitute “ Chapter 1 of Part 7 of the National Health Service Act 2006, or Part 6 of, or Chapter 1 of Part 7 of, the National Health Service (Wales) Act 2006 ”,
  - (c) in subsection (2)(bb), for the words from the first “established” to “1977 Act” substitute “ or an LPS scheme established under either of the 2006 Acts ”,
  - (d) in subsection (5A), for the words from “section 126” to the end substitute—
    - “(a) in the case of regulations made by the Secretary of State, section 272 of the National Health Service Act 2006 applies to regulations made under this subsection as if this subsection were contained in that Act,
    - (b) in the case of regulations made by the Welsh Ministers, section 203 of the National Health Service (Wales) Act 2006 applies to regulations made under this subsection as if this subsection were contained in that Act.”,

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- (e) in subsection (8)—
  - (i) for the definition of the “1977 Act” substitute “2006 Acts” means the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 ”,
  - (ii) in paragraph (a), for “1977” substitute “ 2006 ”, and
  - (iii) in paragraph (b), for “National Health Service Act 1977” substitute “ 2006 Acts ”, and
- (f) in subsection (8A), for “1977 Act have the same meaning in this section as in that Act” substitute “ 2006 Acts have the same meaning in this section as in those Acts ”.

39 In section 64(3)—

- (a) in paragraph (a), in the second sub-paragraph (xvii), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 ”, and
- (b) in paragraph (b), for “Part II of the National Health Service Act 1977” substitute “ Chapter 1 of Part 7 of the National Health Service Act 2006, or Part 6 of, or Chapter 1 of Part 7 of, the National Health Service (Wales) Act 2006 ”.

40 In section 65(3)(b), in the second sub-paragraph (xix), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 ”.

*Social Work (Scotland) Act 1968 (c. 49)*

41 The Social Work (Scotland) Act 1968 is amended as follows.

42 In section 86(3)—

- (a) for “sections 2 and 3 of the National Health Service Act 1977” substitute “ sections 2 and 3 of the National Health Service Act 2006, sections 2 and 3 of the National Health Service (Wales) Act 2006 ”, and
- (b) for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”.

*Medicines Act 1968 (c. 67)*

43 The Medicines Act 1968 is amended as follows.

44 In section 131(5), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006, ”.

45 In section 132(1), in the definition of “health centre” for “section 2 or 3 of the National Health Service Act 1977” substitute “ section 2 or 3 of the National Health Service Act 2006, section 2 or 3 of the National Health Service (Wales) Act 2006, ”.

*Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

46 The Employers' Liability (Compulsory Insurance) Act 1969 is amended as follows.

47 In section 3(2)(a)—

- (a) for “Part I of that Act” substitute “ section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006 ”,

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- (b) for “section 16A of the National Health Service Act 1977” substitute “section 18 of the National Health Service Act 2006”, and
- (c) for “section 16BA of that Act” substitute “section 11 of the National Health Service (Wales) Act 2006”.

*Finance Act 1971 (c. 68)*

48 The Finance Act 1971 is amended as follows.

49 In paragraph 1(1) of Schedule 13, for “National Health Service Act 1977” substitute “National Health Service Act 2006, the National Health Service (Wales) Act 2006”.

*Local Government Act 1972 (c. 70)*

50 The Local Government Act 1972 is amended as follows.

51 In section 113(4)—

- (a) for “Part 1 of the National Health Service and Community Care Act 1990” substitute “section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006”, and
- (b) for “section 16A of the National Health Service Act 1977” substitute “section 18 of the National Health Service Act 2006”.

*House of Commons Disqualification Act 1975 (c. 24)*

52 The House of Commons Disqualification Act 1975 is amended as follows.

F153 .....

**Textual Amendments**

**F1** Sch. 1 para. 53 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), s. 245(5), [Sch. 18 Pt. 18](#); S.I. 2008/461, art. 2(3), Sch.

54 In Schedule 1, in Part 3—

- (a) in the entry relating to a Strategic Health Authority, Health Authority or Special Health Authority, omit the words from “which is a relevant authority” to the end,
- (b) in the entry relating to a Primary Care Trust, for “section 16A of the National Health Service Act 1977” substitute “section 18 of the National Health Service Act 2006”,
- (c) in the entry relating to a National Health Service Trust, for “the National Health Service and Community Care Act 1990” substitute “the National Health Service Act 2006, the National Health Service (Wales) Act”, and
- (d) in the entry relating to the President and Deputy President of the Family Health Services Appeal Authority, for “section 49S of the National Health Service Act 1977” substitute “section 169 of the National Health Service Act 2006”.

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*Race Relations Act 1976 (c. 74)*

55 The Race Relations Act 1976 is amended as follows.

56 In Part 1 of Schedule 1A—

- (a) in paragraph 5—
  - (i) after “Strategic Health Authority” insert “ established under section 13 of the National Health Service Act 2006 ”, and
  - (ii) omit “established under section 8 of the National Health Service Act 1977”,
- (b) in paragraph 6, for “section 11 of that Act” substitute “ section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006 ”,
- (c) in paragraph 7, for “section 16A of that Act” substitute “ section 18 of the National Health Service Act 2006 ”, and
- (d) in paragraph 8, for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of that Act, or section 18 of the National Health Service (Wales) Act 2006 ”.

*Patents Act 1977 (c. 37)*

57 The Patents Act 1977 is amended as follows.

58 In section 56(4)—

- (a) in paragraph (ai), for “Part 1 of the National Health Service Act 1977”, in both places, substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”,
- (b) in paragraph (i), for “Part II of the National Health Service Act” substitute “ Chapter 1 of Part 7 of the National Health Service Act 2006 or Chapter 1 of Part 7 of the National Health Service (Wales) Act 2006 ”, and
- (c) in paragraph (iii)—
  - (i) for “section 28 of the Health and Social Care Act 2001” substitute “ section 134 of the National Health Service Act 2006, or section 92 of the National Health Service (Wales) Act 2006, ” and
  - (ii) for “Schedule 8A to the National Health Service Act 1977” substitute “ Schedule 12 to the National Health Service Act 2006, or Schedule 7 to the National Health Service (Wales) Act 2006 ”.

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

59 The Acquisition of Land Act 1981 is amended as follows.

60 In section 16(3)—

- (a) in paragraph (b), for “Part I of that Act” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”,
- (b) in paragraph (c), for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”, and
- (c) in paragraph (d), for “section 16BA of that Act” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”.

61 In section 17(4), in the definition of “statutory undertakers”—

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- (a) in paragraph (aa), for “Part I of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”, and
- (b) in paragraph (ad), for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”.

*Mental Health Act 1983 (c. 20)*

- 62 The Mental Health Act 1983 is amended as follows.
- 63 In section 12(3), for the words from “section 18A(4)” to “1990” substitute “ section 21(4) or 44(6) of the National Health Service Act 2006, paragraph 15 of Schedule 2 to, or paragraph 11 of Schedule 6 to, that Act, or paragraph 15 of Schedule 2 to, or paragraph 11 of Schedule 5 to, the National Health Service (Wales) Act 2006 ”.
- 64 In section 19(3), for the words from “National Health Service Act 1977” to “Part 1 of that Act” substitute “ National Health Service Act 2006, in a hospital vested in the Welsh Ministers for the purposes of their functions under the National Health Service (Wales) Act 2006, in any accommodation used under either of those Acts ”.
- 65 In section 23(5)(a), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 66 In section 121—
- (a) in subsection (1), for “section 126(3) of the National Health Service Act 1977” substitute “ section 273(1) of the National Health Service Act 2006, or section 204(1) of the National Health Service (Wales) Act 2006 ”, and
  - (b) in subsection (11), for “Paragraph 9 of Schedule 5 to the said Act of 1977” substitute “ Paragraph 2 of Schedule 6 to the National Health Service Act 2006, and paragraph 2 of Schedule 5 to the National Health Service (Wales) Act 2006 ”.
- 67 In section 122(2)—
- (a) for “National Health Service Act 1977” substitute “ National Health Service Act 2006 and the National Health Service (Wales) Act 2006 ”, and
  - (b) for “that Act” substitute “ either of those Acts ”.
- 68 In section 134(3A), for “section 19A of the National Health Service Act 1977” substitute “ section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006 ”.
- 69 In section 139(4), for “the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 70 In section 145(1)—
- (a) omit the definition of “Health Authority”,
  - (b) in the definition of “high security psychiatric services” for “the National Health Service Act 1977” substitute “ section 4 of the National Health Service Act 2006 or section 4 of the National Health Service (Wales) Act 2006 ”,



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- (c) in paragraph (a) of the definition of “hospital”, for “National Health Service Act 1977” substitute “ National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”,
- (d) in paragraph (a) of the definition of “the managers”—
  - (i) for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006, or in the Welsh Ministers for the purposes of their functions under the National Health Service (Wales) Act 2006, ” and
  - (ii) for “that Act” substitute “ the National Health Service Act 2006, or of the Welsh Ministers under the National Health Service (Wales) Act 2006, ”,
- (e) in the definition of “Primary Care Trust”, for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”,
- (f) in the definition of “Special Health Authority”, for “section 11 of the National Health Service Act 1977” substitute “ section 28 of the National Health Service Act 2006, or section 22 of the National Health Service (Wales) Act 2006 ”, and
- (g) in the definition of “Strategic Health Authority” for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”.

*Health and Social Services and Social Security Adjudications Act 1983 (c. 41)*

- 71 The Health and Social Services and Social Security Adjudications Act 1983 is amended as follows.
- 72 In section 17(2)(c) for “Schedule 8 to the National Health Service Act 1977” substitute “ Schedule 20 to the National Health Service Act 2006 or Schedule 15 to the National Health Service (Wales) Act 2006 ”.

*National Audit Act 1983 (c. 44)*

- 73 The National Audit Act 1983 is amended as follows.
- 74 In section 6(3)(aa), for “section 98 of the National Health Service Act 1977” substitute “ Schedule 15 to the National Health Service Act 2006, Schedule 9 to the National Health Service (Wales) Act 2006 ”.

*Medical Act 1983 (c. 54)*

- 75 The Medical Act 1983 is amended as follows.
- 76 In section 11(4), in paragraph (za) of the definition of “medical practice”, for “Part 1 of the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 77 In section 12—
  - (a) in subsection (1), for “sections 2 and 3 of the National Health Service Act 1977” substitute “ sections 2 and 3 of the National Health Service Act 2006, or sections 2 and 3 of the National Health Service (Wales) Act 2006 ”, and

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- (b) in subsection (2)(a), for “Part 1 of the National Health Service Act 1977” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006, ”.

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

78 The Public Health (Control of Disease) Act 1984 is amended as follows.

79 In section 74, in the definition of “NHS trust”, for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006 ”.

*Dentists Act 1984 (c. 24)*

80 The Dentists Act 1984 is amended as follows.

81 In section 40(2)(aa), for the words from “under section 28C” to the end substitute “ under section 92 of the National Health Service Act 2006 or under a contract under section 100 of that Act, or under section 50 of the National Health Service (Wales) Act 2006 or under a contract under section 57 of that Act, ”.

82 In section 53(3)(a), for “section 2, 3, 5(1)(a) or 28C of, or Schedule 1 to, the National Health Service Act 1977” substitute “ section 2, 3, 92 or 107 of, or paragraphs 1 to 6 of Schedule 1 to, the National Health Service Act 2006, or section 2, 3, 50 or 64 of, or paragraphs 1 to 6 of Schedule 1 to, the National Health Service (Wales) Act 2006 ”.

*Video Recordings Act 1984 (c. 39)*

83 The Video Recordings Act 1984 is amended as follows.

84 In section 3(10)(b)(i), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”.

*Greater London Council (General Powers) Act 1984 (c. xxvii)*

85 The Greater London Council (General Powers) Act 1984 is amended as follows.

86 In section 10(2)(b), for “section 128 of the National Health Service Act 1977” substitute “ section 275 of the National Health Service Act 2006 ”.

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

87 The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

88 In section 2—

- (a) in subsection (5)(a), for the words from “the Secretary of State” to “1990” substitute “ the Welsh Ministers under section 3(1)(a) of the National Health Service (Wales) Act 2006, by the Secretary of State under section 3(1)(a) of the National Health Service Act 2006, by a Primary Care Trust established under that Act, by a National Health Service Trust established under that Act or the National Health Service (Wales) Act 2006 ”, and

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- (b) in subsection (7), for “the 1977 Act” substitute “ the 2006 Act or the National Health Service (Wales) Act 2006 ”.

89 In section 7—

- (a) in subsection (3), for “the 1977 Act” substitute “ the 2006 Act ”, and
- (b) in subsection (9), in paragraph (a) of the definition of “the managers”—
  - (i) for “the 1977 Act” in the first place it appears, substitute “ the 2006 Act or the National Health Service (Wales) Act 2006 ”, and
  - (ii) for “the 1977 Act” in the second place it appears, substitute “ the 2006 Act, or the Welsh Ministers under the National Health Service (Wales) Act 2006 ”.

90 In section 16(1)—

- (a) omit the definition of “the 1977 Act”,
- (b) after the definition of “the 2003 Act” insert—

““the 2006 Act” means the National Health Service Act 2006;”,
- (c) omit the definition of “Health Authority”,
- (d) in paragraph (a) of the definition of “hospital”—
  - (i) for “the 1977 Act” substitute “ 2006 Act or the National Health Service (Wales) Act 2006 ”, and
  - (ii) for “section 23(1) of that Act” substitute “ section 12(1) of the 2006 Act or section 10(1) of the National Health Service (Wales) Act 2006 ”,
- (e) in the definition of “Primary Care Trust” for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the 2006 Act ”,
- (f) in the definition of “Special Health Authority” for “section 11 of the 1977 Act” substitute “ section 28 of the 2006 Act or section 22 of the National Health Service (Wales) Act 2006 ”,
- (g) in the definition of “Strategic Health Authority” for “section 8 of the 1977 Act” substitute “ section 13 of the 2006 Act ”, and
- (h) in paragraph (a) of the definition of “the welfare enactments” for “Schedule 8 to the 1977 Act” substitute “ Schedule 20 to the 2006 Act and Schedule 15 to the National Health Service (Wales) Act 2006 ”.

*Company Directors Disqualification Act 1986 (c. 46)*

91 The Company Directors Disqualification Act 1986 is amended as follows.

92 In section 22C(3), for “Part 1 of the Health and Social Care (Community Health and Standards) Act 2003” substitute “ Chapter 5 of Part 2 of the National Health Service Act 2006 ”.

*National Health Service (Amendment) Act 1986 (c. 66)*

93 The National Health Service (Amendment) Act 1986 is amended as follows.

94 In section 4—

- (a) in subsection (1), for “section 43A(1) of the 1977 Act” substitute “ section 164(1) of the National Health Service Act 2006, or section 76(1) or 88(1) of the National Health Service (Wales) Act 2006 ”, and

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- (b) in subsection (5), for “section 43A(1) of the 1977 Act” substitute “section 164(1) of the National Health Service Act 2006, or section 76(1) or 88(1) of the National Health Service (Wales) Act 2006”.

95 In section 8(2), omit the definition of “the 1977 Act”.

*AIDS (Control) Act 1987 (c. 33)*

96 The Aids (Control) Act 1987 is amended as follows.

97 In section 1(9)—

- (a) for “section 8 of the National Health Service Act 1977” substitute “section 13 of the National Health Service Act 2006”,
- (b) for “section 16A of that Act” substitute “section 18 of that Act”, and
- (c) for “section 11 of that Act” substitute “section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006”.

98 In section 1(10) of that Act, for “Part 1 of the National Health Service and Community Care Act 1990 or, as the case may be,” substitute “section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006 or”.

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

99 The Income and Corporation Taxes Act 1988 is amended as follows.

100 In section 519A(2)—

- (a) in paragraph (a)—
- (i) after “Strategic Health Authority” insert “established under section 13 of the National Health Service Act 2006”, and
- (ii) omit the words from “established” to the end,
- (b) in paragraph (aa), for “section 11 of that Act” substitute “section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006”, and
- (c) in paragraph (b), for “Part 1 of the National Health Service and Community Care Act 1990” substitute “section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006”.

101 In section 519A(8), for “section 14(1) of the Health and Social Care (Community Health and Standards) Act 2003” substitute “section 43(1) of the National Health Service Act 2006”.

*Local Government Act 1988 (c. 9)*

102 The Local Government Act 1988 is amended as follows.

103 In section 25(2)(c), for “section 28A(9)(b) of the National Health Service Act 1977” substitute “section 257(3) of the National Health Service Act 2006 or section 195(3) of the National Health Service (Wales) Act 2006”.

*Dartford-Thurrock Crossing Act 1988 (c. 20)*

104 The Dartford-Thurrock Crossing Act 1988 is amended as follows.

105 In section 19(b), for the words from “a Strategic Health Authority” to the end substitute “a Strategic Health Authority established under section 13 of the

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National Health Service Act 2006, a Special Health Authority established under section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006, a Primary Care Trust established under section 18 of the National Health Service Act 2006, or a voluntary organisation or other person under an arrangement made under either of those Acts;”.

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

106 The Community Health Councils (Access to Information) Act 1988 is amended as follows.

107 In section 1(1), for “continued in existence by or established under section 20A of the National Health Service Act 1977” substitute “ established under section 182 of the National Health Service (Wales) Act 2006 ”.

108 In section 2(1)(c), for “National Health Service Act 1977” substitute “ National Health Service Act 2006 ”.

*Local Government Finance Act 1988 (c. 41)*

109 The Local Government Finance Act 1988 is amended as follows.

110 In paragraph 16(3) of Schedule 5, for “section 128(1) of the National Health Service Act 1977” substitute “ section 275 of the National Health Service Act 2006 ”.

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

111 The Copyright, Designs and Patents Act 1988 is amended as follows.

112 In section 48(6)—

- (a) for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”, and
- (b) for “Part 1 of that Act” substitute “ section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006 ”.

113 In section 240(4)—

- (a) in paragraph (za) for “Part 1 of the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006, ”
- (b) in paragraph (a), for sub-paragraph (i) substitute—
  - “(i) Chapter 1 of Part 7 of the National Health Service Act 2006, or Chapter 1 of Part 7 of the National Health Service (Wales) Act 2006 (in the case of pharmaceutical services),” and
- (c) in paragraph (c), for sub-paragraphs (i) and (ii) substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

114 In Schedule 6—

- (a) in paragraph 1(1), in the definition of “trustees”, after “National Health Service Act 1977” insert “ or the National Health Service Act 2006 ”, and
- (b) in paragraph 7(2), for “section 92 of the National Health Service Act 1977” substitute “ section 213 of the National Health Service Act 2006 or section 161 of the National Health Service (Wales) Act 2006 ”.

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*Health and Medicines Act 1988 (c. 49)*

- 115 The Health and Medicines Act 1988 is amended as follows.
- 116 In section 7—
- (a) in subsection (1), for “the National Health Service Act 1977” substitute “the National Health Service Act 2006 ”,
  - (b) in subsection (3)(i), for “the National Health Service Act 1977” substitute “the National Health Service Act 2006, other than an NHS trust or an NHS foundation trust, ”,
  - (c) in subsection (8)(a), for “the National Health Service Act 1977” substitute “the National Health Service Act 2006 ”,
  - (d) after subsection (8) insert—
    - “(8A) The references in subsection (6) and subsection (8) to section 65 of the National Health Service Act 1977 are references to that section prior to its repeal by the National Health Service (Consequential Provisions) Act 2006.”, and
  - (e) in subsection (14), for “subsections (12) and (13)” substitute “subsection (13)”.
- 117 In section 11(7)—
- (a) omit “Section 79(1) of the National Health Service Act 1977 and”, and
  - (b) for “they provide” substitute “it provides ”.
- 118 In section 11(8), omit “paragraph 2(4)(a) of Schedule 12 to the National Health Service Act 1977 and”.
- 119 In section 17—
- (a) in subsection (1), for “section 38, 39, 41 or 42 of the National Health Service Act 1977” substitute “section 71, 72, 80 or 83 of the National Health Service (Wales) Act 2006, or section 126 or 129 of the National Health Service Act 2006 ”, and
  - (b) in subsection (3A), for “section 41A of the National Health Service Act 1977” substitute “section 127 of the National Health Service Act 2006 or section 81 of the National Health Service (Wales) Act 2006 ”.
- 120 In section 18, for “the National Health Service Act 1977” substitute “the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 (other than an NHS trust or an NHS foundation trust), ”.

*Road Traffic Act 1988 (c. 52)*

- 121 The Road Traffic Act 1988 is amended as follows.
- 122 In section 144(2)—
- (a) in paragraph (da)—
    - (i) for “section 16A of the National Health Service Act 1977” substitute “section 18 of the National Health Service Act 2006 ”, and
    - (ii) for “section 16BA of that Act” substitute “section 11 of the National Health Service (Wales) Act 2006 ”,
  - (b) in paragraph (db), for “Part 1 of the National Health Service and Community Care Act 1990” substitute “section 25 of the National Health

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Service Act 2006, section 18 of the National Health Service (Wales) Act 2006”, and

- (c) in paragraph (e)—
- (i) after “Secretary of State” insert “ or the Welsh Ministers ”, and
  - (ii) for “section 23 or 26 of the National Health Service Act 1977” substitute “ section 12 or 80 of the National Health Service Act 2006, or section 10 or 38 of the National Health Service (Wales) Act 2006,”.

- 123 In section 161(1), in paragraph (a) of the definition of “hospital”, for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

*Children Act 1989 (c. 41)*

- 124 The Children Act 1989 is amended as follows.

- 125 In section 105—

- (a) omit the definition of “Health Authority”,
- (b) in the definition of “health service hospital” for “has the same meaning as in the National Health Service Act 1977” substitute “ means a health service hospital within the meaning given by the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”,
- (c) in the definition of “Primary Care Trust” for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”,
- (d) in the definition of “Special Health Authority” for “section 11 of the National Health Service Act 1977” substitute “ section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006,”, and
- (e) in the definition of “Strategic Health Authority” for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”.

*Opticians Act 1989 (c. 44)*

- 126 The Opticians Act 1989 is amended as follows.

- 127 In section 27(4)(b), for sub-paragraph (i) substitute—

“(i) the National Health Service Act 2006 or the National Health Service (Wales) Act 2006;”.

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

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

- 129 In section 46(3), in the definition of “community care services”, for paragraph (c) substitute—

“(c) section 254 of, and Schedule 20 to, the National Health Service Act 2006, and section 192 of, and Schedule 15 to, the National Health Service (Wales) Act 2006”.

- 130 In section 47(3), for “National Health Service Act 1977” substitute “ National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

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- 131 In section 60—
- (a) in subsection (1)(a), for “National Health Service Act 1977” substitute “National Health Service Act 2006, the National Health Service (Wales) Act 2006,”,
  - (b) in subsection (4), for “Part 1 of the National Health Service Act 1977”, substitute “ the National Health Service Act 2006 ”,
  - (c) in subsection (7)(a)—
    - (i) after “Strategic Health Authority” insert “ established under section 13 of the National Health Service Act 2006 ”, and
    - (ii) omit “established under section 8 of the National Health Service Act 1977”, and
  - (d) in subsection (7)(aa), for “section 11 of that Act” substitute “ section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006 ”.
- 132 In section 61(3), for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”.
- 133 In section 61A(1)(b), for “Part 1 of this Act” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”.

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

- 134 The Access to Health Records Act 1990 is amended as follows.
- 135 In section 1(2)(aa) for “section 28C of that Act” substitute “ section 92 or 107 of the National Health Service Act 2006, or section 50 or 64 of the National Health Service (Wales) Act 2006,”.
- 136 In section 11—
- (a) in the definition of “general medical services contract” for “section 28Q of the National Health Service Act 1977” substitute “ section 84 of the National Health Service Act 2006 or section 42 of the National Health Service (Wales) Act 2006 ”,
  - (b) omit the definition of “Health Authority”,
  - (c) in paragraph (d) of the definition of “health service body”, after “National Health Service and Community Care Act 1990” insert “ , section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”,
  - (d) in the definition of “Primary Care Trust” for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”,
  - (e) in the definition of “Special Health Authority” for “section 11 of the National Health Service Act 1977” substitute “ section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006 ”, and
  - (f) in the definition of “Strategic Health Authority” for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”.

*Water Industry Act 1991 (c. 56)*

- 137 The Water Industry Act 1991 is amended as follows.



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138 In section 87(3)(a)(i), for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”.

139 In Schedule 4A—

(a) in paragraph 7, for “Part 1 of the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”,

(b) in paragraph 16, for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

*London Local Authorities Act 1991 (c. xiii)*

140 The London Local Authorities Act 1991 is amended as follows.

141 In section 4, in paragraph (d) of the definition of “establishment for special treatment”—

(a) for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”, and

(b) for “the National Health Service and Community Care Act 1990” substitute “ section 25 of that Act or section 18 of the National Health Service (Wales) Act 2006 ”.

*Social Security Contributions and Benefits Act 1992 (c. 4)*

142 The Social Security Contributions and Benefits Act 1992 is amended as follows.

143 In section 67(2)(a), for sub-paragraph (ii) substitute—

“(ii) of paragraph 2 of Schedule 20 to the National Health Service Act 2006 or paragraph 2 of Schedule 15 to the National Health Service (Wales) Act 2006.”.

144 In section 72(8)(a), for “or paragraph 2 of Schedule 8 to the National Health Service Act 1977” substitute “ , paragraph 2 of Schedule 20 to the National Health Service Act 2006 or paragraph 2 of Schedule 15 to the National Health Service (Wales) Act 2006 ”.

145 In section 73(13)(a), for “the Secretary of State under section 5(2)(a) of the National Health Service Act 1977 and Schedule 2 to that Act” substitute “ the Welsh Ministers under paragraph 9 of Schedule 1 to the National Health Service (Wales) Act 2006, or the Secretary of State under paragraph 9 of Schedule 1 to the National Health Service Act 2006 ”.

146 In section 143(3)(c), for sub-paragraph (i) substitute—

“(i) paragraph 2 of Schedule 20 to the National Health Service Act 2006 or paragraph 2 of Schedule 15 to the National Health Service (Wales) Act 2006;”.

147 In section 163(6)—

(a) for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”,

(b) for “that Part or Act” substitute “ any of those Acts ”, and

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- (c) for “paragraph 23(1) of Schedule 5A to the National Health Service Act 1977” substitute “ paragraph 26(1) of Schedule 3 to the National Health Service Act 2006 ”.
- 148 In section 171(3)—
- (a) for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”,
- (b) for “that Part or Act” substitute “ any of those Acts ”, and
- (c) for “paragraph 23(1) of Schedule 5A to the National Health Service Act 1977” substitute “ paragraph 26(1) of Schedule 3 to the National Health Service Act 2006 ”.
- 149 In section 171ZJ(9)—
- (a) in paragraph (a)—
- (i) for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”, and
- (ii) for “that Part or Act” substitute “ any of those Acts ”, and
- (b) in paragraph (b), for “paragraph 23(1) of Schedule 5A to the National Health Service Act 1977” substitute “ paragraph 26(1) of Schedule 3 to the National Health Service Act 2006 ”.
- 150 In section 171ZS(9)—
- (a) in paragraph (a)—
- (i) for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”, and
- (ii) for “that Part or Act” substitute “ any of those Acts ”, and
- (b) in paragraph (b), for “paragraph 23(1) of Schedule 5A to the National Health Service Act 1977” substitute “ paragraph 26(1) of Schedule 3 to the National Health Service Act 2006 ”.

*Local Government Finance Act 1992 (c. 14)*

- 151 The Local Government Finance Act 1992 is amended as follows.
- 152 In paragraph 6(2)(a) of Schedule 1, for “National Health Service Act 1977” substitute “ National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”.

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

- 153 The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- 154 In section 279(1)—
- (a) in paragraph (a)—
- (i) omit “Strategic Health Authority”,
- (ii) after “Primary Care Trust” insert “ under section 126 of the National Health Service Act 2006 ”, and
- (iii) for “38 or 41” substitute “ 71 or 80 of the National Health Service (Wales) Act 2006 ”, and

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- (b) in paragraph (b), for the words from “established by”, in the first place, to the end of the paragraph substitute “ established under section 134 of the National Health Service Act 2006 or section 92 of the National Health Service (Wales) Act 2006, or under an LPS scheme established under Schedule 12 to the National Health Service Act 2006 or Schedule 7 to the National Health Service (Wales) Act 2006; ”.

155 In section 279(2)—

- (a) in paragraph (a), for “section 28C of the National Health Service Act 1977” substitute “ section 92 or 107 of the National Health Service Act 2006, or section 50 or 64 of the National Health Service (Wales) Act 2006 ”, and
- (b) in paragraph (b), for “section 28K or 28Q of that Act” substitute “ section 84 or 100 of the National Health Service Act 2006 or section 42 or 57 of the National Health Service (Wales) Act 2006 ”.

*Tribunals and Inquiries Act 1992 (c. 53)*

156 The Tribunals and Inquiries Act 1992 is amended as follows.

157 In Part 1 of Schedule 1, in the entry relating to the National Health Service—

- (a) for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”,
- (b) omit “established under section 8 of that Act”, and
- (c) for “section 49S of that Act” substitute “ section 169 of that Act ”.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

158 The Judicial Pensions and Retirement Act 1993 is amended as follows.

159 In Schedule 5, omit the entry for the Chairman of the tribunal constituted under Schedule 9 to the National Health Service Act 1977.

*Charities Act 1993 (c. 10)*

160 The Charities Act 1993 is amended as follows.

161 In section 43A(7), in the definition of “English National Health Service charity”—

- (a) for paragraph (d) substitute—
  - “(d) trustees appointed in pursuance of paragraph 10 of Schedule 4 to the National Health Service Act 2006 for a National Health Service trust falling within paragraph (c);
  - (da) special trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973, section 95(1) of the National Health Service Act 1977 and section 212(1) of the National Health Service Act 2006 for such a National Health Service trust, or”, and
- (b) in paragraph (e), for “section 96B of the National Health Service Act 1977” substitute “ paragraph 12 of Schedule 3 to the National Health Service Act 2006 ”.

162 In section 43B(4), in the definition of “Welsh National Health Service charity”, for paragraph (c), and the “or” immediately preceding it, substitute—

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- “(c) trustees appointed in pursuance of paragraph 10 of Schedule 3 to the National Health Service (Wales) Act 2006 for a National Health Service trust falling within paragraph (b); or
- (d) special trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973, section 95(1) of the National Health Service Act 1977 and section 160(1) of the National Health Service (Wales) Act 2006 for such a National Health Service trust.”.

*Welsh Language Act 1993 (c. 38)*

163 The Welsh Language Act 1993 is amended as follows.

164 In section 6(1)—

- (a) in paragraph (f)—
  - (i) omit “established under section 8 of the National Health Service Act 1977”, and
  - (ii) for “section 11 of that Act” substitute “ section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006 ”,
- (b) in paragraph (ff), for “section 16BA of the National Health Service Act 1977” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”,
- (c) in paragraph (g), for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”, and
- (d) in paragraph (i), for “continued in existence by or established under section 20A of the National Health Service Act 1977” substitute “ established under section 182 of the National Health Service (Wales) Act 2006 ”.

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

165 The Health Service Commissioners Act 1993 is amended as follows.

166 In section 2A(1)—

- (a) in paragraph (a), for “section 28K or 28Q of the National Health Service Act 1977” substitute “ section 84 or 100 of the National Health Service Act 2006 ”,
- (b) in paragraph (b), omit “Part II of”,
- (c) in paragraph (c), for “section 28C” substitute “ section 92 or 107 ”, and
- (d) in paragraph (d), for “section 28 of the Health and Social Care Act 2001” substitute “ section 134 of the National Health Service Act 2006 ”.

167 In section 6(5), for “38, 39, 41 or 42 of the National Health Service Act 1977” substitute “ 126 or 129 of the National Health Service Act 2006 ”.

168 In section 7—

- (a) in subsection (1), for “the National Health Service Act 1977 or the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”,

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- (b) in subsection (2)(a), for “section 4 of the National Health Service and Community Care Act 1990” substitute “ section 9 of the National Health Service Act 2006 ”.

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

169 The Vehicle Excise and Registration Act 1994 is amended as follows.

170 In paragraph 7 of Schedule 2—

- (a) in sub-paragraph (b), for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006, the National Health Service (Wales) Act 2006 ”
- (b) in sub-paragraph (d), for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”, and
- (c) in sub-paragraph (e), for “section 16BA of that Act” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”.

171 In paragraph 8 of that Schedule—

- (a) after “Secretary of State” insert “ or the Welsh Ministers ”, and
- (b) in sub-paragraph (a), for “section 23 or 26 of the National Health Service Act 1977” substitute “ section 12 or 80 of the National Health Service Act 2006, or section 10 or 38 of the National Health Service (Wales) Act 2006 ”.

172 In paragraph 19(2)(c) of that Schedule, for paragraph (i) substitute—

“(i) paragraph 2 of Schedule 20 to the National Health Service Act 2006 or paragraph 2 of Schedule 15 to the National Health Service (Wales) Act 2006.”.

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

173 The Value Added Tax Act 1994 is amended as follows.

174 In Part 2 of Schedule 8, in Note (5H) to Group 12—

- (a) in paragraph (e), for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”, and
- (b) in paragraph (ea), for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”.

*Health Authorities Act 1995 (c. 17)*

175 The Health Authorities Act 1995 is amended as follows.

176 In Schedule 2—

- (a) in paragraph 2(4), after “section 21 of the National Health Service and Community Care Act 1990”, insert “ , section 71 of the National Health Service Act 2006 or section 30 of the National Health Service (Wales) Act 2006 ”,
- (b) in paragraph 5, for sub-paragraph (3) substitute—
  - “(3) The references in sections 216 and 220(1) of the National Health Service Act 2006, and in sections 164 and 167(1) of the National Health Service (Wales) Act 2006 to section 92 of the National

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Health Service Act 1977 include references to paragraphs 3 and 4 of this Schedule.

- (4) The reference in section 220(3) of the National Health Service Act 2006 to Part 11 of that Act includes a reference to paragraphs 3 and 4 of this Schedule, and the reference in section 167(3) of the National Health Service (Wales) Act 2006 to Part 11 of that Act includes a reference to those paragraphs.
- (5) In section 222(12) of the National Health Service Act 2006, the reference to section 213 of that Act includes a reference to paragraphs 3 and 4 of this Schedule.
- (6) In section 169(12) of the National Health Service (Wales) Act 2006, the reference to section 161 of that Act includes a reference to paragraphs 3 and 4 of this Schedule.”, and
- (c) in paragraph 22(2) for “National Health Service Act 1977” substitute “National Health Service Act 2006”.

*Employment Rights Act 1996 (c. 18)*

177 The Employment Rights Act 1996 is amended as follows.

178 In section 43K(1)—

- (a) in paragraph (ba), for “or Local Health Board under section 28K or 28Q of the National Health Service Act 1977” substitute “under section 84 or 100 of the National Health Service Act 2006 or with a Local Health Board under section 42 or 57 of the National Health Service (Wales) Act 2006”, and
- (b) in paragraph (c)(i)—
  - (i) after “Primary Care Trust” insert “under section 126 of the National Health Service Act 2006,”, and
  - (ii) for “section 38 or 41 of the National Health Service Act 1977” substitute “section 71 or 80 of the National Health Service (Wales) Act 2006”.

179 In section 50(8)—

- (a) in paragraph (a), for “Part I of the National Health Service and Community Care Act 1990” substitute “section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006”, and
- (b) in paragraph (b)—
  - (i) for “Strategic Health Authority or” substitute “Strategic Health Authority established under section 13 of the National Health Service Act 2006, a”,
  - (ii) omit “established under section 8 of the National Health Service Act 1977”,
  - (iii) for “section 11 of that Act” substitute “section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006”, and
  - (iv) for “section 16A of that Act” substitute “section 18 of the National Health Service Act 2006”.

180 In section 218(10)—

- (a) in paragraph (a)—

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- (i) after “Strategic Health Authorities” insert “ established under section 13 of the National Health Service Act 2006 ”, and
- (ii) omit “established under section 8 of the National Health Service Act 1977”,
- (b) in paragraph (b), for “section 11 of that Act” substitute “ section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006 ”,
- (c) in paragraph (bb) for “section 16A of that Act” substitute “ section 18 of the National Health Service Act 2006 ”, and
- (d) in paragraph (c), for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ that Act or the National Health Service (Wales) Act 2006 ”.

*Education Act 1996 (c. 56)*

- 181 The Education Act 1996 is amended as follows.
- 182 In section 322(3)(a), for “National Health Service Act 1977” substitute “ National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.
- 183 In section 403(2), for “section 22 of the National Health Service Act 1977” substitute “ section 28(6) of the National Health Service Act 2006 ”.
- 184 In section 520(1), for the words from “section 5(1)” to the end substitute—
- “(a) section 111 of, or paragraph 1, 2(1)(a) or 8 of Schedule 1 to, the National Health Service Act 2006, or
  - (b) section 67 of, or paragraph 1, 2(1)(a) or 8 of Schedule 1 to, the National Health Service (Wales) Act 2006”.
- 185 In section 579, in paragraph (c) of the definition of “school buildings”, for the words from “section 5(1)” to the end of the paragraph substitute “ paragraph 1 or 8 of Schedule 1 to the National Health Service Act 2006 (which relate to the provision of medical services for pupils), or ”.

*Audit Commission Act 1998 (c. 18)*

- 186 The Audit Commission Act 1998 is amended as follows.
- 187 In section 33(8)(c), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”.
- 188 In section 49(1)(c), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”.
- 189 In section 53(1), in the definition of “the health service” for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”.

*Data Protection Act 1998 (c. 29)*

- 190 The Data Protection Act 1998 is amended as follows.
- 191 In section 69(3)—
- (a) in paragraph (a), for “or a Health Authority established under section 8 of the National Health Service Act 1977” substitute “ established under section 13 of the National Health Service Act 2006 ”,

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- (b) in paragraph (b), for “section 11 of that Act” substitute “ section 28 of that Act, or section 22 of the National Health Service (Wales) Act 2006 ”,
- (c) in paragraph (bb), for “section 16A of that Act” substitute “ section 18 of the National Health Service Act 2006 ”,
- (d) in paragraph (bbb), for “section 16BA of that Act” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”, and
- (e) in paragraph (f), after “1990” insert “ , section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006 ”.

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

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

193 In Schedule 17—

- (a) in paragraph 13, for “section 11 of the National Health Service and Community Care Act 1990” substitute “ paragraph 10 of Schedule 3 to the National Health Service (Wales) Act 2006 ”, and
- (b) in paragraph 14A, after “National Health Service Act 1977” insert “ and section 160(1) of the National Health Service (Wales) Act 2006 ”.

*Health Act 1999 (c. 8)*

194 The Health Act 1999 is amended as follows.

195 In section 16(5), in the definition of “initial loan”, for “the 1990 Act” substitute “ the National Health Service and Community Care Act 1990, prior to the repeal of that section by the National Health Service (Consequential Provisions) Act 2006 ”.

196 In section 61(2), for “the 1977 Act” substitute “ the National Health Service Act 2006, or the National Health Service (Wales) Act 2006 ”.

197 In section 62(4), for “(4) and (5) of section 126 of the 1977 Act” substitute “ (7) and (8) of section 272 of the National Health Service Act 2006, and subsections (9) and (10) of section 203 of the National Health Service (Wales) Act 2006 ”.

*Care Standards Act 2000 (c. 14)*

198 The Care Standards Act 2000 is amended as follows.

199 In section 2(4) and (5), for “National Health Service Act 1977” substitute “ National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

200 In section 121, in the definition of “health service hospital” for “has the same meaning as in the National Health Service Act 1977” substitute “ means a health service hospital within the meaning given by the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

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

201 The Learning and Skills Act 2000 is amended as follows.

202 In section 121, in the definition of “Strategic Health Authority” for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”.



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203 In section 129, omit the definition of “Health Authority”.

*Local Government Act 2000 (c. 22)*

204 The Local Government Act 2000 is amended as follows.

205 In section 21(2)(f) for the words from “section 7” to “that section”, in the second place, substitute “ section 244 of the National Health Service Act 2006 or section 184 of the National Health Service (Wales) Act 2006 applies, to review and scrutinise, in accordance with regulations under either of those sections, matters relating to the health service (within the meaning given by the Act concerned, and as extended by the section concerned) ”.

206 In subsection (3) of section 32, for the words from “under section 7” to the end of the subsection, substitute “ , in the case of regulations made by the Secretary of State, under section 244 of the National Health Service Act 2006 or any provision of section 246 of, or Schedule 17 to, that Act or, in the case of regulations made by the Welsh Ministers, under section 184 of the National Health Service (Wales) Act 2006 or any provision of section 186 of, or Schedule 11 to, that Act ”.

*Regulation of Investigatory Powers Act 2000 (c. 23)*

207 The Regulation of Investigatory Powers Act 2000 is amended as follows.

208 In section 4—

- (a) in subsection (5), for “section 17 of the National Health Service Act 1977” substitute “ section 8 of the National Health Service Act 2006, or section 19 or 23 of the National Health Service (Wales) Act 2006 ”, and
- (b) in subsection (8), for “the National Health Service Act 1977” substitute “ section 4 of the National Health Service Act 2006 ”.

209 In Schedule 1—

- (a) in paragraph 26, for “section 11 of the National Health Service Act 1977” substitute “ section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006 ”,
- (b) in paragraph 27, for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”, and
- (c) in paragraph 27A, for “section 6 of the National Health Service Reform and Health Care Professions Act 2002” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”.

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

210 The Freedom of Information Act 2000 is amended as follows.

211 In Part 3 of Schedule 1—

- (a) in paragraph 36A, for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”,
- (b) omit paragraph 37,
- (c) in paragraph 38, for “section 11 of the National Health Service Act 1977” substitute “ section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006 ”,

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- (d) in paragraph 39, for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”,
- (e) in paragraph 39A, for “section 16BA of the National Health Service Act 1977” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”,
- (f) in paragraph 40, for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”,
- (g) in paragraph 41, for “continued in existence by or established under section 20A of the National Health Service Act 1977” substitute “ established under section 182 of the National Health Service (Wales) Act 2006 ”,
- <sup>F2</sup>(h) .....
- (i) in paragraph 43A(a), for “section 28C of the National Health Service Act 1977” substitute “ section 92 or 107 of the National Health Service Act 2006, or section 50 or 64 of the National Health Service (Wales) Act 2006 ”,
- (j) in paragraph 43A(b), for “section 28K or 28Q of that Act” substitute “ section 84 or 100 of the National Health Service Act 2006 or section 42 or 57 of the National Health Service (Wales) Act 2006 ”,
- (k) in paragraph 44, for “Part II of the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”,
- (l) in paragraph 45A(a), for “section 28 of the Health and Social Care Act 2001” substitute “ section 134 of the National Health Service Act 2006 or section 92 of the National Health Service (Wales) Act 2006 ”, and
- (m) in paragraph 45A(b), for “Schedule 8A to the National Health Service Act 1977” substitute “ Schedule 12 to the National Health Service Act 2006 or Schedule 7 to the National Health Service (Wales) Act 2006 ”.

#### Textual Amendments

- F2** Sch. 1 para. 211(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 18 Pt. 18**; S.I. 2008/461, art. 2(3), Sch.

#### *Criminal Justice and Court Services Act 2000 (c. 43)*

- 212 The Criminal Justice and Court Services Act 2000 is amended as follows.
- 213 In section 42(1), in paragraph (a) of the definition of “hospital” for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

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

- 214 The Health and Social Care Act 2001 is amended as follows.
- 215 In section 14(4), for “1977 Act” substitute “ National Health Service Act 1977, prior to its repeal by the National Health Service (Consequential Provisions) Act 2006, ”
- 216 In section 39—

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- (a) in subsection (1), for “section 128(1) of the 1977 Act” substitute “section 206 of the National Health Service Act 2006”, and
- (b) in subsection (2), for “section 31” substitute “section 95 of the National Health Service (Wales) Act 2006”.

217 In section 66, omit the definitions of “the 1977 Act” and “NHS trust”.

218 In section 68(4), for “Neither of subsections (1) and (3) affects” substitute “Subsection (1) does not affect”.

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

219 Schedule 4 to the Anti-terrorism, Crime and Security Act 2001 is amended as follows.

220 Omit paragraphs 16 and 45.

221 In paragraph 53A, for “Schedule 5 to the Health and Social Care (Community Health and Standards) Act 2003” substitute “Schedule 10 to the National Health Service Act 2006”.

222 At the end, add—

“53C Paragraph 5 of Schedule 22 to the National Health Service Act 2006”.

*International Development Act 2002 (c. 1)*

223 The International Development Act 2002 is amended as follows.

224 In Schedule 1, in the entry relating to a National Health Service trust, for “Part 1 of the National Health Service and Community Care Act 1990 or under” substitute “the National Health Service Act 2006, the National Health Service (Wales) Act 2006, or”.

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

225 The National Health Service Reform and Health Care Professions Act 2002 is amended as follows.

226 In section 22(6)(b), for “a Health Authority established for an area in England” substitute “a Strategic Health Authority”.

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

227 The Nationality, Immigration and Asylum Act 2002 is amended as follows.

228 In section 133(4)—

- (a) in paragraph (a)(i), for “section 16A of the National Health Service Act 1977” substitute “section 18 of the National Health Service Act 2006”,
- (b) in paragraph (a)(ii), for “section 5 of the National Health Service and Community Care Act 1990” substitute “section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006”,
- (c) in paragraph (a)(iii), for “section 8 of the National Health Service Act 1977” substitute “section 13 of the National Health Service Act 2006”,

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- (d) in paragraph (a)(iv), for “section 11 of that Act” substitute “ section 28 of that Act, or section 22 of the National Health Service (Wales) Act 2006 ”,
- (e) for paragraph (b)(i) substitute—
  - “(i) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006,” and
- (f) in paragraph (b)(ii), for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”.

- 229 In paragraph 1(1) of Schedule 3, for paragraph (e) substitute—
- “(e) section 254 of, and Schedule 20 to, the National Health Service Act 2006, or section 192 of, and Schedule 15 to, the National Health Service (Wales) Act 2006 (social services).”

*Community Care (Delayed Discharges etc.) Act 2003 (c. 5)*

- 230 The Community Care (Delayed Discharges etc.) Act 2003 is amended as follows.
- 231 In section 12, in the definition of “health service hospital” for “has the same meaning as in the National Health Service Act 1977” substitute “ means a health service hospital within the meaning given by the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ”.

*Finance Act 2003 (c. 14)*

- 232 The Finance Act 2003 is amended as follows.
- 233 In section 61(3), in the entry headed “Health: England and Wales”—
- (a) for “or Health Authority established under section 8 of the National Health Service Act 1977” substitute “ established under section 13 of the National Health Service Act 2006 ”,
  - (b) for “section 11 of that Act” substitute “ section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006 ”,
  - (c) for “section 16A of that Act” substitute “ section 18 of the National Health Service Act 2006 ”,
  - (d) for “section 16BA of that Act” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”, and
  - (e) for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”.
- 234 In section 66(4), in the entry headed “Health: England and Wales”—
- (a) for “or Health Authority established under section 8 of the National Health Service Act 1977” substitute “ established under section 13 of the National Health Service Act 2006 ”,
  - (b) for “section 11 of that Act” substitute “ section 28 of that Act or section 22 of the National Health Service (Wales) Act 2006 ”,
  - (c) for “section 16A of that Act” substitute “ section 18 of the National Health Service Act 2006 ”,

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- (d) for “section 16BA of that Act” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”, and
- (e) for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”.

*Licensing Act 2003 (c. 17)*

235 The Licensing Act 2003 is amended as follows.

236 In section 16(3), in the definition of “health service body”—

- (a) in paragraph (a), for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”,
- (b) in paragraph (b), for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”, and
- (c) in paragraph (c), for “section 16BA of that Act” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”.

*Sexual Offences Act 2003 (c. 42)*

237 The Sexual Offences Act 2003 is amended as follows.

238 In section 22(5), in paragraph (a) of the definition of “hospital”, for “section 128(1) of the National Health Service Act 1977” substitute “ section 275(1) of the National Health Service Act 2006 or section 206(1) of the National Health Service Act 2006 ”.

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

239 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.

240 In section 33(2), for “the 1990 Act” substitute “ the National Health Service and Community Care Act 1990 ”.

241 In section 45(3), for “section 128(1) of the 1977 Act” substitute “ section 275 of the 2006 Act ”.

242 In section 113(1)(c), for “section 31 of the Health Act 1999” substitute “ section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006 ”.

243 In section 114(1)(c), for “section 31 of the Health Act 1999” substitute “ section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006 ”.

244 In section 122(1), for “section 31 of the Health Act 1999” substitute “ section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006 ”.

245 In section 124(6), in the definition of “Northern Irish health service”, for “the 1977 Act” substitute “ the 2006 Act ”.

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- 246 In section 148, in the definition of “NHS trust”, for “Part 1 of the 1977 Act” substitute “ the 2006 Act ”.
- 247 In section 150(7)—
- (a) for paragraph (a) substitute—
    - “(a) treatment provided by virtue of—
      - (i) section 21(4) or 44(6) of the 2006 Act,
      - (ii) paragraph 15 of Schedule 2 to, or paragraph 11 of Schedule 6 to, the 2006 Act,
      - (iii) paragraph 15 of Schedule 2 to, or paragraph 11 of Schedule 5 to, the National Health Service (Wales) Act 2006, or
      - (iv) section 57 of, or paragraph 14 of Schedule 7A to, the 1978 Act,
    - (accommodation and services for private patients)”,
  - (b) in paragraph (c), for “section 72 of the 1977 Act” substitute “ section 267 of the 2006 Act or section 198 of the National Health Service (Wales) Act 2006 ”, and
  - (c) in paragraph (d), for “section 16CA, 16CC, 28C, 28K or 28Q of the 1977 Act” substitute “ section 83, 84, 92, 99, 100 or 107 of the 2006 Act, or section 41, 42, 50, 56, 57 or 64 of the National Health Service (Wales) Act 2006 ”.
- 248 In section 160(4)—
- (a) in paragraph (a)(i) of the definition of “ambulance trust”, for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the 2006 Act, section 18 of the National Health Service (Wales) Act 2006 ”, and
  - (b) in paragraph (a)(i) of the definition of “responsible body”, for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the 2006 Act, section 18 of the National Health Service (Wales) Act 2006 ”.
- 249 In section 162(6), in paragraph (a)(i) of the definition of “relevant ambulance trust”, for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the 2006 Act or section 18 of the National Health Service (Wales) Act 2006 ”.
- 250 In section 165—
- (a) in subsection (3)(b)(ii), for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the 2006 Act, section 18 of the National Health Service (Wales) Act 2006 ”, and
  - (b) in subsection (5), for “section 128(1) of the 1977 Act” substitute “ section 275(1) of the 2006 Act ”.
- 251 In section 168—
- (a) in the definition of “health service hospital” for “the 1977 Act” substitute “ the 2006 Act, the National Health Service (Wales) Act 2006 ”, and
  - (b) in the definition of “NHS ambulance services” for “section 3(1)(c) of the 1977 Act” substitute “ section 3(1)(c) of the 2006 Act, section 3(1)(c) of the National Health Service (Wales) Act 2006 ”.

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252 In section 194, for the definition of “the 1977 Act” substitute “the 2006 Act” means the National Health Service Act 2006 ”.

*Criminal Justice Act 2003 (c. 44)*

253 The Criminal Justice Act 2003 is amended as follows.

254 In section 325(9), in the definition of “NHS trust” for “National Health Service Act 1977” substitute “ National Health Service Act 2006 ”.

*Finance Act 2004 (c. 12)*

255 The Finance Act 2004 is amended as follows.

256 In section 59(5), in paragraph (a) of the definition of “NHS trust”, for “Part 1 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”.

*Health Protection Agency Act 2004 (c. 17)*

257 The Health Protection Agency Act 2004 is amended as follows.

258 In section 4(5)—

(a) for paragraph (a) substitute—

“(a) as if—

(i) in section 256(3) and 257(2) of the National Health Service Act 2006 (power to make payments to local authorities in respect of the performance of functions), after “Primary Care Trust” (in each place) there were inserted “ or the Health Protection Agency ”, and

(ii) in section 194(3) and 195(2) of the National Health Service (Wales) Act 2006 (power to make payments to local authorities in respect of the performance of functions), after “Local Health Board” (in each place) there were inserted “ or the Health Protection Agency ””,

(b) for paragraph (b) substitute—

“(b) as if, in section 76(1) of the National Health Service Act 2006 and section 34(1) of the National Health Service (Wales) Act 2006 (power of local authorities to make payments to certain NHS bodies in respect of the performance of functions), after “Strategic Health Authority” there were inserted “ , the Health Protection Agency, ””, and

(c) for paragraph (c) substitute—

“(c) as if, in section 75(8) of the National Health Service Act 2006 and section 33(8) of the National Health Service (Wales) Act 2006, after “NHS body” there were inserted “ includes the Health Protection Agency, but ””.

259 In paragraph 2(2) of Schedule 1—

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- (a) for “the National Health Service Act 1977” substitute “ the National Health Service (Wales) Act 2006 ”, and
- (b) for “section 16D” substitute “ section 24 ”.

*Public Audit (Wales) Act 2004 (c. 23)*

260 The Public Audit (Wales) Act 2004 is amended as follows.

261 In section 60—

- (a) in paragraph (c), for “section 11 of the National Health Service and Community Care Act 1990” substitute “ paragraph 10 of Schedule 3 to the National Health Service (Wales) Act 2006 ”, and
- (b) in paragraph (d), after “the National Health Service Act 1977” insert “ and section 160(1) of the National Health Service (Wales) Act 2006 ”.

*Domestic Violence, Crime and Victims Act 2004 (c. 28)*

262 The Domestic Violence, Crime and Victims Act 2004 is amended as follows.

263 In section 9(4)(a)—

- (a) for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”,
- (b) for “section 16A” substitute “ section 18 ”,
- (c) for “section 16BA of that Act” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”, and
- (d) for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006 ”.

*Children Act 2004 (c. 31)*

264 The Children Act 2004 is amended as follows.

265 In section 12(4)(e), for “Part 1 of the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”.

266 In section 18(2)(e)—

- (a) for “section 31 of the Health Act 1999” substitute “ section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006 ”, and
- (b) for “that section” substitute “ those sections ”.

267 In section 29(4)(e), for “Part 1 of the National Health Service Act 1977” substitute “ the National Health Service (Wales) Act 2006 ”.

*Housing Act 2004 (c. 34)*

268 The Housing Act 2004 is amended as follows.

269 In paragraph 2(1)(f) of Schedule 14, for “section 4 of the National Health Service and Community Care Act 1990” substitute “ section 9 of the National Health Service Act 2006 ”.



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*Civil Contingencies Act 2004 (c. 36)*

270 The Civil Contingencies Act 2004 is amended as follows.

271 In Schedule 1—

- (a) in paragraph 5, for “section 5 of the National Health Service and Community Care Act 1990” substitute “ section 25 of the National Health Service Act 2006, or section 18 of the National Health Service (Wales) Act 2006 ”,
- (b) in paragraph 6, for “section 1 of the Health and Social Care (Community Health and Standards) Act 2003” substitute “ section 30 of the National Health Service Act 2006 ”,
- (c) in paragraph 7, for “section 16A of the National Health Service Act 1977” substitute “ section 18 of the National Health Service Act 2006 ”,
- (d) in paragraph 8, for “section 16BA of the National Health Service Act 1977” substitute “ section 11 of the National Health Service (Wales) Act 2006 ”, and
- (e) in paragraph 29A, for “section 8 of the National Health Service Act 1977” substitute “ section 13 of the National Health Service Act 2006 ”.

*Constitutional Reform Act 2005 (c. 4)*

272 The Constitutional Reform Act 2005 is amended as follows.

273 In Schedule 7, in Part A of paragraph 4, at the end insert—

*“National Health Service Act 2006*

*@AMP@f1 Schedule 13, paragraphs 1, 2, 4, 6, 15, 16 and 21.”.*

274 In Schedule 14, in Part 3, in the entry relating to the Family Health Services Appeal Authority, for “Schedule 9A to the National Health Service Act 1977” substitute “ Schedule 13 to the National Health Service Act 2006 ”.

*Income Tax (Trading and Other Income) Act 2005 (c. 5)*

275 The Income Tax (Trading and Other Income) Act 2005 is amended as follows.

276 In section 780(2)(a), for “paragraph 2 of Schedule 2 to the National Health Service Act 1977” substitute “ paragraph 10 of Schedule 1 to the National Health Service Act 2006 or paragraph 10 of Schedule 1 to National Health Service (Wales) Act 2006 ”.

*Mental Capacity Act 2005 (c. 9)*

277 The Mental Capacity Act 2005 is amended as follows.

278 In section 38(7)(a), for “section 128 of the National Health Service Act 1977”, substitute “ section 275 of the National Health Service Act 2006 or section 206 of the National Health Service (Wales) Act 2006 ”.

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

279 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

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- 280 In section 41—
- (a) in the definition of “family health service provider in Wales”—
    - (i) in paragraph (a), for “section 28K or 28Q of the National Health Service Act 1977” substitute “ section 42 or section 57 of the National Health Service (Wales) Act 2006 ”,
    - (ii) in paragraph (b), omit “Part 2 of”, and
    - (iii) in paragraph (c), for “section 28C” substitute “ section 50 or 64 ”, and
  - (b) in the definition of “NHS trust” for “the National Health Service Act 1977” substitute “ the National Health Service (Wales) Act 2006 ”.

*Health Act 2006 (c. 28)*

- 281 The Health Act 2006 is amended as follows.
- 282 In section 25(1)—
- (a) in the definition of “health care professional” for “section 28X(3)(a) of the National Health Service Act 1977 (c. 49) (referred to in this Act as “the 1977 Act”)” substitute “ section 91(2)(a) of the National Health Service Act 2006 (referred to in this Act as “the 2006 Act”) ”, and
  - (b) in the definition of “illness” for “section 128(1) of the 1977 Act” substitute “ section 275 of the 2006 Act ”.
- 283 In section 43—
- (a) in subsection (1), for “1977 Act” substitute “ National Health Service Act 1977 ”, and
  - (b) in subsection (6), for “section 28WA of the 1977 Act (as inserted by section 38(1))” substitute “ section 117 of the 2006 Act ”.
- 284 In section 58(2)(c), for “section 95 of the 1977 Act” substitute “ section 212 of the 2006 Act or section 160 of the National Health Service (Wales) Act 2006 ”.
- 285 For section 70(3) substitute—
- “(3) Section 272(7) and (8) of the 2006 Act, and section 203(9) and (10) of the National Health Service (Wales) Act 2006 (supplementary provisions about subordinate legislation) apply in relation to any power to give directions under this Part.”.
- 286 In section 71, in the definition of “NHS trust”, for “1977 Act” substitute “ 2006 Act ”.
- 287 In section 72, in subsection (2) of section 67A of the Care Standards Act 2000 (c. 14) as inserted by that section—
- (a) for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”,
  - (b) for “section 16D”, in both places, substitute “ section 7 ”.
- 288 In section 75(5), in the definition of “relevant directions”, after “National Health Service Act 1977 (c. 49)” insert “ or section 12 of the National Health Service (Wales) Act 2006 ”.
- 289 In section 78(2), for “sections 21(2)(b) and 52(5)(b)” substitute “ section 21(2)(b) ”.
- 290 In section 82(1)—
- (a) omit the definition of “the 1977 Act”,

*Status: Point in time view as at 01/04/2008.*

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- (b) after the definition of “the 2003 Act” insert—
- “the 2006 Act” means the National Health Service Act 2006”, and
- (c) in the definition of “the health service”, for “the 1977 Act” substitute “ the 2006 Act ”.
- 291 In paragraph 30(b) of Schedule 8, for “section 28WA of that Act” substitute “ section 117 of the National Health Service Act 2006 ”.
- 292 In paragraph 33(a) of that Schedule, for “ “or 28Q” substitute “ , 28Q or 28WA ”” substitute “ “ or 100 ” substitute “ , 100 or 117 ””.
- 293 Omit paragraph 34 of that Schedule.
- 294 In paragraph 37 of that Schedule, for “28WA” substitute “ 117 ”.
- 295 In paragraph 40 of that Schedule, for “ “subsection (2), or (2B) of section 98 of” substitute “ paragraph 4(1) of Schedule 12B to ”” substitute “ “ subsection (2), or (2B) of section 98 of the National Health Service Act 1977 ” substitute “ paragraph 3(1) of Schedule 15 to the National Health Service Act 2006 ””.
- 296 In paragraph 41 of that Schedule, for “English NHS body (within the meaning of Schedule 12B to the National Health Service Act 1977)” substitute “ NHS body (within the meaning of Schedule 15 to the National Health Service Act 2006) ”.
- 297 In paragraph 42(3) of that Schedule, for “4(1) of Schedule 12B to the National Health Service Act 1977” substitute “ 3(1) of Schedule 15 to the National Health Service Act 2006 ”.
- 298 In paragraph 43 of that Schedule, for “paragraph 3 or 4 of Schedule 12B to the National Health Service Act 1977” substitute “ paragraph 2 or 3 of Schedule 9 to the National Health Service (Wales) Act 2006 ”.
- 299 In paragraph 44 of that Schedule—
- (a) in sub-paragraph (2), for “ “section 98(4) of” substitute “ paragraph 8 or 9 of Schedule 12B to ”” substitute “ “ section 98(4) of the National Health Service Act 1977 (requirement to prepare summarised accounts) ” substitute “ paragraph 7 of Schedule 15 to the National Health Service Act 2006 or paragraph 5 of Schedule 9 to the National Health Service (Wales) Act 2006 ””,
- (b) in sub-paragraph (3), for “an English NHS body” substitute “ an NHS body within the meaning of paragraph 1 of Schedule 15 to the National Health Service Act 2006, other than one to which paragraph 1(2)(b) of that Schedule applies, ”,
- (c) in sub-paragraph (4), for “a Welsh NHS body” substitute “ an NHS body within the meaning of paragraph 1 of Schedule 9 to the National Health Service (Wales) Act 2006, ”, and
- (d) omit sub-paragraph (5).
- 300 In paragraph 45(2)(b) of that Schedule, for “ “or 28Q” substitute “ , 28Q or 28WA ”” substitute “ “ or 100 ” substitute “ , 100 or 117 ””.
- 301 In paragraph 62 of that Schedule, for “4(2) of Schedule 12B to the National Health Service Act 1977” substitute “ 3(1) of Schedule 9 to the National Health Service (Wales) Act 2006 ”.

*Status: Point in time view as at 01/04/2008.*

**Changes to legislation:** *National Health Service (Consequential Provisions) Act 2006 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Government of Wales Act 2006 (c. 32)*

- 302 The Government of Wales Act 2006 is amended as follows.
- 303 In section 148(2)(g), for “National Health Service Act 1977” substitute “ National Health Service (Wales) Act 2006 ”.
- 304 In Schedule 11, in paragraph 35(4), in Table 2, omit—
- (a) the entries relating to the National Health Service Act 1977 (c. 49), and
  - (b) the entry relating to section 24(4) and (5) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).

*Commissioner for Older People (Wales) Act 2006 (c. 30)*

- 305 The Commissioner for Older People (Wales) Act 2006 is amended as follows.
- 306 In section 27(1)—
- (a) in the definition of “family health service provider in Wales”—
    - (i) in paragraph (a), for “section 28K or 28Q of the National Health Service Act 1977” substitute “ section 42 or 57 of the National Health Service (Wales) Act 2006 ”,
    - (ii) in paragraph (b), for “general ophthalmic services or pharmaceutical services under Part 2” substitute “ general ophthalmic services under Part 6 of that Act, or pharmaceutical services under Chapter 1 of Part 7 ”,
    - (iii) in paragraph (c), for “primary medical or dental services in accordance with arrangements made under section 28C of that Act” substitute “ primary medical services or primary dental services in accordance with arrangements made under section 50 or 64 of that Act ”, and
    - (iv) omit paragraph (d), and
  - (b) in the definition of “NHS trust” for “National Health Service Act 1977” substitute “ National Health Service (Wales) Act 2006 ”.

*NHS Redress Act 2006 (c. 44)*

- 307 The NHS Redress Act 2006 is amended as follows.
- 308 In section 1(6)—
- (a) in paragraph (d)—
    - (i) for “section 41 of that Act” substitute “ section 126 of the National Health Service Act 2006 ”, and
    - (ii) for “section 41A” substitute “ section 127 ”, and
  - (b) in paragraph (e), for the words from “section 41” to the end of the paragraph substitute “ section 126 of that Act, or by virtue of section 127 of that Act, which are provided under Schedule 12 to that Act (local pharmaceutical services schemes) or under section 134 of that Act (local pharmaceutical services pilot schemes) ”.
- 309 In section 1(7), for “Part 1 of the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”.
- 310 In section 1(11), for “the National Health Service Act 1977” substitute “ the National Health Service Act 2006 ”.

*Status: Point in time view as at 01/04/2008.*

**Changes to legislation:** National Health Service (Consequential Provisions) Act 2006 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 311 In section 11(3), for “Section 11(1) of the National Health Service Act 1977” substitute “Section 28(1) of the National Health Service Act 2006 and section 22(1) of the National Health Service (Wales) Act 2006”.
- 312 In section 18(1), in the definitions of “health service”, “illness” and “patient”, for “the National Health Service Act 1977” substitute “the National Health Service Act 2006”.

## SCHEDULE 2 **E+W**

Section 4

### TRANSITIONAL AND SAVING PROVISION

#### PART 1 **E+W**

##### GENERAL PROVISIONS

###### *Continuity of the law*

- 1 (1) The repeal and re-enactment of provisions by the consolidating Acts does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if made or done, under or for the purposes of any provision repealed and re-enacted by the consolidating Acts, if in force or effective immediately before the commencement of the corresponding provision of the consolidating Acts, has effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in the consolidating Acts or any other enactment or in any instrument or document—
- (a) to any provision of the consolidating Acts, or
  - (b) to things done or falling to be done under or for the purposes of any provision of the consolidating Acts,
- must (to the extent that the context allows) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by the consolidating Acts had effect, a reference to that corresponding provision or to things done or falling to be done under or for the purposes of that corresponding provision.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed and re-enacted by the consolidating Acts, or
  - (b) to things done or falling to be done under or for the purposes of any such provision,
- must (to the extent that the context allows) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of the consolidating Acts has effect, a reference to that corresponding provision or to things done or falling to be done under or for the purposes of that corresponding provision.

*Status: Point in time view as at 01/04/2008.*

**Changes to legislation:** National Health Service (Consequential Provisions) Act 2006 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of the consolidating Acts which reproduce such enactments.
- (6) The powers (which relate to the making of supplementary and consequential provision) in—
- (a) section 41(13) of the National Health Service (Primary Care) Act 1997 (c. 46)
  - (b) section 63 of the Health Act 1999 (c. 8) (including the power in that section as particularised by section 13(4) of that Act),
  - (c) section 65 of the Health and Social Care Act 2001 (c. 15),
  - (d) section 39 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),
  - (e) section 201 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), and
  - (f) section 80 of the Health Act 2006 (c. 28),
- are, so far as they were exercisable in relation to any provision repealed and re-enacted by the consolidating Acts, exercisable in relation to the corresponding provision of the consolidating Acts.
- (7) Sub-paragraphs (5) and (6) do not affect the generality of sub-paragraph (4).
- (8) Sub-paragraphs (1) to (6) have effect instead of section 17(2) of the Interpretation Act 1978 (c. 30) (but that does not affect any other provision of that Act).
- (9) Sub-paragraph (2) does not apply to any subordinate legislation in so far as it is reproduced in this Act.

*Effect of old transitional provisions and savings*

- 2 The repeals made by this Act do not affect the operation of any transitional provision or saving relating to the coming into force of a provision reproduced in the consolidating Acts in so far as the transitional provision or saving is not specifically reproduced in the consolidating Acts but remains capable of having effect in relation to the corresponding provision of the consolidating Acts or otherwise.
- 3 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the saving so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect.

*Use of existing forms etc*

- 4 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of that repeal must be construed, except so far as a contrary intention appears, as a reference or (as the context requires) including a reference to the corresponding provision of the consolidating Acts.

*Status: Point in time view as at 01/04/2008.*

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### *Pre-commencement offences*

- 5 Nothing in the consolidating Acts affects the provisions repealed by this Act in their operation in relation to offences committed before the commencement of the consolidating Acts.

### *Interpretation*

- 6 In this Schedule “repeal” includes (so far as the context permits) revoke or revocation.

## **PART 2** **E+W**

### PARTICULAR SAVINGS

#### *Section 6(6) of the Health Authorities Act 1995 (c. 17)*

- 7 Notwithstanding the repeal by this Act of section 126 of the National Health Service Act 1977 (c. 49), subsections (4) and (5) of that section continue to have effect for the purpose of the reference to those subsections in section 6(6) of the Health Authorities Act 1995.

#### *Article 2(c) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)*

- 8 (1) This paragraph applies to any function conferred by or under any provision re-enacted by the consolidating Acts which, immediately before the commencement of the corresponding provision of the consolidating Acts, was a function to which Article 2(c) of the National Assembly for Wales (Transfer of Functions) Order 1999 applied (concurrent exercise of functions in relation to a cross-border body).
- (2) Article 2(c) of the Order continues to have effect in relation to the function conferred by or under the corresponding provision of the consolidating Acts.

### *Definitions*

- 9 In section 126(9) of the National Health Service Act 2006 (c. 41) and section 80(9) of the National Health Service (Wales) Act 2006 (c. 42), the meaning of “colony” is subject to paragraph 4(3) of Schedule 2 to the Interpretation Act 1978 (c. 30).
- 10 In sections 80, 211 and 217 of the National Health Service Act 2006, and sections 38, 159 and 165 of the National Health Service (Wales) Act 2006, the meaning of “land” is subject to paragraph 5(b) of Schedule 2 to the Interpretation Act 1978.
- 11 (1) The definition of “local authority” in section 275 of the National Health Service Act 2006 and section 206 of the National Health Service (Wales) Act 2006 includes—
- (a) any joint board constituted under the Public Health Act 1936 (c. 49) or under the Public Health (London) Act 1936 (c. 50) or any enactment repealed by either of those Acts, and
  - (b) any port health authority constituted under either of those Acts or under an Act passed before those Acts.
- (2) Sub-paragraph (1) does not apply to—

*Status: Point in time view as at 01/04/2008.*

**Changes to legislation:** National Health Service (Consequential Provisions) Act 2006 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) sections 24, 75, 77, 78, 237, 245 and 247 of the National Health Service Act 2006, or
- (b) sections 17, 33, 35, 36, 40 and 185 of the National Health Service (Wales) Act 2006.

*Powers to make regulations exercisable jointly with the Treasury*

- 12 (1) Any power to make regulations conferred by a provision of the National Health Service Act 2006 which is a provision corresponding to a provision of the National Health Service Act 1977 (c. 49) or of Part 1 of the National Health Service and Community Care Act 1990 (c. 19) is, if the Treasury so directs, exercisable by the Treasury and the Secretary of State acting jointly.
- (2) Sub-paragraph (1) does not apply to a power to make regulations conferred by section 172(1)(a) or 179(3) or (5) of the National Health Service Act 2006.

*Article 4 of the National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407)*

- 13 Notwithstanding the revocation of Article 4 of the National Health Service (Pre-consolidation Amendments) Order 2006, the saving provided for by that Article (determinations in relation to remuneration in respect of services under Part 2 of the National Health Service Act 1977) continues to have effect.

*Former functions of Health Authorities ceasing to be exercisable by Local Health Boards*

- 14 Paragraph 15 applies if the functions of Health Authorities which—
- (a) were transferred to the National Assembly for Wales by the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003 (S.I. 2003/813 (W.98)), and
  - (b) are exercisable by Local Health Boards by virtue of directions under section 16BB of the National Health Service Act 1977 (c. 49) or section 12 of the National Health Service (Wales) Act 2006 (c. 42),
- cease to be so exercisable.
- 15 If this paragraph applies—
- (a) section 50 of the National Health Service (Wales) Act 2006 has effect as if after subsection (7) there were inserted—
    - “(8) This Act has effect, in relation to primary medical services provided under an agreement, as if those services were provided as a result of the delegation by the Welsh Ministers of their functions (by directions given under section 12 or 24).”
  - (b) section 64 of that Act has effect as if after subsection (5) there were inserted—
    - “(8) This Act has effect, in relation to primary dental services provided under an agreement, as if those services were provided as a result of the delegation by the Welsh Ministers of their functions (by directions given under section 12 or 24).”
  - (c) that Act has effect as if for section 85 there were substituted—



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### **“85 Power to charge**

- (1) The Welsh Ministers may charge a fee to persons who make an application to them referred to in section 83(2)(c)(i) or (ii).
  - (2) The Welsh Ministers may determine the amount of the fee as they think fit, and may in particular charge a flat fee or charge different fees in different cases or descriptions of case.
  - (3) Before determining the amount of the fee, the Welsh Ministers must consult such organisations as they think fit that appear to them to represent persons providing pharmaceutical services.
  - (4) The Welsh Ministers must publish in such manner as they think fit any fee they determine and any directions they give under this section.”, and
- (d) that Act has effect as if for section 99 there were substituted—

### **“99 Application of this Act**

This Act has effect in relation to piloted services—

- (a) subject to any provision of, or made under, this Chapter, section 103 (application of enactments) or section 127 (charges for local pharmaceutical services), but
- (b) otherwise as if those services were provided as a result of the delegation by the Welsh Ministers of their functions (by directions given under section 12).”.

### *Provision made by virtue of the Local Health Boards (Functions) (Wales) Regulations 2003 (S.I. 2003/150 (W.20))*

16 Nothing in any provision made in the consolidating Acts by virtue of the Local Health Boards (Functions) (Wales) Regulations 2003 (“the Functions Regulations”) affects—

- (a) the power of the Welsh Ministers to exercise the functions exercisable under the Functions Regulations,
- (b) the application to the Functions Regulations of section 31 of the National Health Service (Wales) Act 2006 (c. 42),
- (c) the application to Local Health Boards of regulation 3(1) of the Functions Regulations (exercise of functions to be subject to any prohibitions or restrictions in an LHB order),
- (d) the application to Local Health Boards of the Schedule to the Functions Regulations (excepted functions),
- (e) any power to amend, revoke or remake the Functions Regulations, or
- (f) any power to make further regulations under section 12 of the National Health Service (Wales) Act 2006 (including regulations which amend or repeal provisions of the consolidating Acts made by virtue of the Functions Regulations).

*Status: Point in time view as at 01/04/2008.*

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*“Relevant Assembly functions” under paragraph 30 of  
Schedule 11 to the Government of Wales Act 2006 (c. 32)*

- 17 If, apart from provision made by the consolidating Acts, a function under those Acts would be a relevant Assembly function for the purposes of paragraph 30 of Schedule 11 to the Government of Wales Act 2006, that function is a relevant Assembly function for that purpose, notwithstanding any provision made by the consolidating Acts.

*References to the National Assembly for Wales  
in the National Health Service (Wales) Act 2006*

- 18 References in the National Health Service (Wales) Act 2006 to the National Assembly for Wales are, apart from the reference in section 160(1)(b), references to that Assembly as constituted by the Government of Wales Act 2006.

*Section 13(3), (4) and (10) of the Health Act 1999 (c. 8)*

- 19 Notwithstanding the repeal by this Act of section 13(3), (4) and (10) of the Health Act 1999—
- (a) any order under section 5(1) of the National Health Service and Community Care Act 1990 (c. 19)—
    - (i) must be treated as always having had effect with the omission of any obligation for the NHS trust to which the order relates to own land specified in the order, and
    - (ii) so far as any functions specified in it could have been specified under that provision as amended by the Health Act 1999, must be treated as having been made under that provision as so amended,
  - (b) any restriction preventing the acquisition of any land by any NHS trust (including an NHS trust dissolved before the commencement of section 13 of the Health Act 1999) merely because the land did not comprise a hospital or other establishment or facility previously managed or provided by a Health Authority, a Special Health Authority, a Regional Health Authority or a District Health Authority, must be treated as never having had effect, and
  - (c) the National Health Service and Community Care Act 1990 (c. 19) must be treated as always having had effect subject to the amendments made by section 13 of the Health Act 1999 (c. 8).

SCHEDULE 3 **E+W**

Section 5

TRANSITORY MODIFICATIONS

**PART 1** **E+W**

TRANSITORY MODIFICATIONS RELATING TO PRIMARY OPHTHALMIC SERVICES

- 1 (1) “The law relating to primary ophthalmic services” means sections 37 to 41 of, and paragraphs 7 to 9, 11, 12(a), 13(2), (5) and (6), 15, 16, 17, 21(b), 22, 29, 46 and 50 of Schedule 8 to, the Health Act 2006 (c. 28) and—

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- (a) the National Health Service Act 1977 (c. 49),
- (b) section 4A of the National Health Service and Community Care Act 1990,
- (c) Schedule 1 to the Health and Social Care Act 2001 (c. 15), and
- (d) section 17(1) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),

to the extent that a provision mentioned in any of paragraphs (a) to (d), as amended by any such provision of the 2006 Act, relates to primary ophthalmic services.

- (2) “General ophthalmic services” means general ophthalmic services within the meaning of section 38 of the National Health Service Act 1977.
- (3) This paragraph applies if the law relating to primary ophthalmic services has not come into force before the commencement of this Act.
- (4) Until the coming into force of that law, and notwithstanding any repeal or revocation made by this Act—
  - (a) no reference in the National Health Service Act 2006 (c. 41), the National Health Service (Wales) Act 2006 (c. 42) or an Act as amended by this Act to primary ophthalmic services, or to a general ophthalmic services contract, has effect, and
  - (b) the law as it applies in England relating to general ophthalmic services continues to have effect.

## PART 2 **E+W**

### OTHER TRANSITORY MODIFICATIONS

*Section 11 of the National Health Service Act 2006 (c. 41), and  
section 9 of the National Health Service (Wales) Act 2006 (c. 42)*

- 2 (1) This paragraph applies if sub-paragraphs (a) and (b) of paragraph 5 of the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006 (S.I. 2006/1056) have not come into force before the commencement of this Act.
- (2) Until the coming into force of those sub-paragraphs—
  - (a) section 11 of the National Health Service Act 2006 has effect—
    - (i) with the omission of subsection (1)(d), and
    - (ii) as if, in subsection (7)(b), there were inserted at the end “ or section 27(2) of the National Health Service (Scotland) Act 1978 ”, and
  - (b) section 9 of the National Health Service (Wales) Act 2006 has effect—
    - (i) with the omission of subsection (1)(d), and
    - (ii) as if, in subsection (4), in paragraph (b) of the definition of “pharmaceutical list” there were inserted at the end “ or section 27(2) of the National Health Service (Scotland) Act 1978 ”.
- 3 (1) This paragraph applies if sub-paragraph (c) of paragraph 5 of the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006 has not come into force before the commencement of this Act.

*Status: Point in time view as at 01/04/2008.*

**Changes to legislation:** National Health Service (Consequential Provisions) Act 2006 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Until the coming into force of that sub-paragraph—
- (a) section 11 of the National Health Service Act 2006 has effect with the omission of subsection (6), and
  - (b) section 9 of the National Health Service (Wales) Act 2006 has effect with the omission of subsection (5).

*Sections 126 and 275 of, and Schedule 13 to National Health Service Act 2006, and section 71, 72, 78, 80, 109, 190, 198 and 206 of the National Health Service (Wales) Act 2006*

- 4 (1) This paragraph applies if paragraphs 10, 12(b), 13(3) and (4), 14, 18, 19, 21(a), 24(b) and 25 of Schedule 8 to the Health Act 2006 (c. 00) have not come into force before the commencement of this Act.
- (2) Until the coming into force of those paragraphs, the references to an optometrist in—
- (a) sections 126 and 275 of, and Schedule 13 to, the National Health Service Act 2006, and
  - (b) sections 71, 72, 78, 80, 109, 190, 198 and 206 of the National Health Service (Wales) Act 2006,
- have effect as references to an ophthalmic optician.

*Section 128 of the National Health Service Act 2006 (c. 41), and section 82 of the National Health Service (Wales) Act 2006 (c. 42)*

- 5 (1) This paragraph applies if paragraph 3 of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006 (S.I. 2006/1056) has not come into force before the commencement of this Act.
- (2) Until the coming into force of that paragraph, section 128 of the National Health Service Act 2006 and section 82 of the National Health Service (Wales) Act 2006 have effect—
- (a) with the omission of subsection (2)(b), and
  - (b) as if, in subsection (6)(b), there were inserted at the end “ or section 27(2) of the National Health Service (Scotland) Act 1978 ”.

*Section 129 of the National Health Service Act 2006, and section 83 of the National Health Service (Wales) Act 2006*

- 6 (1) This paragraph applies if section 35 of the Health Act 2006 (c. 00) has not come into force before the commencement of this Act.
- (2) Until the coming into force of that section, section 129 of the National Health Service Act 2006 and section 83 of the National Health Service (Wales) Act 2006 have effect with the omission of subsections (4) and (5).

*Section 132 of the National Health Service Act 2006, and section 86 of the National Health Service (Wales) Act 2006*

- 7 (1) This paragraph applies if subsection (1) of section 36 of the Health Act 2006 has not come into force before the commencement of this Act.

*Status: Point in time view as at 01/04/2008.*

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- (2) Until the coming into force of that subsection, section 132 of the National Health Service Act 2006 and section 86 of the National Health Service (Wales) Act 2006 have effect as if for subsection (2) there were substituted—

“(2) No arrangements for the dispensing of medicines may be made (except as may be provided by or under regulations) with persons other than persons who are registered pharmacists, or are persons lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968 and who undertake that all medicines supplied by them under the arrangements made under this Chapter will be dispensed either by or under the direct supervision of a registered pharmacist.”.

*Section 180 of the National Health Service Act 2006 and  
section 129 of the National Health Service (Wales) Act 2006*

- 8 (1) This paragraph applies if subsection (2) of section 42 of the Health Act 2006 has not come into force before the commencement of this Act.
- (2) Until the coming into force of that subsection—
- (a) section 180 of the National Health Service Act 2006 has effect—
- (i) with the omission of the words “or equal to” in subsection (2)(b), and
- (ii) with the omission of subsection (2)(c), and
- (b) section 129 of the National Health Service (Wales) Act 2006 (c. 42) has effect with the omission of the words “or equal to” in subsection (2)(b).

*Schedule 20 to the National Health Service Act 2006 (c. 41) and  
Schedule 15 to the National Health Service (Wales) Act 2006*

- 9 (1) This paragraph applies if subsection (7) of section 45 of the Nationality, Immigration and Asylum Act 2002 (c. 41) has not come into force before the commencement of this Act.
- (2) Until the coming into force of that subsection, Schedule 20 to the National Health Service Act 2006 and Schedule 15 to the National Health Service (Wales) Act 2006 have effect as if for paragraph 2(7) there were substituted—
- “(7) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of sub-paragraph (6) as they apply for the purposes of that section, but for the references to the Secretary of State in subsections (5) and (7) of that section and in that paragraph substitute references to a local social services authority.”.

*Modifications applicable until the end of the initial  
period under the Government of Wales Act 2006 (c. 32)*

- 10 (1) This paragraph applies if the initial period, within the meaning of the Government of Wales Act 2006, has not ended before the commencement of this Act.
- (2) Until the end of the initial period any reference to the Welsh Ministers in the consolidating Acts, and in an Act as amended by this Act, has effect as a reference to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38).

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- (3) For that purpose, functions of the National Assembly for Wales exercisable by virtue of this paragraph are functions falling within paragraph 23(2) of Schedule 11 to the Government of Wales Act 2006.
- (4) Until the end of the initial period—
- (a) paragraph 12(2)(b) of Schedule 4 to the National Health Service Act 2006, and
  - (b) paragraph 12(2)(b) of Schedule 3 to the National Health Service (Wales) Act 2006,
- have effect as if for “paragraph 19 of Schedule 8 to the Government of Wales Act 2006” there were substituted “ section 96A of the Government of Wales Act 1998 ”.
- (5) Until the end of the initial period, section 157(2) and (3) and section 203(4) to (8) of the National Health Service (Wales) Act 2006 do not have effect, but section 44 of the Government of Wales Act 1998 applies in relation to subordinate legislation made by the National Assembly for Wales by virtue of this paragraph, so far as the context requires.
- (6) Until the end of the initial period, Schedule 4 to the National Health Service (Wales) Act 2006 has effect—
- (a) as if for paragraph 1(4) there were substituted—
    - “(4) An NHS trust's originating capital is deemed to have been issued out of moneys provided by Parliament and is an asset of the Consolidated Fund.”, and
  - (b) as if for paragraph 4(2) and (3) there were substituted—
    - “(2) Immediately after a guarantee is given under this paragraph, a statement of the guarantee must be laid before, and published by, the National Assembly for Wales constituted under the Government of Wales Act 1998.
    - (3) Where any sum is issued for fulfilling a guarantee so given, a statement relating to that sum must be laid before, and published by, the National Assembly for Wales constituted under the Government of Wales Act 1998 as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.”.
- (7) Until the end of the initial period, paragraph 5(6) of Schedule 9 to the National Health Service (Wales) Act 2006 (c. 42) has effect as if for paragraph (b) there were substituted—
- “(b) lay copies of them and his report on them before the National Assembly for Wales constituted under the Government of Wales Act 1998”.

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## SCHEDULE 4 **E+W**

Section 6

### REPEALS AND REVOCATIONS

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
National Health Service Act 1977 (c. 49)	The whole Act.
Public Health Laboratory Service Act 1979 (c. 23)	Section 1(1) and (2). Section 3.
Health Services Act 1980 (c. 53)	Section 3(1). Section 5(1). Section 8. Section 21(2). In Schedule 1, paragraphs 52, 66, 68, 77 and 83. In Schedule 5, paragraphs 1, 2(1), 2(5) and 4.
British Nationality Act 1981 (c. 61)	In Schedule 7, the entry for the National Health Service Act 1977.
New Towns Act 1981 (c. 64)	In Schedule 12, paragraph 26.
Acquisition of Land Act 1981 (c. 67)	In Schedule 4, paragraph 28.
Mental Health (Amendment) Act 1982 (c. 51)	In Schedule 3, paragraph 56.
Mental Health Act 1983 (c. 20)	In Schedule 4, paragraph 47.
Health and Social Services and Social Security Adjudications Act 1983 (c. 41)	Section 1. Section 13. Section 15(b). In Schedule 5, paragraphs 1 and 2. In Schedule 6, paragraph 3. In Schedule 9, paragraph 21 and 23.
Medical Act 1983 (c. 54)	In Schedule 5, paragraph 16(b).
Dentists Act 1984 (c. 24)	In Schedule 5, paragraphs 9 and 10.
Health and Social Security Act 1984 (c. 48)	Section 1(3), (4) and (6). Section 5(2). Section 9(1). In Schedule 1, paragraphs 1 and 3. In Schedule 3, paragraphs 1, 3(b) and 8.
Housing (Consequential Provisions) Act 1985 (c. 71)	In Schedule 2, paragraph 38.
Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39)	Article 7.
National Health Service (Amendment) Act 1986 (c. 66)	Section 3(1).

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AIDS (Control) Act 1987 (c. 33)	In section 1(9), the words ““Health Authority” means a Health Authority established under section 8 of that Act,”.
Pharmaceutical Qualifications (EEC Recognition) Order 1987 (S.I. 1987/2202)	Article 4.
Social Security Act 1988 (c. 7)	Section 14(1).
Community Health Councils (Access to Information) Act 1988 (c. 24)	Section 1(6).
Health and Medicines Act 1988 (c. 49)	Section 7(10) and (12). Section 10(1). Section 11(1) to (3). Section 13(1). In section 13(2), the words “of Schedule 12 to that Act”. Section 13(3). In Schedule 2, paragraphs 1, 2, 7(3) and (4) and 8(1).
Children Act 1989 (c. 41)	In Schedule 12, paragraph 34.
Planning (Consequential Provisions) Act 1990 (c. 11)	In Schedule 2, paragraph 40.
National Health Service and Community Care Act 1990 (c. 19)	Section 1(3). Sections 4 to 12. Section 21. Sections 25 and 26. Section 65(2). In section 67(4), the words “Part 1 of this Act other than section 15(4), does not extend to Scotland”. In Schedule 1, paragraphs 7(1) and 8 to 10. Schedules 2 and 3. In Schedule 9, paragraph 18.
Access to Health Records Act 1990 (c. 23)	In section 11, the definition of “Health Authority”.
Health and Personal Social Services (Northern Ireland Consequential Amendments) Order 1991 (S.I. 1991/195)	Article 7(1), (3) to (5) and (9).
Local Government (Wales) Act 1994 (c. 19)	In Schedule 10, paragraph 11.
Vehicle Excise and Registration Act 1994 (c. 22)	In Schedule 3, paragraph 10.
Health Authorities Act 1995 (c. 17)	Section 3(8). In Schedule 1, Part 1, and paragraphs 66, 68 to 72, 78, 79, 85 and 119(4)(a).
National Health Service (Residual Liabilities) Act 1996 (c. 15)	Section 1.
Employment Rights Act 1996 (c. 18)	In Schedule 1, paragraph 45(2).



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Education Act 1996 (c. 56)	In Schedule 37, paragraphs 44 to 46.
Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325)	In Schedule 2, paragraph 9.
Pharmacists (Fitness to Practice) Act 1997 (c. 19)	In the Schedule, paragraph 6.
National Health Service (Primary Care) Act 1997 (c. 46)	Section 21(1). Section 22(1). Section 26(1). Section 27(1). Section 28(1). Section 29(1). Section 31(1). Section 34(1). Section 36. In section 40(2), the definition of “the 1977 Act”. In Schedule 2, paragraphs 3, 4, 5, 14, 15, 22, 23, 27, 28, 30, 31 and 65.
National Health Service (Private Finance) Act 1997 (c. 56)	Section 1.
Audit Commission Act 1998 (c. 18)	In Schedule 3, paragraph 20.
School Standards and Framework Act 1998 (c. 31)	In Schedule 30, paragraph 8.
Government of Wales Act 1998 (c. 38)	Section 27(6) and (7).
Health Act 1999 (c. 8)	Sections 2 to 12. Section 13(1) to (4) and (6) to (11). Sections 14 and 15. Section 17. Sections 26 to 39. Sections 41 and 42. In section 62, in subsection (1), the words “, unless it is an order under paragraph 2 of Schedule 2A”, subsections (2) and (3), in subsection (4), the words “, or to give directions mentioned in subsection (2),”, and subsections (5) and (8). In section 64, the definitions of “the 1977 Act”, “the 1990 Act” and paragraph (a) of the definition of “NHS trust”. Section 68(1)(a) and (4). Schedule 1. Schedule 2A. In Schedule 4, paragraphs 4, 6 to 16, 23 to 32, 36 to 39, 76 to 79, 81, 83, 84, 87 and 89.
Immigration and Asylum Act 1999 (c. 33)	Section 117(2).
National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)	In Schedule 1, the entries relating to National Health Service Act 1977 and the National Health Service and Community Care Act

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	1990, and paragraph (a) of the entry relating to the Health Act 1999.
Health Act 1999 (Supplementary and Consequential Provisions) Order 1999 (S.I. 1999/2795)	The whole Order.
Government Resources and Accounts Act 2000 (c. 20)	Sections 12 and 13.
Local Government Act 2000 (c. 22)	In Schedule 5, paragraph 17.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 37.
Health Act 1999 (Supplementary, Consequential etc Provisions) Order 2000 (S.I. 2000/90)	In Schedule 1, paragraph 13.
Health and Social Care Act 2001 (c. 15)	Sections 1 to 4. Section 6. Section 7(2) to (5). Sections 8 to 13. Section 14(1) and (3). Section 16. Sections 20 and 21. Sections 23 to 25. Section 27. Sections 28 to 38. Sections 40 to 43. Sections 45 to 48. Sections 60 and 61. Section 64(3). Section 68(2) and (3). Schedules 1 to 4. In Schedule 5, paragraph 5, 8, 11 and 12.
Anti-Terrorism, Crime and Security Act 2001 (c. 24)	In Schedule 4, paragraphs 16 and 45.
Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649)	Article 319.
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Section 1. Section 2(1) to (4). Section 3. Section 4(2). Section 5. Sections 6 to 10. Sections 15 to 18. Sections 19(1) to (5). Section 20 and 21. In section 22, subsections (1) to (3) and (8) and (9). Sections 23 and 24. Section 36. In section 38(2), “36 or”.

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	In section 38(3) “or an order under section 36,”.
	In section 42(2), the definitions of “the 1977 Act” and “NHS trust”.
	In Schedule 1, Part 1 and paragraphs 40 to 43, 46, 51 to 53 and 55.
	In Schedule 2, paragraphs 1 and 2, 12 to 37, 54, 58, 67, 69, and 73 to 82.
	In Schedule 3, paragraphs 1, 7, 8, 11 and 14. Schedule 4.
	In Schedule 5, paragraphs 4 to 20, 23, 31 to 33, 36, 43, 45, and 49 to 51.
	In Schedule 6, paragraphs 1 to 15.
	In Schedule 8, paragraphs 1 to 9, 12, 18, 23 to 27, and 30 to 37.
Adoption and Children Act 2002 (c. 38)	In Schedule 3, paragraph 20.
Nationality, Immigration and Asylum Act 2002 (c. 41)	Section 45(7).
Nursing and Midwifery Order 2001 (S.I. 2002/253)	In Schedule 5, paragraph 6.
National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469)	In Schedule 1, paragraphs 21 and 30.
National Health Service Act 1977 and National Health Service and Community Care Act 1990 (Amendment) Regulations (S.I. 2002/2759)	The whole Regulations.
Health (Wales) Act 2003 (c. 4)	Section 1(1), (3) and (4). Schedule 1. In Schedule 3, paragraphs 3, 4, 6 and 9.
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	Sections 1 to 32. Section 33(2). Sections 35 to 40. Sections 170 to 172, 174, 175, and 177 to 183. In section 195(1), “or a power to make an order conferred by Part 1”. Sections 191 and 192. Schedule 1. In Schedule 2, paragraphs 1 to 5(2), and 5(4) to 16. Schedule 3. In Schedule 4, paragraphs 23 to 32, 34 to 45, 83 to 85, 108, 109, 115 to 118, 123 and 124. Schedule 5. In Schedule 9, paragraph 9. In Schedule 11, paragraphs 7 to 10, 12 to 16, 18 to 32, 35 to 37, 39 to 45 and 69 to 74.

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	In Schedule 13, paragraphs 4 and 6(a) and (b).
Criminal Justice Act 2003 (c. 44)	In Schedule 25, paragraph 74.
Health, Social Care and Well-being Strategies (Wales) Regulations 2003 (S.I. 2003/154)	In the Schedule, paragraphs 5 to 19.
General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I. 2003/1250)	In Schedule 9, paragraphs 2 and 6(c)(i).
Health Professions Order 2001 (Consequential Amendments) Order 2003 (S.I. 2003/1590)	In the Schedule, paragraph 3.
National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2003 (S.I. 2003/1937)	In the Schedule, paragraph 1.
Health Protection Agency Act 2004 (c. 17)	In Schedule 3, paragraph 11.
Public Audit (Wales) Act 2004 (c. 23)	In Schedule 2, paragraph 14.
Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957)	In the Schedule, paragraph 3.
Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771)	In the Schedule, paragraph 8.
Health and Social Care (Community Health and Standards) Act 2003 (Commission for Healthcare Audit and Inspection and Commission for Social Care Inspection) (Consequential Provisions) Order 2004 (S.I. 2004/2987)	Article 2(1)(c) and (d).
Freedom of Information (Removal and Relaxation of Statutory Prohibitions on Disclosure of Information) Order 2004 (S.I. 2004/3363)	Article 7.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraph 95. In Schedule 7, the entry relating to the National Health Service Act 1977.
Public Services Ombudsman (Wales) Act 2005 (c. 10)	In Schedule 6, paragraph 20.
Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848)	In Schedule 1, paragraph 9.
Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011)	In Schedule 6, paragraph 1.
Health Act 2006 (c. 28)	Sections 34 and 35. Section 36(1).

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	Sections 37 to 42.
	Sections 44 to 56.
	Section 74.
	Section 78(3).
	Schedule 3.
	In Schedule 8, paragraphs 6 to 22, 24, 25, 29, 34, 36, 44(5), 46, 50, 51 and 54.
Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006 (S.I. 2006/1056)	In the Schedule, paragraphs 3 and 5.
National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407)	The whole Order.

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