

## SCHEDULE

Article 3

### CONSEQUENTIAL AMENDMENTS

#### PART I

##### ACTS

###### *Powers of Criminal Courts Act 1973*

1. In Schedule 1A to the Powers of Criminal Courts Act 1973 (additional requirements in probation orders)(1), in paragraph 5(10), for “a special hospital within the meaning of the National Health Service Act 1977” substitute “hospital premises at which high security psychiatric services within the meaning of the National Health Service Act 1977 are provided”.

#### PART II

##### REGULATIONS AND ORDERS

###### *The Statutory Sick Pay (National Health Service Employees) Regulations 1991*

2.—(1) The Statutory Sick Pay (National Health Service Employees) Regulations 1991(2) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), after paragraph (2) insert—

“(3) In these Regulations, “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977(3).”

(3) In regulation 2 (treatment of more than one contract of employment as one contract), after “two or more contracts,” insert “or where an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977(4) provides that a person’s contract of employment is so divided,”.

(4) In regulation 5 (treatment of two or more employers as one), for paragraphs (a) and (b) substitute—

“(a) in the case of a person whose contract of employment is treated by a scheme under Part I of the National Health Service and Community Care Act 1990(5) or the National Health Service (Scotland) Act 1978(6) as divided—

(i) the Health Authority or Primary Care Trust from which the employee was transferred, in a case where any one of the employee’s contracts of service is with that Health Authority or Primary Care Trust; or

(ii) the first NHS trust to which a contract of service was transferred in a case where none of the employee’s contracts of service are with the Health Authority or Primary Care Trust from which he was transferred;

or

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(1) 1973 c. 62; Schedule 1A was inserted by the Criminal Justice Act 1991 (c. 53), Part II of Schedule 1.

(2) S.I. 1991/589.

(3) Section 16A was inserted by section 2(1) of the 1999 Act.

(4) Schedule 5A was inserted by Schedule 1 to the 1999 Act.

(5) See sections 6 and 7 of the 1990 Act, as amended by paragraphs 77 and 78 of Schedule 4 to the 1999 Act.

(6) See sections 12B and 12C of the Act, as inserted by section 31 of the 1990 Act.

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- (b) in the case of a person whose contract of employment is divided as provided by an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977—
  - (i) the Health Authority, NHS trust or Primary Care Trust from which the employee was transferred, in a case where any one of the employee’s contracts of service is with that body; or
  - (ii) the first Primary Care Trust to which a contract of service was transferred in a case where none of the employee’s contracts of service are with the body from which he was transferred.”.

*The Statutory Maternity Pay (National Health Service Employees) Regulations 1991*

3.—(1) The Statutory Maternity Pay (National Health Service Employees) Regulations 1991(7) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), after paragraph (2) insert—

“(3) In these Regulations, “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977.”

(3) In regulation 2 (treatment of more than one contract of employment as one contract), after “two or more contracts,” insert “or where an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977 provides that a woman’s contract of employment is so divided.”.

(4) In regulation 5 (treatment of two or more employers as one), for paragraphs (a) and (b) substitute—

“(a) in the case of a woman whose contract of employment is treated by a scheme under Part I of the National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978 as divided—

(i) the Health Authority or Primary Care Trust from which the woman was transferred, in a case where any one of the contracts of service is with that Health Authority or Primary Care Trust; or

(ii) the first NHS trust to which a contract of service was transferred in a case where none of the contracts of service are with the Health Authority or Primary Care Trust from which she was transferred;

or

(c) in the case of a woman whose contract of employment is divided as provided by an order under paragraph 23(1) of Schedule 5A to the National Health Service Act 1977—

(i) the Health Authority, NHS trust or Primary Care Trust from which the woman was transferred, in a case where any one of the contracts of service is with that body; or

(ii) the first Primary Care Trust to which a contract of service was transferred in a case where none of the contracts of service are with the body from which she was transferred.”.

*The Children (Secure Accommodation) Regulations 1991*

4. In regulation 7 of the Children (Secure Accommodation) Regulations 1991(8)—

(a) in paragraph (1)(a), after “health authorities” insert “, Primary Care Trusts”; and

(b) in paragraph (2)—

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(7) S.I. 1991/590.

(8) S.I. 1991/1505 to which there are amendments not relevant to this Order.

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- (i) in paragraph (a), after “health authority” insert “, a Primary Care Trust”; and
- (ii) in paragraph (b), after “health authorities” insert “, Primary Care Trusts”.

*The Children (Secure Accommodation) (No. 2) Regulations 1991*

5. In regulation 2 of the Children (Secure Accommodation) (No. 2) Regulations 1991<sup>(9)</sup>, in paragraph (1), after “health authority” insert “, a Primary Care Trust”.

*The Redundancy Payments (National Health Service) (Modification) Order 1993*

6. In Schedule 1 to the Redundancy Payments (National Health Service) (Modification) Order 1993 (employment to which the Order applies)<sup>(10)</sup>, after paragraph 2 insert—

“2A. a Primary Care Trust established under section 16A of the 1977 Act;”.

*The Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996*

7. In article 1 of the Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996 (citation, commencement and interpretation)<sup>(11)</sup>, in paragraph (2)(b)—

- (a) omit “and” at the end of paragraph (x); and
- (b) at the end of paragraph (xi) insert

“and

(xii) a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.

*The Welfare Food Regulations 1996*

8. In regulation 2 of the Welfare Food Regulations 1996<sup>(12)</sup>, in paragraph (1)—

- (a) in the definition of “clinic”, in paragraph (a)—
  - (i) in sub-paragraph (i), after “Health Authority” insert “, by a Primary Care Trust”; and
  - (ii) in sub-paragraph (ii), after “Health Authority” insert “, by a Primary Care Trust”;
- (b) after the definition of “period of validity” insert the following definition—

““Primary Care Trust” has the same meaning as in section 16A of the National Health Service Act 1977;”.

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<sup>(9)</sup> S.I. 1991/2034.

<sup>(10)</sup> S.I. 1993/3167.

<sup>(11)</sup> S.I. 1996/1023.

<sup>(12)</sup> S.I. 1996/1434; as amended by S.I. 1997/857, 1998/691 and 1999/2561.