
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments consequential on those sections of the National Health Service Reform and Health Care Professions Act 2002 (“the Act”) concerned with the structure of the NHS in England and in particular on the renaming of Health Authorities as Strategic Health Authorities by section 1 of the Act and the reallocation of many of the existing functions of Health Authorities to Primary Care Trusts by section 2 of, and Schedule 2 to, the Act.

Regulation 3 applies to each individual Health Authority in England the change of name effected by section 1 of the Act.

Regulations 4 to 14 and Schedules 1 to 11 amend references to Health Authority for England in both primary and secondary legislation to either Strategic Health Authority or Primary Care Trust. References to Health Authority remain for Wales. Subject to the exceptions set out in regulations 2(3) to (5), the extent of the amendments made is the same as that of the provision amended. These amendments are supplementary to those in Schedules 1 and 2 to the Act.

Regulation 15 gives effect to the consequential and transitional provisions in Schedule 12 that are necessary as a result of the changes made both by the Act itself and these Regulations. Part 1 of Schedule 12 makes consequential and transitional provision in respect of practitioners (doctors, dentists, opticians and pharmacists) whose names were included in lists maintained by Health Authorities prior to 1st October 2002 (“the relevant date”), or where matters were outstanding in relation to those lists immediately prior to that date. Part 1 also makes provision for local representative committees recognised by Health Authorities prior to the relevant date.

Part 2 of Schedule 12 makes transitional provision for disciplinary procedures that were the responsibility of Health Authorities before the relevant date pursuant to the National Health Service (Service Committees and Tribunal) Regulations 1992, particularly in respect of disciplinary matters that have not been concluded by that date.

Part 3 of Schedule 12 makes transitional provision in respect of the Family Health Services Appeal Authority (Primary Care Act) Regulations 2001, particularly in respect of representations made to the Family Health Services Appeal Authority (“FHSAA”) pursuant to those Regulations before the relevant date, and any directions made by the FHSAA prior to that date.

Part 4 of Schedule 12 makes transitional provision in respect of the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001, particularly in respect of the effect of decisions made by the NHS Tribunal before the relevant date. Provision is also made for cases before the NHS Tribunal, involving Health Authorities, that are still continuing at that date.

Part 5 of Schedule 12 makes transitional provision in respect of the Family Health Services Appeal Authority (Procedure) Rules 2001, particularly in respect of appeals made to the FHSAA pursuant to the Rules before the relevant date, in which Health Authorities were involved. Provision is also made for applications made to the FHSAA before the relevant date in which Health Authorities were involved. All the provisions in Schedule 12 apply to England only (regulation 2(1)).

Regulation 16 makes transitory amendments to sections 46 and 49A of and Schedule 9 to the National Health Service Act 1977 which are concerned with the NHS Tribunal. The Tribunal was abolished for England on 14th December 2001 but continues in force for the limited purpose of dealing with cases which were not concluded on 14th December and cases relating to persons undertaking to provide pharmaceutical services under Part 2 of the National Health Service Act 1977.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 17 makes a transitory amendment to section 1(6)(a) of the Community Health Councils (Access to Information) Act 1988 pending the bringing into force of section 22 of the Act which provides for the abolition of Community Health Councils in England.

Regulation 18 provides for the continuing validity of maternity certificates in the form set out in Schedule 2 to the Social Security (Medical Evidence) Regulation 1976 in spite of the amendments made to the form of that certificate by these regulations.