



National Health Service Reform and Health Care Professions Act 2002

CHAPTER 17

NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002

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Changes to legislation: National Health Service Reform and Health Care Professions Act 2002 is up to date with all changes known to be in force on or before 28 April 2023. 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) View outstanding changes

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- 37 Minor and consequential amendments and repeals
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SCHEDULES

SCHEDULE 1 — English Health Authorities: change of name

Part 1 — AMENDMENTS OF 1977 ACT

- 1 The 1977 Act is amended as follows.
- 2 In section 12 (provision supplementary to sections 8 and 11),...
- 3 In section 16 (exercise of functions)— (a) in subsection (1),...
- 4 In section 16B (exercise of functions by Primary Care Trusts)—...
- 5 In section 16C (advice for Health Authorities and Primary Care...)
- 6 In section 16D (Secretary of State’s directions: distribution of functions)
—...
- 7 In section 17 (Secretary of State’s directions: exercise of functions),...
- 8 In section 17B (Health Authority’s directions: exercise of functions),
in...
- 9 In section 18 (directions and regulations under preceding provisions),
in...
- 10 In section 22 (co-operation between Health Authorities and local
authorities),...
- 11 In section 23 (voluntary organisations and other bodies), in subsection...
- 12 In section 26 (supply of goods and services by the...)
- 13 In section 27 (conditions of supply under section 26)—
- 14 In section 28 (supply of goods and services by local...)
- 15 In section 28A (power to make payments towards expenditure on...)
- 16 In section 28BB (power of local authorities to make payments...)
- 17 In section 37 (Dental Practice Board), in subsection (1)(b), for...
- 18 In section 49S (the Family Health Services Appeal Authority), in...
- 19 In section 51 (university clinical teaching and research)—
- 20 In section 65 (accommodation and services for private patients),
before...
- 21 In section 84A (intervention orders), in subsection (2), before
paragraph...
- 22 In section 84B (intervention orders: effect)— (a) in subsection (1),...
- 23 In section 85 (default powers), in subsection (1), before paragraph...
- 24 In section 90 (gifts on trust), after “A” there is...
- 25 In section 91 (private trusts for hospitals), in subsection (3)(d),...
- 26 In section 92 (further transfers of trust property)—
- 27 In section 96 (trusts: supplementary provisions), in subsection (1A)(a),
after...
- 28 In section 96A (power of health authorities, etc to raise...

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- 29 In section 98 (accounts and audit)— (a) in subsection (1),...
- 30 In section 99 (regulation of financial arrangements), in subsection (1),...
- 31 In section 125 (protection of members and officers of authorities),...
- 32 In section 126 (orders and regulations, and directions), in subsection...
- 33 In section 128 (interpretation and construction), in subsection (1A), before...
- 34 (1) Schedule 5 (which relates to the constitution of Health...
- 35 (1) Schedule 5A (which relates to Primary Care Trusts) is...
- Part 2 — AMENDMENTS OF OTHER ACTS
- 36 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)
- 37 The Hospital Complaints Procedure Act 1985 (c. 42)
- 38 The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)
- 39 The National Health Service and Community Care Act 1990 (c. 19)
- 40 In section 4 (NHS contracts), in subsection (2), before paragraph...
- 41 In section 4A (provision of certain services by persons on...
- 42 In section 8 (transfer of property, rights and liabilities to...
- 43 In section 21 (schemes for meeting losses and liabilities of...
- 44 In section 49 (transfer of staff from health service to...
- 45 In section 60 (removal of Crown immunities), in subsection (7)(a),...
- 46 In Schedule 2 (which makes provision about NHS trusts)—
- 47 The Health Service Commissioners Act 1993 (c. 46)
- 48 The 1999 Act
- 49 In section 20 (functions of the Commission for Health Improvement) —...
- 50 In section 21 (arrangements with the Audit Commission), in subsection...
- 51 In section 26 (co-operation between NHS bodies), after “duty of”...
- 52 In section 28 (plans for improving health etc)—
- 53 In section 31 (arrangements between NHS bodies and local authorities),...
- 54 In section 61 (English and Scottish border provisions), in subsection...
- 55 The Health and Social Care Act 2001 (c. 15)

SCHEDULE 2 — Reallocation of functions of Health Authorities to Primary Care Trusts

Part 1 — AMENDMENTS OF 1977 ACT

- 1 The 1977 Act is amended as follows.
- 2 (1) Section 15 (duty of Health Authority in relation to...
- 3 (1) Section 29 (arrangements and regulations for general medical services)...
- 4 (1) Section 29A (medical lists) is amended as provided in...
- 5 (1) Section 29B (vacancies for medical practitioners) is amended as...
- 6 In section 31 (requirement of suitable experience), in subsection (1),...
- 7 In section 32 (regulations as to section 31), in subsection...
- 8 In section 33 (distribution of general medical services)—
- 9 In section 35 (arrangements for general dental services), in subsection...
- 10 (1) Section 36 (regulations as to section 35) is amended...
- 11 In section 38 (arrangements for general ophthalmic services), in subsection...
- 12 (1) Section 39 (regulations as to section 38) is amended...

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- 13 (1) Section 41 (arrangements for pharmaceutical services) is amended as...
- 14 In section 41A (additional pharmaceutical services), before “Health Authority”, in...
- 15 In section 41B (terms and conditions relating to additional pharmaceutical...
- 16 (1) Section 42 (regulations as to pharmaceutical services) is amended...
- 17 (1) Section 43 (persons authorised to provide pharmaceutical services) is...
- 18 (1) Section 43ZA (conditional inclusion in medical, dental, ophthalmic and...
- 19 In section 43C (indemnity cover for Part 2 practitioners), before...
- 20 (1) Section 43D (supplementary lists) is amended as provided in...
- 21 In each of the following— (a) section 49F (disqualification of...
- 22 In section 49J (suspension pending appeal)— (a) before “Health Authority”,...
- 23 In section 49L (review of decisions)— (a) in subsections (1)...
- 24 In section 49M (appeals)— (a) before “Health Authority”, in each...
- 25 (1) Section 49N (national disqualification) is amended as provided in...
- 26 In section 49O (notification of decisions), after “require a” there...
- 27 In section 49P (withdrawal from lists), after “whom a”, in...
- 28 (1) Section 49Q (regulations) is amended as provided in this...
- 29 In section 54, after “Committee”, in each place where it...
- 30 In section 56 (inadequate Part 2 services)—
- 31 In section 83 (sums otherwise payable to those providing services),...
- 32 In section 83A (remission and repayment of charges and travelling...
- 33 In section 92 (transfers of property held on trust), in...
- 34 In section 96A (powers of health authorities, etc, to raise...
- 35 In section 103 (special arrangement as to payment of remuneration),...
- 36 (1) Section 124 (special notices of births and deaths) is...
- 37 In Schedule 5A (which relates to Primary Care Trusts), after...
Part 2 — AMENDMENTS OF OTHER ACTS
- 38 The National Assistance Act 1948 (c. 29)
- 39 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)
- 40 The Health Services and Public Health Act 1968 (c. 46)
- 41 The Health and Safety at Work etc Act 1974 (c. 37)
- 42 The Mental Health Act 1983 (c. 20)
- 43 In section 25A (applications for supervision), before “Health Authority”, in...
- 44 In section 25C (supervision applications: supplementary), in subsection (6), after...
- 45 In section 25F (reclassification of patient subject to after-care under...
- 46 In section 39 (information as to hospitals), in subsection (1),...
- 47 In section 117 (after-care), in each of subsections (2), (2A)...
- 48 In section 140 (notification of hospitals having arrangements for reception...
- 49 In section 145 (interpretation), in paragraph (a) of the definition...
- 50 The Public Health (Control of Disease) Act 1984 (c. 22)
- 51 The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)
- 52 The Children Act 1989 (c. 41)
- 53 The National Health Service and Community Care Act 1990 (c. 19)

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- 54 In section 4A (provision of certain services by persons on...
 55 (1) In section 18 (indicative amounts for doctors' practices)—
 56 In section 47 (assessment of needs for community care services),...
 57 In section 49 (transfer of staff from health service to...
 58 In Schedule 2 (which makes provision about NHS trusts), in...
 59 The Access to Health Records Act 1990 (c. 23)
 60 The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
 61 The Health Service Commissioners Act 1993 (c. 46)
 62 The Health Authorities Act 1995 (c. 17)
 63 The Employment Rights Act 1996 (c. 18)
 64 The Police Act 1997 (c. 50)
 65 The School Standards and Framework Act 1998 (c. 31)
 66 The Government of Wales Act 1998 (c. 38)
 67 The 1999 Act
 68 In section 10(1) (which substitutes new sections 43A and 43B...
 69 (1) Section 28 (plans for improving health care, etc)...
 70 The Care Standards Act 2000 (c. 14)
 71 The Health and Social Care Act 2001 (c. 15)
 72
 73 (1) Section 28 (pilot schemes for local pharmaceutical services) is...
 74 In section 30 (designation of priority neighbourhoods or premises),
 before...
 75 In section 31 (reviews of pilot schemes), in subsection (3)(a),...
 76 In section 32 (variation and termination of pilot schemes)—
 77 In section 34 (funding of preparatory work)—
 78 In section 40(1) (which inserts a new section 28J into...
 79 In Schedule 1 (exempt information relating to health services), in...
 80 In Schedule 2 (pilot schemes for local pharmaceutical services)—
 81 (1) Schedule 3 (which inserts a new Schedule 8A into...
 82 In Schedule 5 (minor and consequential amendments), in paragraph 9,...

SCHEDULE 3 — Amendments relating to Personal Medical Services and Personal Dental Services

Part 1 — AMENDMENTS OF THE NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

- 1 The National Health Service (Primary Care) Act 1997 is amended...
 2
 3 (1) Section 8ZA (lists of persons who may perform personal...
 4 In section 8A (delegation of Health Authority functions relating to...
 5 In section 12 (leaving medical lists), in subsection (2)—
 6 (1) Section 13 (preferential treatment on transferring to medical lists)...
 7 (1) Section 21(1) (which inserts new sections 28C and 28D...
 8 In section 22(1) (which inserts a new section 28E into...
 9 In section 40 (interpretation), in subsection (2), at the end...
 10

Part 2 — AMENDMENTS OF OTHER ACTS

- 11 The 1977 Act
 12
 13 The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
 14 The 1999 Act
 15 The Health and Social Care Act 2001 (c. 15)
 16 (1) Section 26(1) (which inserts a new section 28DA into...
 17 In Schedule 1 (exempt information relating to health services), in...

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SCHEDULE 4 — Local Health Boards

SCHEDULE 5 — Amendments relating to Local Health Boards

- 1 The Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 2 The Health Services and Public Health Act 1968 (c. 46)
- 3 The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)
- 4 The 1977 Act
- 5 In section 16 (exercise of functions), in subsection (2)(c), after...
- 6 In section 16B (exercise of functions by Primary Care Trusts),...
- 7 In section 16C (advice for Health Authorities and Primary Care...
- 8 In section 22 (co-operation between health authorities and local authorities),...
- 9 In section 23 (voluntary organisations and other bodies), in subsection...
- 10 In section 26 (supply of goods and services by Secretary...
- 11 In section 27 (conditions of supply under section 26)—
- 12 In section 28 (supply of goods and services by local...
- 13 In section 28A (power to make payments towards expenditure on...
- 14 In section 28BB (power of local authorities to make payments...
- 15 In section 51 (university clinical teaching and research)—
- 16 In section 84A (intervention orders), in subsection (2), after paragraph...
- 17 In section 84B (intervention orders: effect), in subsection (1), in...
- 18 In section 85 (Secretary of State's default powers), in subsection...
- 19 In section 92 (further transfers of trust property), in subsection...
- 20 In section 96A (power of health authorities etc to raise...
- 21 In section 98 (accounts and audit), in subsection (1), after...
- 22 In section 99 (regulation of financial arrangements), in subsection (1),...
- 23 In section 125(Protection of members and officers of authorities), the...
- 24
- 25 The Acquisition of Land Act 1981 (c. 67)
- 26 The Hospital Complaints Procedure Act 1985 (c. 42)
- 27 The Income and Corporation Taxes Act 1988 (c. 1)
- 28 The Housing Act 1988 (c. 50)
- 29 The Road Traffic Act 1988 (c. 52)
- 30 The National Health Service and Community Care Act 1990 (c. 19)
- 31 In section 4 (NHS contracts), in subsection (2), after paragraph...
- 32 In section 8 (transfer of property, rights and liabilities to...
- 33 In section 21 (schemes for meeting losses and liabilities of...
- 34 In section 49 (transfer of staff from health service to...
- 35 In section 61 (health service bodies: taxation), in subsection (3),...
- 36 (1) Schedule 2 (National Health Service trusts) is amended as...
- 37 The Welsh Language Act 1993 (c. 38)
- 38 The Health Service Commissioners Act 1993 (c. 46)
- 39 The Vehicle Excise and Registration Act 1994 (c. 22)
- 40 The Value Added Tax Act 1994 (c. 23)
- 41 The Data Protection Act 1998 (c. 29)
- 42 The Government of Wales Act 1998 (c. 38)
- 43 The 1999 Act
- 44
- 45 In section 31 (arrangements between NHS bodies and local authorities),...
- 46 The Care Standards Act 2000 (c. 14)
- 47 The Learning and Skills Act 2000 (c. 21)
- 48 The Freedom of Information Act 2000 (c. 36)

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- 49 The Health and Social Care Act 2001 (c. 15)
- 50 In section 7 (functions of overview and scrutiny committees), in...
- 51 In section 46 (directed partnership arrangements), in subsection (5), in...

SCHEDULE 6 — The Commission for Patient and Public Involvement in Health

- 1 Status
- 2 Powers
- 3 Membership
- 4 Appointment, procedure etc
- 5
- 6
- 7 Remuneration and allowances
- 8 Staff
- 9 Delegation of functions
- 10 Assistance
- 11 Payments and loans to the Commission
- 12 Accounts and audit
- 13 Reports and other information
- 14 Application of seal and evidence
- 15
- 16 Miscellaneous amendments
- 17
- 18
- 19

SCHEDULE 7 — The Professional Standards Authority for Health and Social Care

- 1 Status
- 2 For the purposes of— (a) section 23(2)(b) of the Scotland...
- 3 Powers
- 4 Membership and chairman
- 5 Appointment, procedure etc
- 6 The Privy Council may by regulations provide for—
- 7 The Authority may regulate its own procedure.
- 8 The validity of any proceedings of the Authority is not...
- 9 Members' interests
- 10 Remuneration and allowances
- 11 Employees
- 12 Delegation of functions
- 13 Assistance
- 14 Payments and loans to Authority
- 15 Accounts
- 16 Reports and other information
- 17 Application of seal and evidence
- 18 A document purporting to be duly executed under the seal...
- 19 Meetings of the Authority in Northern Ireland
- 20 Miscellaneous amendments
- 21 In the Schedule to the Public Bodies (Admission to Meetings)...
- 22 In Part 2 of Schedule 1 to the House of...
- 23 In Part 2 of Schedule 1 to the Northern Ireland...
- 24 In Part 6 of Schedule 1 to the Freedom of...

SCHEDULE 8 — Minor and consequential amendments

- 1 The 1977 Act

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- 2 In section 29 (arrangements and regulations for general medical services),...
- 3 In section 43C (indemnity cover), in subsection (3), for the...
- 4 (1) Section 97A (financial duties of Health Authorities and Special...
- 5 In section 97AA (resource limits for Health Authorities and Special...
- 6 In section 97D (financial duties of Primary Care Trusts), in...
- 7 (1) Section 97E (resource limits for Primary Care Trusts) is...
- 8 In section 104 (superannuation of officers of certain hospitals), in...
- 9 In section 105 (payments for certain medical examinations), in subsection...
- 10 In section 126 (orders, regulations and directions)—
- 11
- 12 In Schedule 12A (expenditure of Health Authorities and Primary Care...
- 13 The Medical Act 1983 (c. 54)
- 14 In section 40 (appeals), in subsection (11), for “enabling directions...
- 15 In Schedule 6 (transitional and saving provisions), in paragraph 18,...
- 16 The Dentists Act 1984 (c. 24)
- 17 The Opticians Act 1989 (c. 44)
- 18 The National Health Service and Community Care Act 1990 (c. 19)
- 19 The Local Government (Wales) Act 1994 (c. 19)
- 20 The Health Authorities Act 1995 (c. 17)
- 21 Section 1 (which substituted section 8 of the 1977 Act)...
- 22 In Schedule 1 (amendments), paragraphs 32(b), 53 and 107(12)(b) are...
- 23 The National Health Service (Primary Care) Act 1997 (c. 46)
- 24 In Part 2 of Schedule 2 (which makes pre-consolidation amendments),...
- 25 The Government of Wales Act 1998 (c. 38)
- 26 In section 27 (reform of Welsh health authorities), in subsection...
- 27 Section 148 (Health Authorities) is omitted.
- 28 The 1999 Act
- 29
- 30
- 31
- 32 The Health and Social Care Act 2001 (c. 15)
- 33 In section 1 (determination of allotments to and resource limits...
- 34 In section 3 (supplementary payments to NHS trusts and Primary...
- 35 In section 11 (public involvement and consultation)—
- 36 In section 43 (remote provision of pharmaceutical, etc, services), subsection...
- 37 In Schedule 5 (minor and consequential amendments), paragraph 5(12)(b) is...

SCHEDULE 9 — Repeals
Part 1 — NATIONAL HEALTH SERVICE
Part 2 — HEALTH CARE PROFESSIONS
Part 3 — MISCELLANEOUS

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 17(2) words substituted by [2006 c. 28 Sch. 8 para. 50\(b\)](#) (Effect not applied. The amending provision was repealed 1.3.2007 by [2006 \(c. 43\), s. 8\(2\), Sch. 4](#))
- s. 22(4) repealed by [2003 c. 4 Sch. 3 para. 16Sch. 4](#)
- s. 26(3)(a) words inserted by [2008 c. 14 Sch. 10 para. 18](#)
- s. 29(1)(c) repealed by [2008 c. 14 s. 118\(2\)\(b\)Sch. 15 Pt. 2](#)
- s. 29(1)(f) repealed by [2008 c. 14 s. 118\(2\)\(d\)Sch. 15 Pt. 2](#)
- s. 35 repealed by [2006 c. 28 Sch. 9](#)
- Sch. 1 para. 29 repealed by [2006 c. 28 Sch. 9](#)
- Sch. 2 para. 55 repealed by [2002 c. 17 Sch. 9 Pt. 1](#)
- Sch. 2 para. 64 repealed by [2003 c. 44 Sch. 37 Pt. 11](#)
- Sch. 2 para. 11 repealed by [2006 c. 28 Sch. 9](#)
- Sch. 2 para. 12(3) repealed by [2006 c. 28 Sch. 9](#)
- Sch. 2 para. 12(4)(a) repealed by [2006 c. 28 Sch. 9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(fb) substituted for s. 17(1)(fa) by [2006 c. 28 Sch. 8 para. 50\(a\)](#) (Effect not applied. The amending provision was repealed 1.3.2007 by [2006 \(c. 43\), s. 8\(2\), Sch. 4](#))