
STATUTORY INSTRUMENTS

2002 No. 2469

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Reform and Health
Care Professions Act 2002 (Supplementary,
Consequential etc. Provisions) Regulations 2002

Made - - - - 25th September 2002
Laid before Parliament 27th September 2002
Coming into force - - 1st October 2002

The Secretary of State for Health, in exercise of the powers conferred on him by sections 38(5) and (7) and 39 of the National Health Service Reform and Health Care Professions Act 2002⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 and shall come into force on 1st October 2002.

Application and extent

2.—(1) Regulations 3 and 15 to 17 apply only in relation to England.

(2) Subject to paragraphs (3), (4) and (5), the extent of any amendment made under regulations 4 to 14 is the same as that of the provision amended.

(3) Where before the coming into force of these Regulations, a provision of a statutory instrument has been amended and that amendment applies only in relation to England, any further amendment of that provision made by these Regulations shall similarly apply only in relation to England.

(4) Nothing in these Regulations shall be taken as amending any provision of a statutory instrument, or part of such a provision, which applies in relation to Wales only.

(5) The amendments made by paragraphs 33, 56 and 76(3) and (4) of Schedule 1 apply only in relation to England.

(6) Regulation 18 extends to England and Wales and to Scotland but not to Northern Ireland.

(1) 2002 c. 17.

(7) The extent of any repeal or revocation of any enactment under regulation 19 is the same as that of the enactment repealed or revoked.

Change of name of Health Authorities

3.—(1) In the name of each Health Authority listed in column 1 of Schedule 1 to the Health Authorities (Establishment and Abolition) (England) Order 2002⁽²⁾ for “Health Authority” in each place it occurs there is substituted “Strategic Health Authority”.

(2) The changes of name effected by paragraph (1) shall not—

- (a) affect any right or obligation of any person; or
- (b) be taken as invalidating any instrument (whether made before or on or after the date on which these Regulations come into force) which refers to the Authorities by their previous names;

and all instruments and other documents which refer to the Authorities under their previous names shall be construed as if referring to them under their new names.

Consequential amendments

4. The enactments specified in Schedule 1 are amended as there specified.

5. In the enactments specified in column 1 of Schedule 2, in the provisions specified in column 2, before “Health Authority” or, as the case may be, “health authority”, in each place where it occurs unless otherwise specified in Schedule 2, there is inserted “Strategic Health Authority,”.

6. In the enactments specified in column 1 of Schedule 3, in the provisions specified in column 2, for “Health Authority” or, as the case may be, “health authority”, in each place where it occurs, there is substituted “Strategic Health Authority”.

7. In the enactments specified in column 1 of Schedule 4, in the provisions specified in column 2, there is inserted, in the appropriate alphabetical position—

““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”⁽³⁾.

8. In the enactments specified in column 1 of Schedule 5, in the provisions specified in column 2—

- (a) after “Health Authority” or, as the case may be, “health authority”, in each place where it occurs unless otherwise specified in Schedule 5, there is inserted “or Primary Care Trust”;
- (b) after “Health Authorities” or, as the case may be, “Health authorities”, in each place where it occurs, there is inserted “or Primary Care Trusts”; and
- (c) after “Health Authority's” or, as the case may be, “health authority's”, in each place where it occurs unless otherwise specified in Schedule 5, there is inserted “or Primary Care Trust's”.

9. In the enactments specified in column 1 of Schedule 6, in the provisions specified in column 2, after “Health Authority” or, as the case may be, “health authority”, in each place where it occurs unless otherwise specified in Schedule 6, there is inserted “, Primary Care Trust”.

10. In the enactments specified in column 1 of Schedule 7, in the provisions specified in column 2—

(2) S.I. 2002/553.

(3) 1977 c. 49; section 8 was substituted by section 1 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”).

- (a) for “Health Authority” or, as the case may be, “health authority” or “District Health Authority”(4), in each place where it occurs unless otherwise specified in Schedule 7, there is substituted “Primary Care Trust”;
- (b) for “Health Authorities” or, as the case may be, “health authorities”, in each place where it occurs, there is substituted “Primary Care Trusts”; and
- (c) for “Health Authority's”, in each place where it occurs, there is substituted “Primary Care Trust's”.

11. In the enactments specified in column 1 of Schedule 8, in the provisions specified in column 2, there is inserted, in the appropriate alphabetical position—

““Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”(5).

12. In the enactments specified in column 1 of Schedule 9, in the provisions specified in column 2, before “Health Authority” or, as the case may be, “health authority”, in each place it occurs unless otherwise specified in Schedule 9, there is inserted “Strategic Health Authority or”.

13. In the enactments specified in column 1 of Schedule 10, in the provisions specified in column 2—

- (a) for “Family Health Services Authority” or, as the case may be, “FHSA” or “Family Practitioner Committee” (6), in each place where it occurs unless otherwise specified in Schedule 10, there is substituted “Health Authority or Primary Care Trust”; and
- (b) for “FHSA's”, in each place it occurs unless otherwise specified in Schedule 10, there is substituted “Health Authority’s or Primary Care Trust's”.

14. In the enactments specified in column 1 of Schedule 11, in the provisions specified in column 2, for “District Health Authority” or, as the case may be, “district health authority”, in each place where it occurs unless otherwise specified in Schedule 11, there is substituted “Health Authority or Primary Care Trust”.

15. The consequential and transitional provisions in Schedule 12 shall have effect.

National Health Service Act 1977

16. Until the provisions of the Health and Social Care Act 2001 specified in Schedule 2 to the Health and Social Care Act 2001 (Commencement No. 6) (England) Order 2001(7) come into force for all purposes—

- (a) the references to Health Authority in sections 46 and 49A(1) of the National Health Service Act 1977(8) are to have effect as if they included references to a Primary Care Trust; and

(4) District Health Authorities were abolished by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), section 1 and references to them are, unless the context otherwise requires, to be construed as references to Health Authorities under the Health Authorities Act 1995 (Amendment of Transitional Provisions and Modification of References) Order 1996 (S.I. 1996/971), article 3(2).

(5) Section 16A was inserted by the Health Act 1999 (c. 8) (“the 1999 Act”), section 2(1).

(6) Family Practitioner Committees were renamed as Family Health Services Authorities (FHSAs) by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 2. Family Health Services Authorities were abolished by the 1995 Act, section 1 and references to them are, unless the context otherwise requires, to be construed as references to Health Authorities under the Health Authorities Act 1995 (Amendment of Transitional Provisions and Modification of References) Order 1996 (S.I. 1996/971), article 3(2).

(7) S.I. 2001/3738. Articles 2(4) and (5) of and Schedule 2 to the Order provide for the coming into force of those provisions of the Health and Social Care Act 2001 (c. 15) (“the 2001 Act”) which relate to the abolition of the NHS Tribunal in England with effect from 14th December 2001. They bring into force the repeal of sections 46 and 49A of, and Schedule 9 to, the National Health Service Act 1977 (c. 49) (“the 1977 Act”) subject to savings in respect of cases not concluded by 14th December 2001 and pharmacist cases (as defined in Article 1 of the Order).

(8) 1977 c. 49. Section 46 was amended by the Health and Social Security Act 1984 (c. 48), Schedule 8, Part 1, the 1995 Act, Schedule 1, paragraphs 34(a) and (b) and the National Health Service (Amendment) Act 1995 (c. 31), sections 1, 2(2), 3(2) and Schedule, substituted by section 40(1) of the 1999 Act (not yet in force) and repealed by Schedule 6 to the 2001 Act (not

- (b) the references to Health Authorities in section 46(4) of and paragraph 3 of Schedule 9 to that Act are to have effect as if they included references to Primary Care Trusts.

Community Health Councils (Access to Information) Act 1988

17. Until section 22 of the National Health Service Reform and Health Care Professions Act 2002 comes into force, the reference in section 1(6)(a) of the Community Health Councils (Access to Information) Act 1988(9) to any Health Authority is to have effect as if it included a reference to any Strategic Health Authority.

Continuing validity of forms

18. Notwithstanding the amendment made by Schedule 5 to the form of certificate set out in Part 2 of Schedule 2 to the Social Security (Medical Evidence) Regulations 1976(10), a form which complies with those regulations as in force on 30th September 2002 shall continue to be valid.

Repeals and revocations

19.—(1) The enactments listed in Schedule 13 are repealed to the extent there specified.

(2) The National Health Service Trusts and Primary Care Trusts (Pharmaceutical Services Remuneration-Special Arrangement) Order 2000(11) is revoked.

Signed by authority of the Secretary of State

25th September 2002

John Hutton
Minister of State,
Department of Health

yet fully in force); section 49A was inserted by the National Health Service (Amendment) Act 1995, section 2(1) and repealed by Schedule 6 to the 2001 Act (not yet fully in force); paragraphs 1 to 4 of Schedule 9 were substituted by the National Health Service (Amendment) Act 1995, section 6(2) and repealed by Schedule 6 to the 2001 Act (not yet fully in force).

(9) 1988 c. 24; section 1(6)(a) was amended by the 1990 Act, Schedule 9, paragraph 33, the 1995 Act, Schedule 1, paragraph 116 and the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90) (“the 2000 Order”), Schedule 1, paragraph 21.

(10) S.I. 1976/615 as amended by S.I. 1991/2284 and 2001/2931.

(11) S.I. 2000/595.

SCHEDULE 1

Regulation 4

AMENDMENTS CONSEQUENTIAL ON PART 1 OF THE NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002

PART 1

ACTS OF PARLIAMENT

Public Records Act 1958

1. In Schedule 1 to the Public Records Act 1958 (definition of public records)(**12**), in the table at the end of paragraph 3, in Part I, in the second column, in the final section of the list of exceptions relating to health service hospitals in England(**13**)—

- (a) for “Health Authority or Special Health Authority” there is substituted “Strategic Health Authority, Health Authority, Special Health Authority or Primary Care Trust”; and
- (b) after “or held by” there is inserted “a Strategic Health Authority or”.

Public Bodies (Admission to Meetings) Act 1960

2. In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which this Act applies)(**14**), in paragraph 1—

- (a) before sub-paragraph (f) there is inserted—
 - “(ea) Strategic Health Authorities;”; and
- (b) in sub-paragraph (gg), after “Primary Care Trusts” there is inserted “, except as regards the exercise of functions under the National Health Service (Service Committees and Tribunal) Regulations 1992 or any regulations amending or replacing those Regulations”.

Parliamentary Commissioner Act 1967

3. In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation)(**15**), in paragraph 8—

- (a) in sub-paragraph (1), before “a Health Authority” there is inserted “a Strategic Health Authority;”; and
- (b) in sub-paragraph (2), after “taken by a” there is inserted “Strategic Health Authority,”.

(12) 1958 c. 51.

(13) The final section of the list of exemptions relating to health service hospitals was inserted by paragraph 90 of Schedule 1 to the 1995 Act.

(14) 1960 c. 67. Paragraph 1(f) of the Schedule was substituted by paragraph 91 of Schedule 1 to the 1995 Act; paragraph 1(gg) of the Schedule was inserted by paragraph 1 of Schedule 4 to the 1999 Act.

(15) 1967 c. 13; paragraph 8 was amended by the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 109, the Parliamentary Commissioner Order 1981, S.I. 1981/736, the Parliamentary Commissioner Order 1986, S.I. 1986/1168, the Parliamentary Commissioner Order 1987, S.I. 1987/661, the Health Service Commissioners Act 1993 (c. 46), Schedule 2, paragraph 2, the 1995 Act, Schedule 1, paragraph 93 and Schedule 3 and by paragraph 5 of Schedule 1 to the 2000 Order.

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Leasehold Reform Act 1967

4. In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes)(16)—

- (a) in subsection (5)(d), before “any Health Authority,” there is inserted “any Strategic Health Authority,”; and
- (b) in subsection (6)(c), before “Health Authority,” there is inserted “Strategic Health Authority,”.

Health Services and Public Health Act 1968

5. In section 63 of the Health Services and Public Health Act 1968 (provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare)(17), in subsection (1)(a), after “servants of a” there is inserted “Strategic Health Authority,”.

Local Authority Social Services Act 1970

6. In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee)(18), in the entry relating to the Children Act 1989, in the second column, after “health authorities” there is inserted “, Primary Care Trusts,”.

Local Government Act 1972

7. In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of other local authorities)(19), in subsection (1A), before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority,”.

House of Commons Disqualification Act 1975

8. In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)(20), in Part III, in the entry relating to the Chairman and members of Health Authorities and Special Health Authorities, before “Health Authority or Special Health Authority” there is inserted “Strategic Health Authority,”.

Race Relations Act 1976

9. In Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty)(21), in paragraph 5, before “Health Authority” there is inserted “Strategic Health Authority or a”.

(16) 1967 c. 88; section 28(5)(d) and (6)(c) were substituted by the National Health Service Reorganisation Act 1973 (c. 32) Schedule 4, paragraph 111 and amended by the 1977 Act, Schedule 15, paragraph 42, the 1990 Act, Schedule 9, paragraph 9, the 1995 Act, Schedule 1, paragraph 94 and paragraph 7 of Schedule 1 to the 2000 Order.

(17) 1968 c. 46; section 63(1)(a) was amended by the 1995 Act, Schedule 1, paragraph 95(2)(a), by the 1999 Act, Schedule 4, paragraph 3(a) and by the 2002 Act, Schedule 5, paragraph 2(2) (not yet in force).

(18) 1970 c. 42. The entry relating to the Children Act 1989 was inserted by the Children Act 1989 (c. 41), Schedule 13, paragraph 26(2) and amended by the 1990 Act, Schedule 9, paragraph 11(a) and by the Care Standards Act 2000

(19) 1972 c. 70; subsection (1A) was inserted by the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 151, and amended by the 1990 Act, Schedule 9, paragraph 13(a) and by the 2000 Order, Schedule 1, paragraph 10(a).

(20) 1975 c. 24.

(21) 1976 c. 74. Schedule 1A was inserted by the Race Relations (Amendment) Act 2000 (c. 34), Schedule 1.

Mental Health Act 1983

10.—(1) The Mental Health Act 1983(**22**) is amended as follows.

(2) In section 134 (correspondence of patients), in subsection (3)(e)(**23**), before “Health Authority” there is inserted “Strategic Health Authority,”.

(3) In section 139 (protection for acts done in pursuance of this Act)(**24**), in subsection (4), before “Health Authority” there is inserted “Strategic Health Authority,”.

(4) In section 145 (interpretation), in subsection (1)—

(a) in paragraph (a) of the definition of “the managers”(b)25), after “Primary Care Trust” there is inserted “Strategic Health Authority,”; and

(b) before the definition of “supervision application”(b)26) there is inserted—

““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”.

Public Health (Control of Disease) Act 1984

11.—(1) The Public Health (Control of Disease) Act 1984 (**27**) is amended as follows.

(2) In section 1 (authorities administering Act), in subsection (4)(b)(b)28), before “Health Authorities” there is inserted “Strategic Health Authorities,”.

(3) In section 13 (regulations for control of certain diseases), in subsection (4)(a)(a)29), after “port health authorities,” there is inserted “Strategic Health Authorities,”.

(4) In section 37 (removal to hospital of person with notifiable disease)(b)30)—

(a) in subsection (1), for “of the Health Authority in whose area lies the area, or the greater part of the area, of the local authority” there is substituted “mentioned in subsection (1A) below”, and

(b) after subsection (1) there is inserted—

“(1A) The consent referred to in subsection (1) above is that of a Primary Care Trust or Health Authority—

(a) any part of whose area falls within that of the local authority, and

(b) which appears to the local authority to be an appropriate Primary Care Trust or Health Authority from whom to obtain consent.”.

(5) In section 41 (removal to hospital of inmate of common lodging-house with notifiable disease)(b)31), in subsection (1), for “Health Authority in whose area lies the area, or the greater part

(22) 1983 c. 20.

(23) Section 134(3)(e) was amended by the 1995 Act, Schedule 1, paragraph 107(10), the 2000 Order, Schedule 1, paragraph 16(7), the Criminal Justice and Court Services Act 2000 (c. 43), Schedule 7, paragraph 74 and the 2002 Act, section 19(6) (not yet in force).

(24) Section 139(4) was amended by the 1990 Act, Schedule 9, paragraph 24(7), the 1995 Act, Schedule 1, paragraph 107(11), and the 2000 Order, Schedule 1, paragraph 16(8).

(25) Paragraph (a) was amended by the 1995 Act, Schedule 1, paragraph 107(14)(b), and by paragraph 49 of Schedule 2 to the 2002 Act.

(26) The definition of “supervision application” was inserted by the Mental Health (Patients in the Community) Act 1995

(27) 1984 c. 22.

(28) Paragraph (b) was substituted by the 1995 Act, Schedule 1, paragraph 108(2) and then amended by the 2000 Order, Schedule 1, paragraph 17(2).

(29) Section 13(4)(a) was amended by the Local Government (Wales) Act 1994 (c. 19), Schedule 9, paragraph 13(2), the 1995 Act, Schedule 1, paragraph 108(5), and by the 2000 Order, Schedule 1, paragraph 17(3).

(30) Section 37(1) was amended by the 1990 Act, Schedule 9, paragraph 26(2), Schedule 10, and the 1995 Act, Schedule 1, paragraph 108(6).

(31) Section 41(1) was amended by the 1990 Act, Schedule 9, paragraph 26(3), Schedule 10, and the 1995 Act, Schedule 1, paragraph 108(8).

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of the area, of the local authority” there is substituted “Primary Care Trust or Health Authority in whose area the common lodging-house is situated”.

Disabled Persons (Services, Consultation and Representation) Act 1986

12. In section 2 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (rights of authorised representatives of disabled persons)(**32**), in subsection (9), in the definition of “health authority”, for paragraph (a) there is substituted—

- “(a) in relation to England, means a Strategic Health Authority, a Special Health Authority or a Primary Care Trust,
- (aa) in relation to Wales, means a Health Authority or a Special Health Authority, and”.

AIDS (Control) Act 1987

13. In section 1 of the AIDS (Control) Act 1987 (periodical reports on matters relating to AIDS and HIV)(**33**)—

- (a) in subsection (1)(b)—
 - (i) before sub-paragraph (i), there is inserted—
 - “(zi) each Strategic Health Authority in England;”,
 - (ii) in sub-paragraph (i), “England and” is omitted;
- (b) in subsection (2)(b), after “published by the” there is inserted “Strategic Health Authority, ”; and
- (c) in subsection (9), for ““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977” there is substituted ““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977, “Health Authority” means a Health Authority established under section 8 of that Act”.

Income and Corporation Taxes Act 1988

14. In section 519A of the Income and Corporation Taxes Act 1988 (health service bodies)(**34**), in subsection (2)(a), before “Health Authority” there is inserted “Strategic Health Authority or a”.

Dartford-Thurrock Crossing Act 1988

15. In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls)(**35**), in paragraph (b), after “being used by a” insert “Strategic Health Authority or”.

Children Act 1989

16.—(1) The Children Act 1989(**36**) is amended as follows.

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- (32) 1986 c. 33; paragraph (a) of the definition of “health authority” in section 2(9) was amended by the 1995 Act, Schedule 1, paragraph 111(2), and by the 2000 Order, Schedule 1, paragraph 18(2)(b).
 - (33) 1987 c. 33; section 1(1)(b)(i) and section 1(2) were substituted by the 1995 Act, Schedule 1, paragraph 113(2); section 1(2) was amended by the 2000 Order, Schedule 1, paragraph 19(2)(b); section 1(9) was amended by the 1995 Act, Schedule 1, paragraph 113(2)(d) and by the 2000 Order, Schedule 1, paragraph 19(2)(c).
 - (34) 1988 c. 1; section 519A was inserted by the 1990 Act, section 61(1); section 519A(2)(a) was substituted by the 1995 Act, Schedule 1, paragraph 114.
 - (35) 1988 c. 20; paragraph (b) of section 19 was amended by the 1995 Act, Schedule 1, paragraph 115, and by the 2000 Order, Schedule 1, paragraph 20.
 - (36) 1989 c. 41.

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(2) In section 29 (recoupment of cost of providing services etc)(37), in subsection (8)(c), after “made by” there is inserted “a Strategic Health Authority.”

(3) In section 105 (interpretation), in subsection (1), after the definition of “specific issue order” there is inserted ““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”

Access to Health Records Act 1990

17. In section 11 of the Access to Health Records Act 1990 (interpretation)(38)—

(a) in paragraph (a) of the definition of “health service body”, for “a Health Authority” there is substituted “a Strategic Health Authority, Health Authority”; and

(b) after the definition of “Special Health Authority” there is inserted—

““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”

Water Industry Act 1991

18.—(1) The Water Industry Act 1991(39) is amended as follows.

(2) In section 87 (fluoridation of water supplies at request of health authorities)(40) before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority or”.

(3) In section 89 (publicity and consultation)(41), before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority or”.

(4) In Schedule 7 (pre-1985 fluoridation schemes)(42), before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority or”.

Tribunals and Inquiries Act 1992

19. In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of council)(43)—

(a) in paragraph 33(a), for “Health Authorities established under section 8 of the National Health Service Act 1977 (c. 49)” there is substituted “Primary Care Trusts established under section 16A of the National Health Service Act 1977 (c. 49) or Health Authorities established under section 8 of that Act”; and

(b) in paragraph 33(c), before “Health Authorities” there is inserted “Primary Care Trusts or”.

Health Authorities Act 1995

20. In Schedule 2 to the Health Authorities Act 1995(44) (transitional provisions and savings), in paragraph 2, after “Primary Care Trust,”, in each place where it occurs, there is inserted “Strategic Health Authority,”.

(37) Section 29(8)(c) was amended by the 1990 Act, Schedule 9, paragraph 36(3), the 1995 Act, Schedule 1, paragraph 118(6) and by the 2000 Order, Schedule 1, paragraph 24(6).

(38) 1990 c. 23; the 1995 Act, Schedule 1, paragraph 119(4) inserted the definition of “Special Health Authority” and substituted paragraph (a) of the definition of “health service body”; paragraph (a) of that definition was also amended by the 2000 Order, Schedule 1, paragraph 25.

(39) 1991 c. 56.

(40) Subsections (1), (3), (5), and (9) of section 87 were amended by the 1995 Act, Schedule 1, paragraph 120(2).

(41) Subsections (1) to (7) of section 89 were amended by the 1995 Act, Schedule 1, paragraph 120(3).

(42) Paragraphs 2 and 3 of Schedule 7 were amended by the 1995 Act, Schedule 1, paragraph 120(4).

(43) 1992 c. 53; paragraph 33 was substituted by the 1995 Act, Schedule 1, paragraph 123.

(44) 1995 c. 17; paragraph 2 of Schedule 2 was amended by Schedule 2, paragraph 62 of the 2002 Act.

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National Health Service (Residual Liabilities) Act 1996

21. In section 1 of the National Health Service (Residual Liabilities) Act 1996 (transfer of residual liabilities: England and Wales)(**45**)—

- (a) in subsection (1), before “a Health Authority” there is inserted “a Strategic Health Authority,”; and
- (b) in subsection (2), after paragraph (b) there is inserted—
“(ba) a Strategic Health Authority;”.

Employment Rights Act 1996

22.—(1) The Employment Rights Act 1996(**46**) is amended as follows.

(2) In section 50 (right to time off for public duties)(**47**), in subsection (8)(b), before “Health Authority” there is inserted “Strategic Health Authority or”.

(3) In section 218 (change of employer), in subsection (10)(a), before “Health Authorities” there is inserted “Strategic Health Authorities and”.

Housing Grants, Construction and Regeneration Act 1996

23.—(1) The Housing Grants, Construction and Regeneration Act 1996(**48**) is amended as follows.

(2) In section 3 (ineligible applicants)(**49**), in subsection (2)(f), before “health authority” there is inserted “Strategic Health Authority,”.

(3) In section 64 (persons eligible to participate in group repair scheme)(**50**), in subsection (7)(d), before “health authority” there is inserted “Strategic Health Authority,”.

Data Protection Act 1998

24. In section 69 of the Data Protection Act 1998(**51**), in subsection (3)(a) before “Health Authority” there is inserted “Strategic Health Authority or a”.

Crime and Disorder Act 1998

25.—(1) The Crime and Disorder Act 1998(**52**) is amended as follows.

(2) In section 38 (local provision of youth justice services)(**53**), in subsection (2)(b), after “local probation board,” there is inserted “Strategic Health Authority,”.

(3) In section 39 (youth offending teams)(**54**)—

(45) 1996 c. 15; subsection (1) was amended by the 1999 Act, Schedule 4, paragraph 87(a).

(46) 1996 c. 18.

(47) Section 50(8)(b) was amended by the 2000 Order, Schedule 1, paragraph 30(2).

(48) 1996 c. 53.

(49) Section 3(2)(f) was amended by the 2000 Order, Schedule 1, paragraph 31(2).

(50) Section 64(7)(d) was amended by the 2000 Order, Schedule 1, paragraph 31(3).

(51) 1998 c. 29.

(52) 1998 c. 37.

(53) Section 38(2)(b) was amended by the Criminal Justice and Court Services Act 2000 (c. 43) (“the 2000 Act”), Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(3).

(54) Section 39(3)(b) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(4).

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- (a) in subsection (3)(b), after “local probation board,” there is inserted “Strategic Health Authority,”; and
 - (b) in subsection (5)(d), after “nominated by” there is inserted “a Primary Care Trust or”.
- (4) In section 41 (the Youth Justice Board)(**55**), in subsection (10), after “local probation board,” there is inserted “a Strategic Health Authority,”.
- (5) In section 42 (supplementary provisions)(**56**), in subsection (3), after “local probation board,” there is inserted “a Strategic Health Authority,”.
- (6) In section 115 (disclosure of information)(**57**), in subsection (2), after paragraph (e), there is inserted—
- “(ea) a Strategic Health Authority,”.

Health Act 1999

26. In section 61 (English and Scottish border provisions) of the Health Act 1999(**58**), in subsection (5), for “Health Authority” there is substituted “Primary Care Trust”.

Care Standards Act 2000

27. In section 121 of the Care Standards Act 2000 (general interpretation etc)(**59**), in subsection (1), in the definition of “National Health Service body”, after “National Health Service trust,” there is inserted “a Strategic Health Authority,”.

Learning and Skills Act 2000

- 28.**—(1) The Learning and Skills Act 2000(**60**) is amended as follows.
- (2) In section 115 (consultation and coordination), in subsection (1), for paragraph (b) there is substituted—
- “(b) a Strategic Health Authority,”.
- (3) In section 120 (information: supply by public bodies), in subsection (2), for paragraph (b) there is substituted—
- “(b) a Strategic Health Authority,”.
- (4) In section 121 (supplementary), in subsection (1)—
- (a) the definition of “Health Authority” is omitted; and
 - (b) after the definition of “police authority” there is inserted—
““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977,”.

(55) Section 41(10) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(5).

(56) Section 42(3) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(6).

(57) Section 115(2)(e) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151.

(58) 1999 c. 8.

(59) 2000 c. 14; section 121 was amended by the 2002 Act, Schedule 5, paragraph 46 (not yet in force).

(60) 2000 c. 21.

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

Freedom of Information Act 2000

29. In Schedule 1 to the Freedom of Information Act 2000 (public authorities)(**61**), in Part III, before paragraph 37 there is inserted—

“**36A** A Strategic Health Authority established under section 8 of the National Health Service Act 1977.”.

Health and Social Care Act 2001

30. In section 20 of the Health and Social Care Act 2001 (medical, dental, ophthalmic and pharmaceutical etc. lists)(**62**), in subsection (6)(b) (which inserts new paragraphs (f) to (k) into section 42(3) of the National Health Service Act 1977), before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”.

International Development Act 2002

31. In Schedule 1 to the International Development Act 2002 (statutory bodies to which section 9 applies)(**63**) after the entry for “A Special Health Board” there is inserted—

“A Strategic Health Authority”.

PART 2

STATUTORY INSTRUMENTS

Public Trustee Rules 1912

32. In rule 30 of the Public Trustee Rules 1912 (corporate bodies as custodian trustees)(**64**), in paragraph (1)(e), for “Regional Health Authority, District Health Authority”(b) there is substituted “Strategic Health Authority, Health Authority”.

National Health Service (Venereal Diseases) Regulations 1974

33. In regulation 2 of the National Health Service (Venereal Diseases) Regulations 1974 (confidentiality of information)(**66**)—

- (a) for “Regional Health Authority and every District Health Authority” there is substituted “Strategic Health Authority, NHS Trust and Primary Care Trust”; and
- (b) after “Authority” there is inserted “or Trust”.

(61) 2000 c. 36.

(62) 2001 c. 15. See paragraphs 16(6) and 17(4) and (5) of Schedule 2 to the 2002 Act for amendment of the references to Health Authority in sections 42(4A) (as prospectively inserted by section 20(6)(c) of the 2001 Act) and 43 (2BA) and (2BB) of the 1977 Act (as prospectively inserted by section 20(7) of the 2001 Act).

(63) 2002 c. 1.

(64) S.I. 1912/348, amended by S.I. 1975/1189, 1981/358 and 1984/109.

(65) Regional and District Health Authorities were abolished by the 1995 Act, section 1. Under the Health Authorities Act 1995 (Amendment of Transitional Provisions and Modification of References) Order 1996 (S.I. 1996/971), article 3(2), references to Regional Health Authorities are to be construed, as appropriate, as references to the Secretary of State, a Health Authority or a Special Health Authority and references to District Health Authorities are to be construed as references to Health Authorities.

(66) S.I. 1974/29.

National Health Service (Speech Therapists) Regulations 1974

34. In regulation 4 of the National Health Service (Speech Therapists) Regulations 1974(67), for paragraphs (a) and (b) there is substituted—

- “(a) Health Authorities;
- (b) Primary Care Trusts;”.

Local Government Area Changes Regulations 1976

35.—(1) The Local Government Area Changes Regulations 1976(68) are amended as follows.

(2) In regulation 3(4) (interpretation), for “an area health authority” there is substituted “a health authority or Primary Care Trust”(69).

(3) In regulation 28 (family practitioner services)—

- (a) for “area health authority” there is substituted “health authority or Primary Care Trust”; and
- (b) after “such authority” there is inserted “or Trust”.

(4) In Schedule 2 (family practitioner services)—

- (a) in paragraph 1—
 - (i) for “area health authority” there is substituted “health authority or Primary Care Trust”,
 - (ii) after “such authority” there is inserted “or Trust”,
 - (iii) “and “the transferor committee” means the family practitioner committee established for that area” is omitted, and
 - (iv) “and “the transferee committee” means the family practitioner committee established for that area” is omitted;
- (b) in paragraph 2(a)—
 - (i) for “transferor committee” there is substituted “transferor authority”,
 - (ii) for “on behalf of the transferee authority by the transferee committee” there is substituted “by the transferee authority”;
- (c) in paragraph 3, for “committee”, in both places it occurs, there is substituted “authority”;
- (d) in paragraph 4, for “family practitioner committee” there is substituted “health authority or Primary Care Trust”;
- (e) in paragraphs 5 to 7, for “committee”, in each place it occurs, there is substituted “authority”;
- (f) in paragraph 8—
 - (i) in paragraph (b), for “committee” there is substituted “authority”,
 - (ii) for “an area health authority or family practitioner committee” there is substituted “a health authority or Primary Care Trust”; and
- (g) in paragraph 10, for “an area health authority or a family practitioner committee” there is substituted “a health authority or Primary Care Trust”.

(67) S.I. 1974/495, amended by S.I. 1982/288.

(68) S.I. 1976/246, to which there are amendments not relevant to these Regulations. A further amendment to the Local Government Area Changes Regulations 1976 is contained in Schedule 8.

(69) Area Health Authorities were replaced by District Health Authorities by the Health Services Act 1980 (c. 53), section 1.

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

Land Drainage (Compensation) Regulations 1977

36. In regulation 2 of the Land Drainage (Compensation) Regulations 1977 (interpretation)(**70**)—

- (a) the definition of “Health Act” is omitted; and
- (b) for the definition of “health authority” there is substituted—
 - ““health authority” means—
 - (a) any Health Authority or Strategic Health Authority established under section 8 of the National Health Service Act 1977; and
 - (b) any Special Health Authority established under section 11 of that Act;”.

Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980

37. In regulation 1 of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980 (citation, commencement and interpretation)(**71**), in paragraph (2)(a), in the definition of “Health Authority”, for paragraph (a) there is substituted—

- “(a) in relation to England, means a Strategic Health Authority established under section 8 of the National Health Service Act 1977;
- (aa) in relation to Wales, means a Health Authority established under section 8 of that Act;”.

Medicines (Pharmacy and General Sale-Exemption) Order 1980

38. In article 1 of the Medicines (Pharmacy and General Sale-Exemption) Order 1980 (citation, commencement and interpretation)(**72**), in paragraph (2)(a), in the definition of “health authority”, for (i) there is substituted—

- “(ia) in relation to England, means a Strategic Health Authority established under section 8 of the National Health Service Act 1977,
- (ib) in relation to Wales, means a Health Authority established under section 8 of that Act;”.

National Health Service (Notification of Births and Deaths) Regulations 1982

39.—(1) The National Health Service (Notification of Births and Deaths) Regulations 1982(**73**) are amended as follows(**74**).

(2) In regulation 3 (person to whom particulars of births and deaths are to be furnished)—

- (a) after “occurring in the district of the Authority” there is inserted “or Trust”; and
- (b) for “District Health Authority”, in the last place where it occurs, there is substituted “Health Authority”.

(3) In regulation 4 (person to whom notification of birth is to be given) for “District Health Authority”, in the last place where it occurs, there is substituted “Health Authority”.

(70) [S.I. 1977/339](#).

(71) [S.I. 1980/1923](#), amended by [S.I. 2000/1918](#).

(72) [S.I. 1980/1924](#) to which there are amendments not relevant to these Regulations.

(73) [S.I. 1982/286](#).

(74) Further amendments to the references to District Health Authority in the National Health Service (Notification of Births and Deaths) Regulations 1982 are contained in Schedules 7 and 11.

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

Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983

40. In regulation 7 of the Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983 (transfer from hospital to hospital or guardianship)(**75**), in paragraph (4)(b), for “Regional Health Authority, District Health Authority” there is substituted “Strategic Health Authority, Health Authority, Primary Care Trust”.

Mental Health Review Tribunal Rules 1983

41. In Schedule 1 to the Mental Health Review Tribunal Rules 1983 (statements by the responsible authority and the Secretary of State)(**76**), in paragraph 4, after “name of that authority” insert “or Trust”.

National Health Service (Transfer of Officers) (No 2) Regulations 1986

42. In regulation 1 of the National Health Service (Transfer of Officers) (No 2) Regulations 1986 (interpretation)(**77**), in paragraph (2), for the definition of “Authority” there is substituted—

““Authority” means a Strategic Health Authority or Health Authority.”.

Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986

43. In the Schedule to the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986(**78**) (exempted vehicles), in paragraph 2(3), in the definition of “health service body”, for paragraph (a) there is substituted—

“(a) in relation to England, means a Strategic Health Authority, a Special Health Authority, an NHS trust or a Primary Care Trust (each within the meaning of National Health Service Act 1977);

(aa) in relation to Wales, means a Health Authority, a Special Health Authority or an NHS trust (each within the meaning of the National Health Service Act 1977);”.

Social Security (Claims and Payments) Regulations 1987

44. In regulation 43 of the Social Security (Claims and Payments) Regulations 1987 (children)(**79**)—

(a) in paragraph (6), for “district health authority” there is substituted “health authority”; and

(b) in paragraph (7)—

(i) the definition of “district health authority” is omitted,

(ii) there is inserted, in the appropriate alphabetical position—

““health authority” means—

(a) in relation to England, a Primary Care Trust established under section 16A of the National Health Service Act 1977;

(b) in relation to Wales, a Health Authority established under section 8 of that Act; and

(75) S.I. 1983/893. Further amendments to regulation 7(4)(b) are contained in Schedule 5.

(76) S.I. 1983/942. Further amendments to the 1983 Rules are contained in Schedules 5 and 6.

(77) S.I. 1986/524.

(78) S.I. 1986/1456, amended by S.I. 1998/2006.

(79) S.I. 1987/1968, amended by S.I. 1991/2741.

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- (c) in relation to Scotland, a Health Board within the meaning of the National Health Service (Scotland) Act 1978;”.

National Health Service (Payment of Remuneration-Special Arrangement) Order 1988

45. In article 2 of the National Health Service (Payment of Remuneration-Special Arrangement) Order 1988 (functions conferred on District and Special Health Authorities)(**80**)—

- (a) for “District Health Authority” there is substituted “Health Authority, Primary Care Trust”; and
- (b) after “authority's” there is inserted “or Trust's”.

Public Health (Infectious Diseases) Regulations 1988

46.—(1) The Public Health (Infectious Diseases) Regulations 1988(**81**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) for the definition of “appropriate District Health Authority” there is substituted—
 - ““appropriate health authority” means—
 - (a) in Wales, the Health Authority within which a district of a local authority or a port health district is wholly or partly situated; and
 - (b) in England, the Primary Care Trust—
 - (i) any part of whose area falls within that of the local authority or port health district of the proper officer; and
 - (ii) which appears to the proper officer to be the relevant Primary Care Trust.”;
- (b) the definition of “District Health Authority” is omitted; and
- (c) there is inserted, in the appropriate alphabetical position—
 - ““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977;
 - “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.

(3) In regulations 6 and 8, for “District Health Authority”, in each place where it occurs, there is substituted “health authority”.

Water Supply (Water Quality) Regulations 1989

47. In regulation 30 of the Water Supply (Water Quality) Regulations 1989 (provision of information)(**82**)—

- (a) in paragraph (5)—
 - (i) for “district health authority” there is substituted “Strategic Health Authority or Health Authority and a Primary Care Trust”, and
 - (ii) for “in the authority’s area” there is substituted “in the area of the authority or Trust”;
- (b) in paragraph (6), after “authority” there is inserted “or Trust”; and

(80) S.I. 1988/865.

(81) S.I. 1988/1546. Regulation 2(1) is further amended in Schedule 11.

(82) S.I. 1989/1147.

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

(c) in paragraph (7)—

(i) in paragraph (c) of the definition of “local authority”, “and” is omitted, and

(ii) for the definition of “district health authority” there is substituted—

““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977;

“Primary Care Trust” means a Primary Care Trust established under section 16A of that Act; and

“Strategic Health Authority” means a Strategic Health Authority established under section 8 of that Act.”.

Prescription Pricing Authority Constitution Order 1990

48.—(1) The Prescription Pricing Authority Constitution Order 1990(**83**) is amended as follows.

(2) In article 2 (interpretation), the definition of “Family Authority” is deleted.

(3) In article 4 (functions of the Pricing Authority)—

(a) in paragraph (1), for “Family Authorities” there is substituted “Primary Care Trusts”; and

(b) in paragraph (2), for “Family Authorities” there is substituted “Primary Care Trusts”.

(4) In article 5(d) (constitution of the Pricing Authority), for “Family Authority” there is substituted “Primary Care Trust”.

National Health Service Trusts (Membership and Procedure) Regulations 1990

49. In regulation 1 of the National Health Service Trusts (Membership and Procedure) Regulations 1990 (citation, commencement and interpretation)(**84**), in paragraph (2), in the definition of “health service body”, before “a Health Authority” there is inserted “a Strategic Health Authority,”.

Statutory Sick Pay (National Health Service Employees) Regulations 1991

50. In regulation 1 of the Statutory Sick Pay (National Health Service Employees) Regulations 1991 (citation, commencement and interpretation)(**85**)—

(a) in paragraph (2), for “shall in relation to England and Wales have the same meaning it has in section 128(1)” there is substituted “shall in relation to Wales have the same meaning it has in section 8”; and

(b) after paragraph (3) there is inserted—

“(4) In these Regulations, “Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”(**86**).

Statutory Maternity Pay (National Health Service Employees) Regulations 1991

51. In regulation 1 of the Statutory Maternity Pay (National Health Service Employees) Regulations 1991 (citation, commencement and interpretation)(**87**)—

(83) S.I. 1990/1718. Article 6 of this Order is amended in Schedule 7.

(84) S.I. 1990/2024, amended by S.I. 1996/1755, 1998/646 and 2000/2434.

(85) S.I. 1991/589, amended by S.I. 2000/694.

(86) Strategic Health Authority is substituted in regulation 5(b)(i) by Schedule 3.

(87) S.I. 1991/590, amended by S.I. 2000/694.

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

- (a) in paragraph (2), for “shall in relation to England and Wales have the same meaning it has in section 128(1)” there is substituted “shall in relation to Wales have the same meaning it has in section 8”; and
- (b) after paragraph (3) there is inserted—
 - “(4) In these Regulations, “Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”(88).

Arrangements for Placement of Children (General) Regulations 1991

52. In regulation 5 of the Arrangements for Placement of Children (General) Regulations 1991 (notification of arrangements)(89), in paragraph (1)(b), “if there is no Primary Care Trust,” is omitted.

Placement of Children with Parents etc Regulations 1991

53. In regulation 8 of the Placement of Children with Parents etc Regulations 1991 (notification of placements)(90), in paragraph (4)(a), “if there is no Primary Care Trust,” is omitted.

National Health Service (General Medical Services) Regulations 1992

54.—(1) The National Health Service (General Medical Services) Regulations 1992(91) are amended as follows.

(2) In regulation 17 (decision by health authority as to type of vacancy), in paragraphs (2)(a), (2)(b) and (6), after “the Authority” there is inserted “or Trust”.

(3) In regulation 18A (particular partnership vacancies), in paragraph (2), after “the Authority” there is inserted “or Trust”.

(4) In regulation 18F (entry on to medical list)—

- (a) in paragraph (1), after “the Authority” there is inserted “or Trust”;
- (b) in paragraph (2A), after “Authorities” there is inserted “or Trusts”; and
- (c) in paragraph (3), after “the Authority's” there is inserted “or Trust's”.

(5) In regulation 25 (temporary provision of services), in paragraph (17), after “the Authority's” there is inserted “or Trust's”.

(6) In Schedule 3, in Part I (information to be considered by a health authority when deciding whether or not to declare a vacancy), in paragraph 1, after “the Authority's” there is inserted “or Trust's”.

Dental Practice Board Regulations 1992

55. In regulation 8 of the Dental Practice Board Regulations 1992 (termination of tenure of office)(92), in paragraph (2)(b)(i), for “Family Health Services Authority” there is substituted “, Strategic Health Authority or Primary Care Trust”.

(88) Strategic Health Authority is substituted in regulation 5(b)(i) by Schedule 3.

(89) S.I. 1991/890, amended by S.I. 2002/546.

(90) S.I. 1991/893, amended by S.I. 2002/546.

(91) S.I. 1992/635, amended by S.I. 1998/2838, 2001/3742, and 2002/554 and 916. Further amendments to the National Health Service (General Medical Services) Regulations 1992 are contained in Schedules 5 and 7.

(92) S.I. 1992/655.

National Health Service (General Dental Services) Regulations 1992

56. In regulation 4 of the National Health Service (General Dental Services) Regulations 1992 (dental list)(**93**), in paragraph (7)(a)—

- (a) head (iv) is omitted; and
- (b) for head (v) there is substituted—

“(v) a Strategic Health Authority any part of the district of which is in the locality of the Primary Care Trust;”.

National Health Service (Pharmaceutical Services) Regulations 1992

57. In regulation 2 of the National Health Service (Pharmaceutical Services) Regulations 1992 (interpretation)(**94**), in paragraph (1)—

- (a) the definition of “FHSA” is omitted;
- (b) the definition of “Family Health Services Authority” is omitted; and
- (c) for the definition of “pilot scheme provider” there is substituted—

““pilot scheme provider” means a person who provides personal medical services in connection with a pilot scheme;”.

National Health Service (Service Committees and Tribunal) Regulations 1992

58.—(1) The National Health Service (Service Committees and Tribunal) Regulations 1992(**95**) are amended as follows.

(2) In regulation 2 (interpretation), the definition of “FHSA” is omitted.

(3) In regulation 10 (procedure on appeal), in paragraph (2), after “that Authority” there is inserted “or Trust”.

(4) In regulation 15 (excessive prescribing by doctors), in paragraph (22), for sub-paragraph (b) there is substituted—

“(b) the other two shall be engaged in the provision of general medical services, of whom one shall be nominated by the body mentioned in paragraph (3)(a)(ii) and the other shall be nominated by the Secretary of State.”.

(5) In Schedule 7 (rules of procedure under regulation 18), in paragraph 2(1) for “either the FHSA” there is substituted “the Health Authority, Primary Care Trust”.

(6) In Schedule 8 (forms for use in proceedings before tribunal)—

(a) for “Family Health Services Authority” in both places where it occurs, there is substituted “(fa)”; and

(b) after paragraph (f) in the notes, in both places, there is inserted—

“(fa) whether Primary Care Trust (in England) or Health Authority (in Wales);”.

(93) S.I. 1992/661, amended by S.I. 2000/2421, 2706. Further amendments to the National Health Service (General Dental Services) Regulations 1992 are contained in Schedules 5 and 7.

(94) S.I. 1992/662, amended by S.I. 1998/681. Further amendments to the National Health Service (Pharmaceutical Services) Regulations 1992 are contained in Schedules 5, 7 and 10.

(95) S.I. 1992/664, amended by S.I. 1996/703 and 1998/674. Further amendments to the National Health Service (Service Committees and Tribunal) Regulations 1992 are contained in Schedules 5 and 10.

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

Magistrates' Courts (Children and Young Persons) Rules 1992

59. In Schedule 2 to the Magistrates' Courts (Children and Young Persons) Rules 1992⁽⁹⁶⁾, in Forms 14 (warrant of commitment to local authority accommodation: remand for enquiries) and 15 (warrant of commitment to remand centre or prison: remand for enquiries) “by a local health authority” is omitted.

Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992

60. In regulation 7A of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992 (prescription for the purposes of Jurisdiction)⁽⁹⁷⁾, in paragraph (2), after subparagraph (d) there is inserted—

“(da) a Strategic Health Authority established under section 8 of the 1977 Act;”.

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

61. In Schedule 1 to the Redundancy Payments (National Health Service) (Modification) Order 1993 (employment to which this Order applies: employers immediately before the relevant event)⁽⁹⁸⁾, for paragraph 1 there is substituted—

“**1** a Strategic Health Authority or Health Authority established under section 8 of the National Health Service Act 1977 (“the 1977 Act”);

1A a Special Health Authority established under section 11 of the 1977 Act;”.

National Health Service Pension Scheme Regulations 1995

62.—(1) The National Health Service Pension Scheme Regulations 1995⁽⁹⁹⁾ are amended as follows.

(2) In regulation A2 (interpretation),—

(a) in the definition of “employing authority”, before paragraph (a) there is inserted—

“(za) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”;

(b) in the definition of “NHS dental employee”, before paragraph (a) there is inserted—

“(za) a Strategic Health Authority;”;

(c) in the definition of “practitioner”, in paragraph (b), after “Primary Care Trust” there is inserted “, a Strategic Health Authority”.

(3) In Schedule 2 (medical and dental practitioners)—

(a) in paragraph 1, in the definition of “locum practitioner”, in paragraph (b)(i), after “the Authority” there is inserted “or Trust”; and

(b) in paragraph 5(3)—

(i) after “that Authority” there is inserted “or Trust”, and

(ii) after “the Authority” there is inserted “or Trust”.

⁽⁹⁶⁾ S.I. 1992/2071.

⁽⁹⁷⁾ S.I. 1992/2645, amended by S.I. 2001/161.

⁽⁹⁸⁾ S.I. 1993/3167, amended by S.I. 2000/694.

⁽⁹⁹⁾ S.I. 1995/300. Further amendments to the National Health Service Pension Scheme Regulations 1995 are contained in Schedules 5, 6 and 11.

Family Health Services Appeal Authority (Establishment and Constitution) Order 1995

63. In article 3 of the Family Health Services Appeal Authority (Establishment and Constitution) Order 1995 (functions of the authority)(**100**), for “Family Health Services Authorities”(b>101) there is substituted “Primary Care Trusts”.

Family Health Services Appeal Authority Regulations 1995

64.—(1) The Family Health Services Appeal Authority Regulations 1995(**102**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of “health service body”, after “Special Health Authority,” there is inserted “a Strategic Health Authority, a Health Authority,”.

(3) In regulation 7 (disqualification for appointment), in paragraph (1), for sub-paragraph (f), there is substituted—

“(f) he is the chairman or member of a Strategic Health Authority, a Special Health Authority, a Health Authority or a Primary Care Trust;”.

(4) In regulation 12 (arrangements for the exercise of functions), in paragraph (2) for “Family Health Services Authorities” there is substituted “Health Authorities or Primary Care Trusts”.

National Health Service (Injury Benefits) Regulations 1995

65. In regulation 2 of the National Health Service (Injury Benefits) Regulations 1995 (interpretation)(b>103), in paragraph (1)—

(a) in the definition of “employing authority”, before paragraph (a) there is inserted—

“(za) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;” and

(b) in the definition of “NHS dental employee”, before paragraph (b) there is inserted—

“(ab) a Strategic Health Authority;”.

National Health Service Litigation Authority Regulations 1995

66. In regulation 1 of the National Health Service Litigation Authority Regulations 1995 (citation, commencement and interpretation)(b>104), in paragraph (2), in the definition of “health service body”, before “a Regional Health Authority” there is inserted “a Strategic Health Authority, a Health Authority,”.

Medicines (Exemption from Licences) (Clinical Trial) Order 1995

67. In article 4 of the Medicines (Exemption from Licences) (Clinical Trial) Order 1995 (conditions)(b>105), in paragraph (1)(c)(iv), after “recognised by” there is inserted “the Secretary of State, by a Strategic Health Authority or”.

(b>100) S.I. 1995/621.

(b>101) References to “Family Health Services Authorities” are to be construed as references to Health Authorities by virtue of article 3(2)(a) of the Health Authorities Act 1995 (Amendment of Transitional Provisions and Modification of References) Order 1996, S.I. 1996/971.

(b>102) S.I. 1995/622. There are no relevant amending instruments.

(b>103) S.I. 1995/866, amended by S.I. 2000/606. Further amendments to the National Health Service (Injury Benefits) Regulations 1995 are contained in Schedules 2 and 5.

(b>104) S.I. 1995/2801, amended by S.I. 1998/646 and 2000/696.

(b>105) S.I. 1995/2808.

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

National Health Service (Clinical Negligence Scheme) Regulations 1996

68.—(1) The National Health Service (Clinical Negligence Scheme) Regulations 1996(**106**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “an eligible body” there is added at the end “or a body which before 1 October 2002 was a Health Authority whose area was situated in England”.

(3) In regulation 3 (eligible bodies), in paragraph (1), for sub-paragraph (b) there is substituted—
“(b) a Strategic Health Authority.”.

Community Health Councils Regulations 1996

69.—(1) The Community Health Councils Regulations 1996(**107**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “relevant Primary Care Trust” there is inserted—

““relevant Strategic Health Authority” means, in relation to a Council, any Strategic Health Authority whose area, or any part of whose area, is included in the district of the Council.”.

(3) In regulation 7 (disqualification for membership)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) before (i) there is inserted—

“(zi) a Strategic Health Authority;”,

(ii) in sub-paragraph (aa) before (i) there is inserted—

“(zi) a relevant Strategic Health Authority;”, and

(iii) in sub-paragraph (b), before “the relevant Health Authority” there is inserted “a relevant Strategic Health Authority;” and

(b) in paragraph (2), before sub-paragraph (b), there is inserted—

“(aa) a Strategic Health Authority;”.

(4) In regulation 16 (reports),—

(a) in paragraph (1)(b), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority;” and

(b) in paragraph (2), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority or”.

(5) In regulation 17 (advising on operation of the health service), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority;”.

(6) In regulation 18 (consultation of councils by relevant health authorities), in paragraph (1)—

(a) before “relevant Health Authority” there is inserted “relevant Strategic Health Authority or”; and

(b) before “Authority's” there is inserted “Strategic Health”.

(7) In regulation 19 (information to be furnished by relevant Health Authorities), in paragraph (1), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority;”.

(106) S.I. 1996/251, amended by S.I. 2000/2341.

(107) S.I. 1996/640, amended by S.I. 1997/2289, 1999/2906 and 2000/657. Further amendments to the Community Health Councils Regulations 1996 are contained in Schedules 2 and 9.

National Health Service (Existing Liabilities Scheme) Regulations 1996

70. In regulation 3 of the National Health Service (Existing Liabilities Scheme) Regulations 1996 (eligible bodies)(**108**), in paragraph (a)—

- (a) before sub-paragraph (i) there is inserted—
“(zi) a Strategic Health Authority,”; and
- (b) before sub-paragraph (iii) there is inserted—
“(iia) a Primary Care Trust,”.

National Health Service (Appointment of Consultants) Regulations 1996

71.—(1) The National Health Service (Appointment of Consultants) Regulations 1996(**109**) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
 - (a) in the definition of “Authority”, after “a Health Authority,” there is inserted “a Strategic Health Authority, a Primary Care Trust,”;
 - (b) for the definition of “relevant University” there is substituted—
““relevant University” means for an appointment to a Strategic Health Authority or Primary Care Trust, any University associated with the provision of health services to that Authority or Trust;”; and
 - (c) the definition of “Teaching Authority” is omitted.
- (3) In regulation 5 (exempt appointments), paragraph (1)(b) is omitted.
- (4) In Schedule 1 (constitution of an advisory appointments committee), in paragraph 2(b), for (i) there is substituted—
 - “(i) in the case of a Strategic Health Authority, a practitioner employed within the area of the Authority making the appointment,
 - (ia) in the case of a Primary Care Trust, a practitioner employed within the area of the Trust making the appointment, or”.

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

72. In article 1 of the Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996 (citation, commencement and interpretation)(**110**), in paragraph (2)(b), in the definition of “health service employers”, after sub-paragraph (iv) there is inserted—

- “(iva) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”.

Prescription Only Medicines (Human Use) Order 1997

73.—(1) The Prescription Only Medicines (Human Use) Order 1997(**111**) is amended as follows.

(108) S.I. 1996/686.

(109) S.I. 1996/701.

(110) S.I. 1996/1023, amended by S.I. 2000/694.

(111) S.I. 1997/1830, amended by S.I. 2000/1917. Further amendments to the Prescription Only Medicines (Human Use) Order 1997 are contained in Schedules 4 and 5.

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(2) In article 12A (exemptions for the supply and administration of prescription only medicines by national health service bodies)—

(a) in paragraph (1)(b), before “Health Authority or” there is inserted “Strategic Health Authority,”; and

(b) in paragraph (2)(b), before “Health Authority or” there is inserted “Strategic Health Authority,”.

(3) In article 12C (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction), in paragraph (1)(a), before “a Health Authority” there is inserted “a Strategic Health Authority,”.

(4) In Part 2 of Schedule 7 (persons on whose behalf a Patient Group Direction must be signed), after the entry relating to the Common Services Agency, there is inserted—

“Strategic Health Authority

The Strategic Health Authority”

*National Health Service (Proposals for Pilot Schemes)
and (Miscellaneous Amendments) Regulations 1997*

74. In regulation 1 of the National Health Service (Proposals for Pilot Schemes) and (Miscellaneous Amendments) Regulations 1997 (citation, commencement and interpretation)(**112**), before the definition of “request” there is inserted—

““authority” means—

(a) in relation to England, a Strategic Health Authority or Primary Care Trust;

(b) in relation to Wales, a Health Authority; and

(c) in relation to Scotland, a Health Board;”.

National Health Service (Vocational Training for General Medical Practice) Regulations 1997

75.—(1) The National Health Service (Vocational Training for General Medical Practice) Regulations 1997(**113**) are amended as follows.

(2) In regulation 4 (experience and certificates required), in paragraph (2), after “Authority's” there is inserted “or Trust's”.

(3) In regulation 14 (appeal bodies), in paragraph (3)(d), before “or Special Health Authority” there is inserted “, Primary Care Trust”.

National Health Service (Pilot Schemes-Health Service Bodies) Regulations 1997

76.—(1) The National Health Service (Pilot Schemes-Health Service Bodies) Regulations 1997(**114**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “application” there is inserted—

““authority” means—

(a) in relation to England, a Primary Care Trust;

(112) *S.I. 1997/2289*. There are no relevant amending instruments.

(113) *S.I. 1997/2817*. Section 14 of the 2001 Act abolished the Medical Practices Committee and transferred its rights and liabilities to the Secretary of State. Further amendments to the National Health Service (Vocational Training for General Medical Practice) Regulations 1997 are contained in Schedule 5.

(114) *S.I. 1997/2929*, amended by *S.I. 1998/1136*.

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- (b) in relation to Wales, a Health Authority; and
 - (c) in relation to Scotland, a Health Board;”.
- (3) In regulation 2 (applications to become a pilot scheme health service body), paragraph (2) is omitted.
- (4) In regulation 3 (ceasing to be a pilot scheme health service body)—
- (a) in paragraph (2)(b), for “the Secretary of State” there is substituted “the Strategic Health Authority”; and
 - (b) in paragraph (2)(c), “the Secretary of State and” is omitted.

Local Education Authority (Behaviour Support Plans) Regulations 1998

77. In regulation 3 of the Local Education Authority (Behaviour Support Plans) Regulations 1998 (consultation)(**115**), in paragraph (2)(i), after “National Health Service Act 1977” there is inserted “or Primary Care Trust (within the meaning of section 16A of that Act),”.

National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998

78. In regulation 4 of the National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 (pilot patients for whom health authorities and health boards must make arrangements for the provision of general medical services)(**116**)—

- (a) in paragraph (1), after “authority” there is inserted “or, in England, a Primary Care Trust”; and
- (b) in paragraph (2)(b), after “authority” there is inserted “or, in England, the Primary Care Trust”.

National Health Service (Pilot Schemes: Part II Practitioners) Regulations 1998

79. In regulation 1 of the National Health Service (Pilot Schemes: Part II Practitioners) Regulations 1998 (citation, commencement and interpretation)(**117**), in paragraph (2), in subparagraph (a), before the definition of “normal hours” there is inserted—

““authority” means—

- (a) in relation to England, a Primary Care Trust;
- (b) in relation to Wales, a Health Authority; and
- (c) in relation to Scotland, a Health Board;”.

Education (Publication of Local Education Authority Inspection Reports) Regulations 1998

80. In regulation 4 of the Education (Publication of Local Education Authority Inspection Reports) Regulations 1998(**118**), in paragraph (1)(j), after “National Health Service Act 1977” there is inserted “or Primary Care Trust (within the meaning of section 16A of that Act),”.

(115) [S.I. 1998/644](#).

(116) [S.I. 1998/646](#). A further amendment to the National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 is contained in Schedule 2.

(117) [S.I. 1998/665](#).

(118) [S.I. 1998/880](#).

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Dental Practice Boards (Personal Dental Services) Regulations 1998

81. In regulation 2 of the Dental Practice Boards (Personal Dental Services) Regulations 1998 (functions exercisable in accordance with directions)(**119**), in paragraph (4), for “a Health Authority in England and Wales” there is substituted “a Primary Care Trust in England or a Health Authority in Wales”.

Control of Major Accident Hazards Regulations 1999

82. In regulation 2 of the Control of Major Accident Hazards Regulations 1999 (interpretation)(**120**), in paragraph (1), for the definition of “health authority”, there is substituted—

““health authority” means—

- (a) in relation to England, a Primary Care Trust established under section 16A of the National Health Service Act 1977;
- (b) in relation to Wales, a Health Authority established under section 8 of that Act; and
- (c) in relation to Scotland, a Health Board established under section 2 of the National Health Service (Scotland) Act 1978.”.

National Health Service (Liabilities to Third Parties Scheme) Regulations 1999

83.—(1) The National Health Service (Liabilities to Third Parties Scheme) Regulations 1999(**121**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “an eligible body” there is added at the end “or a body which before 1 October 2002 was a Health Authority whose area was situated in England”.

(3) In regulation 3 (eligible bodies), for paragraph (b) there is substituted—

“(b) a Strategic Health Authority,”.

National Health Service (Property Expenses Scheme) Regulations 1999

84.—(1) The National Health Service (Property Expenses Scheme) Regulations 1999(**122**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “an eligible body” there is added at the end “or a body which before 1 October 2002 was a Health Authority whose area is situated in England”.

(3) In regulation 3 (eligible bodies), for paragraph (b) there is substituted—

“(b) a Strategic Health Authority,”.

Education (Maintained Special Schools) (England) Regulations 1999

85. In regulation 7 of the Education (Maintained Special Schools) (England) Regulations 1999 (other bodies to whom proposals should be sent)(**123**), in paragraph (2)(g), for “Local Health Authority” there is substituted “Primary Care Trust”.

(119) S.I. 1998/2223. Further amendments to the Dental Practice Boards (Personal Dental Services) Regulations 1998 are contained in Schedule 5.

(120) S.I. 1999/743.

(121) S.I. 1999/873, amended by S.I. 2000/2385.

(122) S.I. 1999/874, amended by S.I. 2000/2342.

(123) S.I. 1999/2212. A further amendment to the Education (Maintained Special Schools) (England) Regulations 1999 is contained in Schedule 8.

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Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999

86. In article 16 of the Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999 (recovery of misapplied sums)(**124**)—

- (a) in paragraph (1), after “Health Authority” there is inserted “or relevant Primary Care Trust”; and
- (b) after paragraph (2) there is added—

“(3) “Relevant Primary Care Trust” in paragraph (1) means a Primary Care Trust nominated for the purposes of paragraph (1) by the relevant Strategic Health Authority from Primary Care Trusts within its locality and “relevant Strategic Health Authority” in this paragraph means the Strategic Health Authority established under section 8 of the National Health Service Act 1977 that, on 1st October 2002 has the same locality as the Health Authority.”.

Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

87. In regulation 5 of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 (disqualification for appointment: chairman and non-officer members)(**125**), in paragraph (1)(e)(iii), before “a Health Authority” there is inserted “a Strategic Health Authority,”.

Data Protection (Subject Access Modification) (Social Work) Order 2000

88. In the Schedule to the Data Protection (Subject Access Modification) (Social Work) Order 2000 (personal data to which this Order applies)(**126**), in paragraph 1(1)—

- (a) before (i), there is inserted—
 - “(zi) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”;
- (b) in (ii), “or” is omitted; and
- (c) before (iii), there is inserted—
 - “(iia) a Primary Care Trust established under section 16A of the National Health Service Act 1977; or”.

National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000

89. In regulation 3 of the National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000 (prescribed NHS bodies and local authorities)(**127**), in paragraph (1), sub-paragraph (a) is omitted.

(**124**) *S.I. 1999/2541*. A further amendment to the Health Act (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999 is contained in Schedule 5.

(**125**) *S.I. 2000/89*, amended by *S.I. 2001/3787*. A further amendment to the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 is contained in Schedule 2.

(**126**) *S.I. 2000/415*.

(**127**) *S.I. 2000/617*. Further amendments to the National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000 are contained in Schedule 7.

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Commission for Health Improvement (Functions) Regulations 2000

90.—(1) The Commission for Health Improvement (Functions) Regulations 2000(**128**) are amended as follows.

- (2) In regulation 1 (citation, commencement, extent and interpretation), in paragraph (4)—
- (a) before the definition of “personal medical services”, there is inserted—
- ““relevant Primary Care Trust” means, in relation to a service provider, the Primary Care Trust in whose area that person provides services;”;
- (b) for the definition of “relevant Health Authority” there is substituted—
- ““relevant Strategic Health Authority” means, in relation to a Primary Care Trust—
- (a) where the area for which the Primary Care Trust is established falls wholly within the area of a Strategic Health Authority, that Strategic Health Authority; or
- (b) where the area for which the Primary Care Trust is established falls within the areas of two or more Strategic Health Authorities, each of those Strategic Health Authorities;”;
- (c) the definition of “relevant service provider” is omitted.
- (3) In regulation 2 (additional functions)—
- (a) in paragraph (a), before “Health Authorities” there is inserted “Strategic Health Authorities,”;
- (b) paragraph (b) is omitted;
- (c) in paragraph (c), before “Health Authorities” there is inserted “Strategic Health Authorities,”; and
- (d) paragraph (d) is omitted.
- (4) In regulation 12 (notice of investigation)—
- (a) in paragraph (b), “and” is omitted at the end; and
- (b) for paragraph (c) there is substituted—
- “(c) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
- (d) in the case of an investigation concerning a service provider, the relevant Primary Care Trust, and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”.
- (5) In regulation 14 (investigation reports)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (a), “and” is omitted at the end, and
- (ii) for sub-paragraph (b) there is substituted—
- “(b) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
- (c) in the case of an investigation concerning a service provider, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”;

(128) S.I. 2000/662. Further amendments to the Commission for Health Improvement (Functions) Regulations are contained in Schedule 3.

- (b) in paragraph (2)—
 - (i) in sub-paragraph (b), “and” is omitted at the end, and
 - (ii) for sub-paragraph (c) there is substituted—
 - “(c) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
 - (d) in the case of an investigation concerning a service provider, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”; and
- (c) in paragraph (3)—
 - (i) in sub-paragraph (a), “and” is omitted at the end, and
 - (ii) for sub-paragraph (b) there is substituted—
 - “(b) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
 - (c) in the case of an investigation concerning a service provider, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”.
- (6) In regulation 15 (special interest reports)—
 - (a) in paragraph (2), for paragraph (c) there is substituted—
 - “(c) in a case where a Primary Care Trust is the subject of an investigation, the relevant Strategic Health Authority; and
 - (d) in a case where a service provider is the subject of an investigation, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”; and
 - (b) in paragraph (3), for paragraph (c) there is substituted—
 - “(c) in a case to which paragraph (2)(c) applies, the relevant Strategic Health Authority;
 - (ca) in a case to which paragraph (2)(d) applies, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority; and”.

Water Supply (Water Quality) Regulations 2000

- 91.**—(1) The Water Supply (Water Quality) Regulations 2000(**129**) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of ““appropriate local authority” and “appropriate health authority””—
 - (i) for “and appropriate health authority” there is substituted “, “appropriate Strategic Health Authority” and “appropriate Primary Care Trust””; and
 - (ii) for “and the health authority” there is substituted “, Strategic Health Authority and Primary Care Trust””; and
 - (b) the definition of “health authority” is omitted.

(129) S.I. 2000/3184, amended by S.I. 2001/2885. Further amendments to the Water Supply (Water Quality) Regulations 2000 are contained in Schedules 4 and 8.

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- (3) In regulation 20 (authorisation of temporary supply of water that is not wholesome)—
 - (a) in paragraph (4)(b) for “health authority” there is substituted “Strategic Health Authority”;
 - (b) in paragraph (4)(b) “and” is omitted; and
 - (c) before paragraph (4)(c) there is inserted—
 - “(ba) every appropriate Primary Care Trust; and”.
- (4) In regulation 24 (revocation and modification of authorisations)—
 - (a) in paragraph (2)(c) for “health authority” there is substituted “Strategic Health Authority”;
 - (b) in paragraph (2)(c) “and” is omitted; and
 - (c) before paragraph (2)(d) there is inserted—
 - “(ca) the appropriate Primary Care Trust; and”.
- (5) In regulation 35 (provision of information), in paragraph (8)—
 - (a) for “or a health authority” there is substituted “, a Strategic Health Authority, or a Primary Care Trust”; and
 - (b) after “notify each such authority” there is inserted “or Trust”.

*Immigration and Asylum Act 1999 (Part V Exemption:
Educational Institutions and Health Sector Bodies) Order 2001*

92. In Schedule 3 to the Immigration and Asylum Act 1999 (Part V Exemption: Educational Institutions and Health Sector Bodies) Order 2001 (health sector bodies)(**130**), in paragraph 1, before sub-paragraph (a), there is inserted—

- “(za) a Strategic Health Authority established by order under section 8 of the National Health Service Act 1977;”.

*National Health Service (Functions of Health Authorities)
(General Dental Services Incentive Schemes) Regulations 2001*

93. In regulation 2 of the National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001 (prescribed function of Health Authorities)(**131**), in paragraph (1), for “Health Authorities and each such Authority” there is substituted “Primary Care Trusts and each such Trust”.

*Special Educational Needs (Provision of Information by
Local Education Authorities) (England) Regulations 2001*

94. In regulation 1 of the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (citation, commencement, interpretation and extent)(**132**), in paragraph (2), the definition of “health authority” is omitted.

(130) [S.I. 2001/1403](#).

(131) [S.I. 2001/1678](#). Further amendments to the National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001 are contained in Schedule 7.

(132) [S.I. 2001/2218](#). Further amendments to the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 are contained in Schedules 7 and 8.

Radiation (Emergency Preparedness and Public Information) Regulations 2001

95. In regulation 2 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (interpretation)(**133**), in paragraph (1), for the definition of “health authority”, there is substituted—

““health authority” means—

- (a) in relation to England, a Primary Care Trust established under section 16A of the National Health Service Act 1977;
- (b) in relation to Wales, a Health Authority established under section 8 of that Act; and
- (c) in relation to Scotland, a Health Board established under section 2 of the National Health Service (Scotland) Act 1978.”.

Education (Special Educational Needs) (England) (Consolidation) Regulations 2001

96. In regulation 2 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (interpretation)(**134**), in paragraph (1), the definition of “health authority” is omitted.

Race Relations Act 1976 (Statutory Duties) Order 2001

97. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) Order 2001 (bodies and other persons required to publish race equality schemes)(**135**), before the entry relating to a Health Authority, there is inserted—

“A Strategic Health Authority established under section 8 of the National Health Service Act 1977.”.

Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001

98.—(1) The Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001(**136**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “the applicant Health Authority” and in the definition of “a local disqualification decision”, after “Health Authority in England” in both places where it occurs, there is inserted “or, in a pharmacist case, the Primary Care Trust”.

(3) In regulation 3 (local disqualification decisions made before the relevant date), after “Health Authority's” there is inserted “or, in a pharmacist case, the Primary Care Trust's”.

(4) In regulation 6 (other cases under the 1977 Act not disposed of by the relevant date)—

- (a) in paragraph (3), after “Health Authority”, there is inserted “or, in a pharmacist case, the Primary Care Trust”; and
- (b) in paragraph (4)(a), after “Health Authority”, there is inserted “or, in a pharmacist case, the Primary Care Trust”(137).

(133) S.I. 2001/2975.

(134) S.I. 2001/3455. Further amendments to the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 are contained in Schedules 7 and 8.

(135) S.I. 2001/3458.

(136) S.I. 2001/3744.

(137) Regulation 6(1) and (2) is amended in Schedule 11.

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Family Health Services Appeal Authority (Procedure) Rules 2001

99. In rule 2 of the Family Health Services Appeal Authority (Procedure) Rules 2001 (interpretation)(**138**), in paragraph (2)(c), after “that Authority” there is inserted “or Trust”.

Nursing and Midwifery Order 2001

100.—(1) The Nursing and Midwifery Order 2001(**139**) is amended as follows.

(2) In Schedule 2 (transitional provisions), in paragraph 18(1), for “that Act to the UKCC or to a National Board were to the Council” there is substituted—

“(a) that Act—

(i) to the UKCC or to a National Board were to the Council, and

(ii) to local supervising authorities were, in relation to England, to a Strategic Health Authority established under section 8 of the National Health Service Act 1977 and, in relation to Wales, to a Health Authority established under section 8 of that Act; and

(b) that subordinate legislation to health authority were, in relation to England, to a Strategic Health Authority established under section 8 of the National Health Service Act 1977 and, in relation to Wales, to a Health Authority established under section 8 of that Act”.

(3) In Schedule 4 (interpretation), in the definition of “local supervising authority”, for paragraph (a) there is substituted—

“(a) in England, Strategic Health Authorities established under section 8 of the National Health Service Act 1977;

(aa) in Wales, Health Authorities established under section 8 of that Act;”.

Financing of Maintained Schools (England) Regulations 2002

101. In Schedule 1 to the Financing of Maintained Schools (England) Regulations 2002 (classes or descriptions of planned expenditure which may be deducted from the local schools budget of a local education authority)(**140**), in paragraph 16, “with a Health Authority, Primary Care Trust or NHS Trust” is omitted.

SCHEDULE 2

Regulation 5

ENACTMENTS WHERE BEFORE “HEALTH AUTHORITY”
THERE IS INSERTED “STRATEGIC HEALTH AUTHORITY,”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
General Dental Council Health Committee (Procedure) Rules Order of Council 1984(141)	Rule 2, in the definition of “person acting in a public capacity”

(**138**) S.I. 2001/3750. Further amendments to the Family Health Services Appeal Authority (Procedure) Rules 2001 are contained in Schedule 5.

(**139**) S.I. 2002/253.

(**140**) S.I. 2002/377.

(**141**) S.I. 1984/2010.

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<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (Remuneration and Conditions of Service) Regulations 1991 (142)	Regulation 1(2), in the definition of “authority”
Buying Agency Trading Fund Order 1991 (143)	Schedule 1, paragraph (a)
National Health Service (Injury Benefits) Regulations 1995 (144)	Regulation 2(1), in the definition of “assistant practitioner” Regulation 2(1), in paragraph (a) of the definition of “practitioner” in the second place where it occurs (145) Regulation 2(1), in paragraph (e)(i) of the definition of “practitioner”, in the second place where it occurs (146)
Community Health Councils Regulations 1996 (147)	Regulation 13(3), in the first place where it occurs Regulation 14(2)(b), in the first place where it occurs (148) Regulation 18(1), in the second place where it occurs (149) Regulation 19(2) and (3)
National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 (150)	Regulation 3
Commission for Health Improvement (Membership and Procedure) Regulations 1999 (151)	Regulation 1(2), in paragraph (a) of the definition of “health service body” Regulation 5(1)(h)
Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 (152)	Regulation 1(2), in paragraph (a) of the definition of “health service body” Regulation 1(2), in paragraph (e) of the definition of “nurse”

(142) [S.I. 1991/481](#), amended by [S.I. 1998/564](#).

(143) [S.I. 1991/875](#), amended by [S.I. 1995/1665](#).

(144) [S.I. 1995/866](#), amended by [S.I. 1998/2217](#).

(145) The first reference to “Health Authority” is amended in Schedule 5.

(146) The first reference to “Health Authority” is amended in Schedule 5.

(147) [S.I. 1996/640](#), amended by [S.I. 2000/657](#).

(148) The words “Health Authority” contained in the term “Special Health Authority” in regulations 13(3) and 14(2)(b) are not amended by these Regulations.

(149) Regulation 18 is also amended by Part 2 of Schedule 1.

(150) [S.I. 1998/646](#).

(151) [S.I. 1999/2801](#).

(152) [S.I. 2000/89](#).

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<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Care Standards Commission (Membership and Procedure) Regulations 2001 (153)	Regulation 1(2), in paragraph (a) of the definition of “health service body”

SCHEDULE 3

Regulation 6

ENACTMENTS WHERE “STRATEGIC HEALTH AUTHORITY”
IS SUBSTITUTED FOR “HEALTH AUTHORITY”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Statutory Sick Pay (National Health Service Employees) Regulations 1991 (154)	Regulation 5(b)(i)
Statutory Maternity Pay (National Health Service Employees) Regulations 1991 (155)	Regulation 5(b)(i)
Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999 (156)	Regulation 1(2), in the definition of “relevant Health Authority” Regulation 1(2), in paragraph (a) of the definition of “relevant Primary Care Trust” Regulation 1(2), in paragraph (b) of the definition of “staff representatives” Regulations 2, 3, 4, 5 and 6
Health Development Agency Regulations 1999 (157)	Regulation 3(1)(d)
Commission for Health Improvement (Functions) Regulations 2000 (158)	Regulations 8 and 9 Regulation 12(b) Regulation 13 Regulation 16
National Health Service Appointments Commission Regulations 2001 (159)	Regulation 3(1)(e)(i)
Care Trusts (Applications and Consultation) Regulations 2001 (160)	Regulation 3(b)(i), 6(2) and (3)

(153) S.I. 2001/1042.

(154) S.I. 1991/589, amended by S.I. 2000/694.

(155) S.I. 1991/590, amended by S.I. 2000/694.

(156) S.I. 1999/2337, amended by S.I. 2001/3788.

(157) S.I. 1999/3432.

(158) S.I. 2000/662.

(159) S.I. 2001/794.

(160) S.I. 2001/3788.

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SCHEDULE 4

Regulation 7

ENACTMENTS WHERE A DEFINITION OF STRATEGIC HEALTH AUTHORITY IS INSERTED

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Prescription Only Medicines (Human Use) Order 1997 (161)	Article 1(2)
Water Supply (Water Quality) Regulations 2000 (162)	Regulation 2(1)

SCHEDULE 5

Regulation 8

ENACTMENTS WHERE AFTER “HEALTH AUTHORITY”, “HEALTH AUTHORITIES” OR “HEALTH AUTHORITY'S” THERE IS INSERTED “OR PRIMARY CARE TRUST”, “OR PRIMARY CARE TRUSTS” OR “OR PRIMARY CARE TRUST'S”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Social Security (Medical Evidence) Regulations 1976 (163)	Schedule 2, Part 2, Maternity Certificate
Medicines (Pharmacy and General Sale-Exemption) Order 1980 (164)	Schedule 1, Part II, paragraph 11 of Column 1
Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983 (165)	Regulation 7(4)(b), in the last two places where it occurs (166)
Mental Health Review Tribunal Rules 1983 (167)	Rule 2, in paragraph (c) of the definition of “responsible authority”
National Health Service (General Ophthalmic Services) Regulations 1986 (168)	Schedule 1, paragraph 4
	Regulation 2(1), in the definition of “day centre”
	Regulation 2(1), in the definition of “residential centre”
	Regulation 2(1), in the definition of “suspended”
	Regulation 9(2A)

(161) S.I. 1997/1830, amended by S.I. 2000/1917.

(162) S.I. 2000/3184.

(163) S.I. 1976/615 amended by S.I. 1991/2284 and 2001/2931.

(164) S.I. 1980/1924.

(165) S.I. 1983/893.

(166) Regulation 7(4)(b) is also amended in Schedule 1.

(167) S.I. 1983/942, amended by S.I. 1996/314.

(168) S.I. 1986/975, amended by S.I. 1996/705, 1998/646, 2001/414,1423 and 3739.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
	Regulation 16, in the second place where it occurs(169)
	Schedule 1, paragraphs 3A, 4(2A), 5, 6(2), 7(1)(a), 8(3)(a), 8B and 8C(4)
Statutory Maternity Pay (Medical Evidence) Regulations 1987(170)	Schedule, Part 2, Maternity Certificate
Family Credit (General) Regulations 1987(171)	Schedule 2, paragraph 24(a)
Disability Working Allowance (General) Regulations 1991(172)	Schedule 3, paragraph 24(a)
National Health Service (General Medical Services) Regulations 1992(173)	Regulation 2(1), in the definition of “medical card”
	Regulation 2(1), in the definition of “suspended”
	Regulation 4(3), in the second place where it occurs(174)
	Regulation 4(5)(f)
	Regulation 5A
	Regulation 6(5), (7) and (8)
	Regulation 8(l)(h)
	Regulations 12 to 18E
	Regulation 18F(1), (2A) and (3)
	Regulations 18G, 18J but not in paragraph (1)(b)(175), 18K and 18L
	Regulation 19(6) and (6B)(b)
	Regulation 25(17)
	Regulation 26
	Regulation 28(3)(c)
	Regulation 34B

(**169**) The first reference to “Health Authority” in regulation 16 is amended in Schedule 7.

(**170**) S.I. 1987/235, amended by S.I. 1991/2284 and 2001/2931.

(**171**) S.I. 1987/1973, amended by S.I. 1998/563.

(**172**) S.I. 1991/2887, amended by S.I. 1998/563.

(**173**) S.I. 1992/635, amended by S.I. 1994/633, 1996/702, 1997/730 and 2468, 1998/682 and 2838, 1999/326, 2000/220 and 2383, 2001/833 and 3742, 2002/554 and 916.

(**174**) The first reference to “Health Authority” is amended in Schedule 7.

(**175**) The reference to “Health Authority” in regulation 18J(1)(b) is amended in Schedule 7.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (General Dental Services) Regulations 1992(177)	Schedule 2, paragraphs 6(2), 18A but not in sub-paragraph (7)(h)(i)(176), 18B, 18C, 22, 28A, 32(2), 34(2), 36 and 47B
	Schedule 3, Part I, paragraphs 1, 3, 4, 5, 6, 8, 11(a) and 13, and Part III, paragraphs 13, 14, 17 and 24
	Schedule 7A, paragraphs 1(3), (4) and (5), 3(1) and 4(4)
	Schedule 8, Part I, paragraph 8
	Regulation 2(1), in the definition of “Local Dental Committee” “Local Medical Committee” and “Local Pharmaceutical Committee”
	Regulation 2(1), in the definition of “locality”
	Regulation 2(1), in the definition of “patient record”
	Regulation 2(1), in the definition of “practice record form”
	Regulation 2(1), in the definition of “salaried dentist”
	Regulation 2(1), in the definition of “suspended”
	Regulation 3
	Regulation 4, but not in paragraph (7)(a)(iv) or (v)(178)
	Regulation 5(1), (3) and (3A)
	Regulations 5A, 5C to 8, and 9
Regulation 10(1)	
Regulations 11 to 16, and 20 to 22	
Regulation 24(4)(a), (b) and (c)	
Regulations 25 to 27, and 29 to 32	

(176) The references to “Health Authority” in sub-paragraph (7)(h)(i) are amended in Schedule 7.

(177) S.I. 1992/661, as amended by S.I. 1993/2209 and 3172, 1995/3092, 1996/704 and 2051, 1998/1648 and 2224, 2000/2459 and 3118, 2001/289, 1677, 2133, 2421, 2706, 3741, 3963 and 4000.

(178) These two references are amended in Part 2 of Schedule 1.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (Pharmaceutical Services) Regulations 1992(179)	Schedule 1, paragraphs 4, 5, 9(2)(a) and (4), 11, 11A, 13, 15, 25 to 27, 27B, 31, 31B, 31D, 31G, 32, 33, 35(3), (4), (5), (8), (9) and (10), 39 and 41 to 44
	Schedule 2, paragraphs 8, 9 and 14
	Schedule 6, paragraph 2
	Regulation 2(1), in the definition of “doctor’s list”
	Regulation 18A(1)
	Regulation 18B
	Regulation 20(1A)(a) and (b)
National Health Service (Service Committees and Tribunal) Regulations 1992(180)	Regulation 21B
	Regulation 21C(1)
	Schedule 2, Part II, paragraphs 2A, 4(26), (26A) and (26B), 5(1A)(a), 8(1A)(a), 10B, and Part III, paragraphs 11B, 14(1) and 15
	Regulation 2(1), in the definition of “appropriate Health Authority”
	Regulation 2(1), in the definition of “statement of case”
	Regulations 3 to 6
	Regulation 7(3)
	Regulations 8 to 13
	Regulation 16(13)(b)
	Regulation 17(15)(b)
	Regulation 24(1B)
	Regulations 31B and 37
	Schedule 2, paragraphs 1, 2(b)(i), 4, 6 and 8(b) (iv), (d) and (e)
	Schedule 4

(179) S.I. 1992/662, amended by S.I. 1993/2451, 1996/698, 1998/681 and 1999/696.

(180) S.I. 1992/664, amended by S.I. 1996/703 and 1998/674.

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Residential Accommodation (Determination of District Health Authority) Regulations 1992(181)	Regulation 2(1)(a), in the second place where it occurs(182) Regulation 2(2)
National Health Service Pension Scheme Regulations 1995(183)	Regulation R1(1) Schedule 2, paragraph 1, paragraph(b)(i) of the definition of “locum practitioner” Schedule 2, paragraphs 2(1), 2(1A) in the definition of “the listing Authority”, 3(2)(a), 4(4) and 5
National Health Service (Injury Benefits) Regulations 1995(184)	Regulation 2(1), in the definition of “assistant practitioner” Regulation 2(1), in the definition of “practitioner” Regulation 3(1)(f) Regulation 4A(6)
Mental Health (After-care under Supervision) Regulations 1996(185)	Regulation 2 Schedule 2, Form 1S, Part III Schedule 2, Form 5S, Part II Schedule 2, Form 6S, Part II
National Health Service (Functions of Health Authorities) (Complaints) Regulations 1996(186)	Regulation 2
National Health Service (Optical Charges and Payments) Regulations 1997(187)	Regulation 1(2), in the definition of “responsible authority” Regulation 9(4)
National Health Service (Indicative Amounts) Regulations 1997(188)	Regulation 3
Prescription Only Medicines (Human Use) Order 1997(189)	Article 12B(2)(d)(ii)

(181) S.I. 1992/3182, amended by S.I. 1993/582.**(182)** The reference to “district health authority” in regulation 2(1)(a) is amended in Schedule 11.**(183)** S.I. 1995/300, amended by S.I. 2000/605 and 2002/561.**(184)** S.I. 1995/866, amended by S.I. 1997/646, 998/667 and 2217 and 2000/606.**(185)** S.I. 1996/294.**(186)** S.I. 1996/669.**(187)** S.I. 1997/818.**(188)** S.I. 1997/980.**(189)** S.I. 1997/1830, amended by S.I. 2000/1917.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (Vocational Training for General Medical Practice) Regulations 1997 (190)	Regulation 4(2) Regulation 4(3)
National Health Service (Functions of Health Authorities) (Prescribing Incentive Schemes) Regulations 1998 (191)	Regulation 1(2), in paragraph (b) of the definition of “practice” Regulation 1(2), in the definition of “prescribing incentive scheme” Regulation 2
National Health Service (Choice of Medical Practitioner) Regulations 1998 (192)	Regulation 1(2), in the definition of “doctor’s list” Regulation 1(2), in the definition of “medical card” Regulation 1(2), in the definition of “pilot scheme provider” Regulations 3 and 4 Regulation 5(1) and (6) Regulation 6 Regulation 8(2)(a) and (3)
Dental Practice Boards (Personal Dental Services) Regulations 1998 (193)	Regulation 2(5) Regulation 5
Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999 (194)	Article 8
Pollution Prevention and Control (England and Wales) Regulations 2000 (195)	Schedule 4, Part 2, paragraph 9(1)(a)
National Health Service (General Medical Services Supplementary List) Regulations 2001 (196)	Regulation 2(1), in the definition of “suspended”
Family Health Services Appeal Authority (Procedure) Rules 2001 (197)	Rule 2(1), in the definition of “contingent removal decision”

(190) [S.I. 1997/2817](#). Section 14 of the 2001 Act abolished the Medical Practices Committee and transferred its rights and liabilities to the Secretary of State.

(191) [S.I. 1998/632](#), amended by [S.I. 2000/661](#).

(192) [S.I. 1998/668](#), amended by [S.I. 1999/3179](#).

(193) [S.I. 1998/2223](#).

(194) [S.I. 1999/2541](#).

(195) [S.I. 2000/1973](#).

(196) [S.I. 2001/3740](#).

(197) [S.I. 2001/3750](#).

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
	Rule 2(1), in the definition of “disputed decision”
	Rule 2(1), in the definition of “party”
	Rule 2(1), in the definition of “respondent”
	Rule 2(1), in the definition of “respondent Health Authority”
	Rule 2(2)(a) and (c)
	Rule 5
	Rule 6(2)(e)
	Rules 12, 13 and 14
	Rule 15(4)
	Rule 29(6)
	Rule 36(1)
	Rule 38(2)(b)
	Rule 41(7)
	Rule 42(6)
	Rule 46(a)

SCHEDULE 6

Regulation 9

ENACTMENTS WHERE AFTER “HEALTH AUTHORITY”
THERE IS INSERTED “, PRIMARY CARE TRUST”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Mental Health Review Tribunal Rules 1983 (198)	Rule 7(e) Rule 8(2)(b)
General Dental Council Health Committee (Procedure) Rules Order of Council 1984 (199)	Rule 2, in the definition of “person acting in a public capacity”

(198) S.I. 1983/942, amended by S.I. 1996/314.

(199) S.I. 1984/2010.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (200)	Schedule 2, paragraph 30
National Health Service Pension Scheme Regulations 1995 (201)	Schedule 2, paragraphs 8(3) and 10(4), (5) and (6)
Social Security Benefit (Computation of Earnings) Regulations 1996 (202)	Regulation 12(2)(b) Schedule 1, paragraph 7
Housing Renewal Grants Regulations 1996 (203)	Regulation 26(b)
Local Authorities (Capital Finance) Regulations 1997 (204)	Regulation 158(a), in the first place where it occurs
National Health Service (Optical Charges and Payments) Regulations 1997 (205)	Regulation 11
National Health Service (Pilot Schemes for Personal Dental Services: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 (206)	Regulation 2

SCHEDULE 7

Regulation 10

ENACTMENTS WHERE FOR “HEALTH AUTHORITY”, “DISTRICT HEALTH AUTHORITY”, “HEALTH AUTHORITIES” OR “HEALTH AUTHORITY’S” THERE IS SUBSTITUTED “PRIMARY CARE TRUST”, “PRIMARY CARE TRUSTS” OR “PRIMARY CARE TRUST’S”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (Notification of Births and Deaths) Regulations 1982 (207)	Regulation 3, in the second place where District Health Authority" occurs (208) Regulation 4, in the second place where District Health Authority" occurs
National Health Service (General Ophthalmic Services) Regulations 1986 (209)	Regulation 2(1) in the definition of “locality” Regulation 2(1) in the definition of “Medical Supplementary List”

(200) S.I. 1992/1815, amended by S.I. 2001/155.

(201) S.I. 1995/300, amended by S.I. 2000/605.

(202) S.I. 1996/2745.

(203) S.I. 1996/2890, amended by S.I. 2000/531 and 973.

(204) S.I. 1997/319.

(205) S.I. 1997/818, amended by S.I. 1999/609.

(206) S.I. 1998/2224.

(207) S.I. 1982/286.

(208) Further amendments to regulations 3 and 4 are contained in Schedules 1 and 11.

(209) S.I. 1986/975, amended by S.I. 1988/486, 1989/395, 1996/705, 2001/414, 1423, 3323 and 3739, 2002/601.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
	Regulation 6(1), (3)(b) and (4)
	Regulations 7 to 7C, and 8
	Regulation 9(1), (2) and (3)(210)
	Regulations 9B to 9G
	Regulation 10(1)
	Regulations 11 and 12
	Regulation 12A(1)
	Regulation 13A(2) and (3)(c)
	Regulation 13B(3) and (4)
	Regulation 15
	Regulation 16, in the first place where it occurs(211)
	Schedule 1, paragraphs 4(2), 6A, 6B, 7(2)(a), 8(4)(a)(212) and 9(1) and (6)
	Schedule 1A, paragraphs 7(a)(v) and (b)(iii), 10, 11, 12, 13(b), 14
Prescription Pricing Authority Constitution Order 1990(213)	Article 6
National Health Service (General Medical Services) Regulations 1992(214)	Regulation 2(1), in the definition of “local directory”
	Regulation 2(1), in the definition of “locality”
	Regulation 2(1), in the definition of “Medical Supplementary List”
	Regulation 3
	Regulation 4(1), 4(3) in the first place where it occurs(215) and 4(4) and (5)(g)
	Regulation 6(1), (2), (3), (4) and (6)

(**210**) The reference to “Health Authority” in paragraph (2A) is amended in Schedule 5.

(**211**) The second reference to “Health Authority” in regulation 16 is included in Schedule 5.

(**212**) The references to “Health Authority” in paragraph 8B are included in Schedule 5.

(**213**) S.I. 1990/1718.

(**214**) S.I. 1992/635, amended by S.I. 1993/540, 1994/633 and 3130, 1995/80 and 3093, 1996/702, 1997/633, 730 and 2468, 1998/682 and 2838, 2000/220, 601 and 1992, 2001/706, 2890 and 3742, and 2002/551, 554 and 916.

(**215**) The second reference to “Health Authority” is amended in Schedule 5.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
	Regulations 7 and 7B to 7G
	Regulation 8, except where it occurs in paragraph (1)(h)(216)
	Regulations 9, 18EE and 18EF
	Regulation 18F(4)
	Regulation 18GG(1)
	Regulation 18J(1)(b)
	Regulation 18M
	Regulation 19, but not in paragraph (6) or (6B)(b)(217)
	Regulations 22 to 24
	Regulation 25, but not in paragraph (17)(218)
	Regulation 27
	Regulation 28(1) and (5)
	Regulations 30 to 34A and 35 to 39
	Schedule 2, paragraphs 1, 1A, 4, 5, 6(3), 9 to 11, 12(3), 13, 14, 17, 18, 18A(7)(h)(i), 19 to 21, 23 to 24, 27, 28, 29 to 31, 32(1), 33, 34(1), 35, 36A, 36B, 38, 39, 41, 43, 47 and 49 to 51
	Schedule 3, Part III, paragraphs 6A, 19, 19A, 25 and 26
	Schedule 4, paragraph 1(b)
	Schedule 5, Part I, paragraphs 3 and 5
	Schedule 12, paragraph 5
	Schedule 13, paragraph 1
National Health Service (General Dental Services) Regulations 1992(219)	Regulation 2(1), in the definition of “estimate”
	Regulation 2(2)

(216) The reference to “Health Authority” in regulation 8(1)(h) is amended in Schedule 5.

(217) The references to “Health Authority” in regulation 19(6) and (6B)(b) are amended in Schedule 5.

(218) The reference to “Health Authority” in paragraph (17) is amended in Schedule 5.

(219) S.I. 1992/661, amended by S.I. 1993/2209 and 3172, 1995/3092, 2001/289, 2133, 2421, 2706 and 3741, 2002/558.

<i>Title of enactment</i>	<i>Provisions to be amended</i>
	Regulation 5(2), (2C), (2E), (3ZA), (4) and (5)
	Regulations 5ZA to 5ZD, and 8B to 8G
	Regulation 10(2A), (2B) and (2C)
	Regulation 24(4)(h)
	Regulation 28B(1)
	Schedule 1, paragraphs 2, 8(2)(b)(iii), 9(2)(b)(iv), 31H and 31J
	Schedule 2, paragraphs 5B and 17
National Health Service (Pharmaceutical Services) Regulations 1992(220)	Regulations 6A and 8A
	Regulation 12(15A)
	Regulation 17(1A)
National Health Service (Indicative Amounts) Regulations 1997(221)	Regulation 2(3), in the first place where it occurs
Education (Special Educational Needs) (Information) (England) Regulations 1999(222)	Regulation 4(1)(ii)
National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000(223)	Regulation 2(1), in the definition of “health improvement plan”
	Regulation 4(3)
	Regulation 7(2)
	Regulation 9(2)
School Organisation Proposals by the Learning and Skills Council for England Regulations 2001(224)	Regulation 6(2)(d)
National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001(225)	Regulation 1(2), in the definition of “incentive scheme”
	Regulation 2(2)(a) and (3)
Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001(226)	Regulation 3(1)(a) and (4)(a)

(220) S.I. 1992/662, amended by S.I. 2002/888 and 2016.

(221) S.I. 1997/980, amended by S.I. 1999/1606.

(222) S.I. 1999/2506.

(223) S.I. 2000/617.

(224) S.I. 2001/798.

(225) S.I. 2001/1678.

(226) S.I. 2001/2218.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(227)	Regulation 2(3) Regulation 6(2)(b) Regulation 7(1)(c) Regulation 9 Regulation 12(7)(e), (8), (9) and (10) Regulation 18(6) Schedule 2, Part 6
National Health Service (General Medical Services Supplementary List) Regulations 2001(228)	Regulation 2(1), in the definition of “professional registration number” Regulation 3(1) Regulations 4 to 19
Family Health Services Appeal Authority (Primary Care Act) Regulations 2001(229)	Regulation 2(1), in the definition of “the complainant” Regulation 4(2)(c)(iv) and (3) Regulation 7(2) Regulations 8 and 10 Regulation 13(4) Regulations 14 and 16 Regulation 17(c)
Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001(230)	Regulation 6(1) and (2)(231)
Children’s Homes Regulations 2001(232)	Column 2 of Schedule 5
National Care Standards Commission (Registration) Regulations 2001(233)	Regulation 15(4)(d)(iii)
Fostering Services Regulations 2002(234)	Column 2 of Schedule 8

(**227**) S.I. 2001/3455.

(**228**) S.I. 2001/3740, amended by S.I. 2002/848.

(**229**) S.I. 2001/3743.

(**230**) S.I. 2001/3744.

(**231**) Further amendments to regulation 6 are made in Schedule 1.

(**232**) S.I. 2001/3967.

(**233**) S.I. 2001/3969.

(**234**) S.I. 2002/57.

<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (Functions of Health Authorities) (England) (Support of Provision of Services and Appraisal) Regulations 2002(235)	Regulation 1(3), in the definition of “practice”
National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) Regulations 2002(236)	Regulations 1 to 9
National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) (No 2) Regulations 2002(237)	Regulation 1(3), in the definition of “relevant Health Authority” Regulation 2(2) Regulation 3(2)(c) Regulation 4(1) and (8)

SCHEDULE 8

Regulation 11

ENACTMENTS WHERE A DEFINITION OF PRIMARY CARE TRUST IS INSERTED

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Local Government Area Changes Regulations 1976(238)	Regulation 3(2)
Social Security (Medical Evidence) Regulations 1976(239)	Regulation 1(2)
Statutory Maternity Pay (Medical Evidence) Regulations 1987(240)	Regulation 1(2)
Family Credit (General) Regulations 1987(241)	Regulation 2(1)
Disability Working Allowance (General) Regulations 1991(242)	Regulation 2(1)
Child Support (Maintenance Assessments and Special Cases) Regulations 1992(243)	Regulation 1(2)
Social Security Benefit (Computation of Earnings) Regulations 1996(244)	Regulation 2(1)

(235) S.I. 2002/545.**(236)** S.I. 2002/888.**(237)** S.I. 2002/2016.**(238)** S.I. 1976/246, amended by S.I. 1978/247. References to Primary Care Trusts are inserted by paragraph 35 of Schedule 1.**(239)** S.I. 1976/615 as amended by S.I. 1994/2975, 1999/3109 and 2002/881. References to Primary Care Trusts are inserted by Schedule 5.**(240)** S.I. 1987/235. References to Primary Care Trusts are inserted by Schedule 5.**(241)** S.I. 1987/1973. References to Primary Care Trusts are inserted by Schedule 5.**(242)** S.I. 1991/2887. References to Primary Care Trusts are inserted by Schedule 5.**(243)** S.I. 1992/1815, amended by S.I. 2001/155. References to Primary Care Trusts are inserted by Schedule 6.**(244)** S.I. 1996/2745. References to Primary Care Trusts are inserted by Schedule 6.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Housing Renewal Grants Regulations 1996 (245)	Regulation 2(1)
Local Authorities (Capital Finance) Regulations 1997 (246)	Regulation 154(1)
Education (Maintained Special Schools) (England) Regulations 1999 (247)	Regulation 2(1)
Education (Special Educational Needs) (Information) (England) Regulations 1999 (248)	Regulation 2
Pollution Prevention and Control (England and Wales) Regulations 2000 (249)	Schedule 4, paragraph 9(2)
Water Supply (Water Quality) Regulations 2000 (250)	Regulation 2(1)
School Organisation Proposals by the Learning and Skills Council for England Regulations 2001 (251)	Regulation 2(1)
Special Educational Needs (Provisions of Information by Local Education Authorities) (England) Regulations 2001 (252)	Regulation 1(2)
Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (253)	Regulation 2(1)
Children's Homes Regulations 2001 (254)	Regulation 2(1)
National Care Standards Commission (Registration) Regulations 2001 (255)	Regulation 2(1)
Fostering Services Regulations 2002 (256)	Regulation 2(1)

(245)S.I. 1996/2890. References to Primary Care Trusts are inserted by Schedule 6.

(246)S.I. 1997/319. A reference to Primary Care Trusts is inserted by Schedule 6.

(247)S.I. 1999/2212. A reference to Primary Care Trusts is inserted by paragraph 85 of Schedule 1.

(248)S.I. 1999/2506. References to Primary Care Trusts are inserted by Schedule 7.

(249)S.I. 2000/1973. References to Primary Care Trusts are inserted by Schedule 5.

(250)S.I. 2000/3184. References to Primary Care Trusts are inserted by paragraph 91 of Schedule 1.

(251)S.I. 2001/798. References to Primary Care Trusts are inserted by Schedule 7.

(252)S.I. 2001/2218. References to Primary Care Trusts are inserted by Schedule 7.

(253)S.I. 2001/3455. References to Primary Care Trusts are inserted by Schedule 7.

(254)S.I. 2001/3967. A reference to Primary Care Trusts is inserted by Schedule 7.

(255)S.I. 2001/3969. References to Primary Care Trusts are inserted by Schedule 7.

(256)S.I. 2002/57. A reference to Primary Care Trusts is inserted by Schedule 7.

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

SCHEDULE 9

Regulation 12

ENACTMENTS WHERE BEFORE “HEALTH AUTHORITY”
THERE IS INSERTED “STRATEGIC HEALTH AUTHORITY OR”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
Community Health Councils Regulations 1996 (257)	Regulation 16(2)(a) Regulation 18(1A), (3), (4), (5), and (6)
Health Authorities (Membership and Procedure) Regulations 1996 (258)	Regulation 1(2), in the definition of “Authority”
National Health Service (Compensation for Premature Retirement) Regulations 2002 (259)	Regulation 2(1), in the first place where it occurs in paragraph (a) of the definition of “employing authority”

SCHEDULE 10

Regulation 13

ENACTMENTS WHERE FOR “FAMILY HEALTH SERVICES AUTHORITY”,
“FHSA”, “FAMILY PRACTITIONER COMMITTEE” OR “FHSA’S”
THERE IS SUBSTITUTED “HEALTH AUTHORITY OR PRIMARY CARE
TRUST” OR “HEALTH AUTHORITY’S OR PRIMARY CARE TRUST’S”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (Family Practitioner Committees-Supply of Goods) Regulations 1974 (260)	Regulation 3
National Health Service (Dentists' Remuneration-Special Arrangement) Order 1991 (261)	Article 2(2)
National Health Service (Pharmaceutical Services) Regulations 1992 (262)	Regulation 2(1), in the definition of “chemist” Regulation 2(1), in the definition of “controlled locality” Regulation 2(1), in the definition of “locality” Regulation 2(1), in the definition of “pharmacist” Regulations 3 to 6, and 7 to 15

(257) S.I. 1996/640, amended by S.I. 2000/657.

(258) S.I. 1996/707.

(259) S.I. 2002/1311.

(260) S.I. 1974/191.

(261) S.I. 1991/580.

(262) S.I. 1992/662, amended by S.I. 1993/2451, 1994/2402, 1995/644, 1996/698, 1998/681, 1999/696, 2001/2888, and 2002/551 and 888.

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

<i>Title of enactment</i>	<i>Provisions to be amended</i>
	Regulation 16A(2)(a)(i) and (2)(b)
	Regulations 17, 18 and 20
	Regulation 21(1)
	Regulations 22 and 24
	Schedule 2, paragraphs 2(c), 4, 6, 8, 10(1), 11, 12(1) and 13(2)
	Schedule 3, Parts I and II
National Health Service (Service Committees and Tribunal) Regulations 1992(263)	Regulation 15, but not in paragraph (22)(b)(264)
	Regulation 18(2), (3) and (6)
	Regulation 21(1), in paragraph (b) of the definition of “respondent”
	Regulation 24(3)
	Regulation 24A
	Regulation 26 (2A) and (4)
	Regulation 29(7)
	Regulation 32(1)(b)
	Regulation 33
	Regulation 35(3)(a)
	Schedule 7, paragraphs 1 and 2
	Schedule 9, paragraphs 2, 5 and 7

(**263**) S.I. 1992/664, amended by S.I. 1995/3091, 1996/703 and 1998/674.

(**264**) Regulation 15(22)(b) is amended in Schedule 1.

SCHEDULE 11

Regulation 14

ENACTMENTS WHERE FOR “DISTRICT HEALTH AUTHORITY” THERE IS SUBSTITUTED “HEALTH AUTHORITY OR PRIMARY CARE TRUST”

<i>Title of enactment</i>	<i>Provisions to be amended</i>
National Health Service (Notification of Births and Deaths) Regulations 1982 (265)	Regulation 3, in the first place where it occurs Regulation 4, in the first place where it occurs (266)
Adoption Agencies Regulations 1983 (267)	Regulation 12(2)(c)
Public Health (Infectious Diseases) Regulations 1988 (268)	Regulation 2(1) in the definition of “appropriate medical officer” (269)
Residential Accommodation (Determination of District Health Authority) Regulations 1992 (270)	Regulation 2(1) (271)
National Health Service Pension Scheme Regulations 1995 (272)	Regulation R1(2)

SCHEDULE 12

Regulation 16

PART 1

Consequential and transitional provisions relating to lists of practitioners and to local representative committees**Interpretation**

1.—(1) In this Schedule—

“the Act” means the National Health Service Act 1977**(273)**;

“the 1997 Act” means the National Health Service (Primary Care) Act 1997**(274)**;

“corresponding list” means a list prepared on or after the relevant date by a Primary Care Trust pursuant to sections 29, 29A, 36, 39, 42, 43 or 43D**(275)** of the Act, that corresponds to a list

(265) S.I. 1982/286.

(266) Further amendments to these Regulations are contained in Schedules 1 and 7.

(267) S.I. 1983/1964.

(268) S.I. 1988/1546.

(269) Further amendments to these Regulations are contained in Schedule 1.

(270) S.I. 1992/3182, amended by S.I. 1993/582.

(271) Further amendments to these Regulations are contained in Schedule 5.

(272) S.I. 1995/300.

(273) 1977 c. 49.

(274) 1997 c. 46.

(275) Section 29 was extended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; and amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), sections 1 and 7 and Schedule 1, paragraph 42(b); by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; by the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 18, and by the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), Schedule 2, paragraph 8. Section 29A was inserted by the 1997 Act, section 32, and amended by the Health and Social Care

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of the same type that was maintained pursuant to the same provisions by a Health Authority immediately before the relevant date;

“Health Authority” means a Health Authority established under section 8 of the Act immediately before the relevant date;

“locality” means the locality for which a Health Authority was, or a Primary Care Trust or Strategic Health Authority is, established under the Act; and

“relevant date”, except in Part 4, means 1st October 2002.

(2) In this Part—

“appropriate Primary Care Trust” means the Primary Care Trust on whose corresponding list an existing practitioner is to be included, pursuant to paragraph 2(1);

“existing practitioner” means a person whose name was, immediately before the relevant date, included in an old list;

“old list” means a list maintained by a Health Authority, pursuant to sections 29, 29A, 36, 39, 42, 43 or 43D of the Act before the relevant date; and

“relevant Strategic Health Authority” means the Strategic Health Authority that, on the relevant date, has the same locality as the Health Authority in relation to whose old list, or in relation to the existing practitioner whose name is included in that list, the matter or question to be determined arises.

Allocation of practitioners to lists

2.—(1) Subject to paragraph 3, an existing practitioner shall on the relevant date have his name included in the following lists—

- (a) in the case of an existing practitioner whose name was included in an old list maintained pursuant to sections 29 and 29A of the Act (medical lists), the corresponding list prepared pursuant to those sections by any Primary Care Trust in whose locality there resides a person who is on the existing practitioner’s list of patients;
- (b) in the case of an existing practitioner whose name was included in an old list maintained pursuant to section 43D of the Act (supplementary lists), the corresponding list prepared under that section by the Primary Care Trust determined in accordance with paragraph 3;
- (c) in the case of an existing practitioner whose name was included in an old list other than an old list prepared pursuant to the sections specified in sub-paragraph (a) or (b), the corresponding list of any Primary Care Trust in whose locality are located premises at or from which the existing practitioner was, immediately before the relevant date, providing services under Part II of the Act.

(2) Subject to paragraph 3, an existing practitioner may, pursuant to sub-paragraph (1), be included in the corresponding list of more than one Primary Care Trust.

Act 2001 (c. 15) (“the 2001 Act”), section 20. Section 36(1) was so numbered by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 5(1) and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(1); by the 1988 Act, Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, Schedule 1, paragraph 25(a). Section 36(3) was inserted by the 1990 Act, section 24(3). Subsections (1A) and (4) to (8) were inserted by the 2001 Act, section 20(4). Section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(1), extended by the 1988 Act, section 17, and amended by S.I. 1987/2202, article 4; by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 12(3); by the 1995 Act, Schedule 1, paragraph 30; and by the 2001 Act, section 43(2), (3) and (4). Section 43 was amended by the 1980 Act, sections 1 and 21(2) and Schedule 1, paragraph 55; by S.I. 1985/39, article 7(15); by the 1990 Act, Schedule 9, paragraph 18(2); by the 1995 Act, Schedule 1, paragraph 31; by the 1997 Act, section 29(1) and Schedule 2, paragraph 14; and by the 2001 Act, sections 42(2) and 43(5). Section 43D was inserted by the 2001 Act, section 24.

Supplementary Lists

3.—(1) Subject to sub-paragraph (2), for the purposes of paragraph 2(1)(b), where an existing practitioner's name is included in an old list prepared under section 43D of the Act (supplementary lists), the Primary Care Trusts whose locality (or part thereof) falls within the locality of the Health Authority which prepared that old list shall request that the existing practitioner specifies in which one of those Trusts' corresponding lists prepared under that section he wishes to be included.

(2) If an existing practitioner—

- (a) specifies, before 17th October 2002, which corresponding list he wishes to be included in, he shall be included in that corresponding list;
- (b) does not specify before that date which corresponding list he wishes to be included in—
 - (i) the Primary Care Trusts specified in sub-paragraph (1) shall, before 24th October 2002, determine among themselves on which one of those lists he is to be included;
 - (ii) if those Primary Care Trusts have not made a determination pursuant to head (i), they shall so inform the relevant Strategic Health Authority by 25th October 2002, and that Strategic Health Authority shall determine, by 31st October 2002, on which one of those lists that existing practitioner is to be included.

(3) The provisions of the National Health Service (General Medical Services Supplementary List) Regulations 2001(276) shall be modified so that any existing practitioner, in respect of whom the process provided for in paragraph 3(2) has not yet been concluded, shall be, from the relevant date until that process is concluded, deemed to be included in the supplementary list of a Primary Care Trust that is nominated for that purpose by the relevant Strategic Health Authority from amongst the Primary Care Trusts within its locality.

(4) The Primary Care Trust, in whose list the name of an existing practitioner is to be included following the procedure provided for in sub-paragraph (2)(b), shall inform the practitioner that he is included in their corresponding list.

Matters consequential on allocation to lists

4.—(1) Subject to any specific provision in Parts 2, 3, 4 or 5 of this Schedule, where a Health Authority has not, before the relevant date, finally determined or dealt with any—

- (a) application by a person to be included in a list;
- (b) vacancy;
- (c) deferred decision; or
- (d) other matter,

which was the responsibility of that Health Authority pursuant to sections 29, 29A, 29B, 36, 38, 39, 42, 43, 43ZA, 43D, 49F, 49I, 49L, 49M, 49N, 49O, 49P or 49Q of the Act(277), or pursuant to any regulations made under those provisions, sub-paragraph (2) shall apply.

(2) Where this sub-paragraph applies—

- (a) if the Health Authority that has not finally dealt with or determined that matter is the Health Authority in whose old list the existing practitioner's name is included, the appropriate Primary Care Trust or Trusts shall, on and after the relevant date, be responsible for dealing with or determining that matter; or
- (b) if the Health Authority that has not finally dealt with or determined that matter is not a Health Authority in whose old list the practitioner's name was included, the Primary Care

(276) S.I. 2001/3740, amended by S.I. 2002/848 and S.I. 2002/1920.

(277) Section 43ZA was added by section 21 of the 2001 Act and sections 49F, 49I, 49L, 49M, 49N, 49O, 49P and 49Q were added by section 25 of that Act.

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Trust or Trusts who would have been the appropriate Primary Care Trust or Trusts if that practitioner's name had been included in the old list of that Health Authority shall, on and after the relevant date, be responsible for dealing with or determining that matter,

save that where, pursuant to this sub-paragraph, there is more than one Primary Care Trust who is responsible for dealing with or determining the matter, those Primary Care Trusts shall agree amongst themselves which one or more of them should determine or deal with that matter but if those Trusts are unable to so agree, the relevant Strategic Health Authority shall determine which one or more of them shall be responsible for dealing with or determining the matter.

(3) Subject to any specific provision made in Parts 2, 3, 4 or 5 of this Schedule, where, pursuant to sub-paragraph (2), a Primary Care Trust is responsible for dealing with or determining a matter that falls within sub-paragraph (1)(a) to (d), any acts done by the Health Authority in relation to that matter before the due date shall, on and after the relevant date, be deemed to have been done by that Primary Care Trust.

(4) Subject to any specific provision made in Parts 2, 3, 4 or 5 of this Schedule, any matter, decision or determination binding upon a Health Authority that relates to a matter falling within sub-paragraph (1)(a) to (d), shall be equally binding upon the Primary Care Trust or Trusts that, pursuant to sub-paragraph (2), will, on and after the relevant date, be responsible for determining or dealing with that matter.

Local representative committees

5.—(1) Anything done before the relevant date by or in relation to any Local Medical Committee, Local Dental Committee, Local Optical Committee or Local Pharmaceutical Committee which was, immediately before the relevant date, recognised by the Health Authority pursuant to section 44 of the Act, shall—

- (a) where that thing has been done in connection with a practitioner, be treated as having been done by or in relation to the corresponding committee recognised by the appropriate Primary Care Trust on whose corresponding list that practitioner's name is included or to which an application is, by virtue of paragraph 4(1)(a), treated as having been made; and
- (b) in any other case, be treated as having been done by or in relation to any corresponding committee which is recognised by any Primary Care Trust whose locality is included in the locality of that Health Authority.

(2) A local representative committee recognised by a Health Authority, may exercise any functions given to it under—

- (a) the National Health Service (Service Committees and Tribunals) Regulations 1992(**278**);
- (b) the National Health Service (General Dental Services) Regulations 1992(**279**);
- (c) the National Health Service (General Medical Services) Regulations 1992(**280**);
- (d) the National Health Service (General Ophthalmic Services) Regulations 1986(**281**);
- (e) the National Health Service (Pharmaceutical Services) Regulations 1992(**282**);
- (f) the National Health Service (Proposals for Pilot Schemes) and (Miscellaneous Amendments) Regulations 1997(**283**); or

(278) S.I. 1992/664.

(279) S.I. 1992/661.

(280) S.I. 1992/635.

(281) S.I. 1986/975.

(282) S.I. 1992/662.

(283) S.I. 1997/2289.

- (g) the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(284),

in relation to any matter which was referred to it, or initiated by it, before the relevant date, as if it were a committee recognised by a Primary Care Trust, and in determining to whom it should address its decision on any matter, sub-paragraph (3) shall apply.

(3) Where this paragraph applies, the local representative committee shall determine the Primary Care Trust or Trusts to whom its decision should be addressed save that that Trust or those Trusts must be situated within the locality of the Health Authority which recognised it immediately before the relevant date.

- (4) In this paragraph—

“corresponding committee” means a Local Medical Committee, Local Dental Committee, Local Optical Committee or Local Pharmaceutical Committee (as the case may be); and

“practitioner” means a person providing, or seeking to provide services under Part II of the Act or in accordance with arrangements made under section 28C of the Act.

PART 2

Transitional provisions relating to the National Health Service (Service Committees and Tribunal) Regulations 1992

Interpretation

6. In this Part—

“appropriate Primary Care Trust” has the same meaning as in regulation 2(1) of the 1992 Regulations;

“list” means a dental list, medical list, ophthalmic list, or pharmaceutical list within the meaning of regulation 2(1) of the 1992 Regulations;

“multiple list practitioner” means a practitioner who—

- (a) by virtue of being included in a particular Health Authority’s list immediately before the relevant date, is included in the list of two or more relevant Primary Care Trusts in accordance with the provisions of Part 1 of this Schedule, or
- (b) having been included in a particular Health Authority’s list at the relevant time, would, if he had been included in that Health Authority’s list immediately before the relevant date, be included in the list of two or more relevant Primary Care Trusts in accordance with the provisions of Part 1 of this Schedule;

“the 1992 Regulations” means the National Health Service (Service Committees and Tribunal) Regulations 1992(285);

“relevant Primary Care Trust” means a Primary Care Trust—

- (a) in whose list the practitioner’s name is included on the relevant date pursuant to Part 1 of this Schedule, or
- (b) in whose list the practitioner’s name would have been included pursuant to Part 1 of this Schedule if, on the relevant date, his name had remained on the Health Authority list that his name was included in at the relevant time;

“relevant time” has the same meaning as in regulation 4(8) of the 1992 Regulations;

(284) S.I. 1999/2337.

(285) S.I. 1992/664. Regulations 3 and 5 were substituted by S.I. 1996/703 and regulation 15 was modified by S.I. 1996/971.

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“single list practitioner” means a practitioner who—

- (a) by virtue of being included in a particular Health Authority’s list immediately before the relevant date, is included in the list of one relevant Primary Care Trust on the relevant date pursuant to Part 1 of this Schedule, or
- (b) having been included in a particular Health Authority’s list at the relevant time, would, if he had been included in that Health Authority’s list immediately before the relevant date, be included in the list of one relevant Primary Care Trust on the relevant date pursuant to Part 1 of this Schedule.

Cases where no decision has been made by the relevant date as to whether disciplinary action should be taken (regulation 4 of the 1992 Regulations)

7. Where, before the relevant date, a Health Authority—

- (a) has received information that could amount to an allegation that a practitioner has failed to comply with his terms of service;
- (b) has not taken a decision, pursuant to regulation 4(1) of the 1992 Regulations, as to whether it will take no action or take one or both of the courses of action set out in regulation 4(2) of the 1992 Regulations; and
- (c) any time limit specified in regulation 6 of the 1992 Regulations has not expired before the relevant date,

paragraph 8 shall apply.

8. Where this paragraph applies, a Strategic Health Authority that has in its possession the information specified in paragraph 7(a) shall, as soon as is reasonably practicable, provide that information to—

- (a) in the case of a single list practitioner, the relevant Primary Care Trust; or
- (b) in the case of a multiple list practitioner, one of the relevant Primary Care Trusts that the relevant Primary Care Trusts have nominated from amongst themselves,

and that relevant Primary Care Trust shall, on and after the relevant date, be deemed to be the appropriate Primary Care Trust for the purposes of the 1992 Regulations in respect of that matter.

9. Where a Health Authority has, before the relevant date—

- (a) appointed a reference committee under regulation 3(4) of the 1992 Regulations; and
- (b) referred a matter to that reference committee which has not been finally determined before the relevant date,

that committee shall take no further steps in the matter and paragraph 10 shall apply.

10. Where this paragraph applies—

- (a) in the case of a single list practitioner, the relevant Primary Care Trust; or
- (b) in the case of a multiple list practitioner, one of the relevant Primary Care Trusts that the relevant Primary Care Trusts have nominated from amongst themselves,

shall be deemed, on and after the relevant date, to be the appropriate Primary Care Trust for the purposes of the 1992 Regulations and shall determine what further action, if any, should be taken in accordance with the 1992 Regulations.

Referrals to investigating discipline committees before the relevant date (regulation 5 of the 1992 Regulations)

11. Where a Health Authority (A) has, before the relevant date, referred a matter to another Health Authority (B) in accordance with regulation 4(2)(a) or (7) of the 1992 Regulations and that matter has not been finally determined by the discipline committee of that Health Authority (B) before the relevant date—

- (a) where the matter relates to a single list practitioner, the relevant Primary Care Trust (A), shall, on and after the relevant date, be deemed to have referred the matter under that regulation; or
- (b) where the matter relates to a multiple list practitioner, the relevant Primary Care Trusts shall nominate one Primary Care Trust (A) from amongst themselves who will, on and after the relevant date, be deemed to have referred the matter,

and any acts done by the Health Authority (A) in relation to that matter shall be deemed to have been done by the relevant Primary Care Trust (A) that is deemed to have referred the matter pursuant to sub-paragraph (a) or (b), and that Primary Care Trust (A) shall, on and after the relevant date, be deemed to be the appropriate Primary Care Trust for the purposes of the 1992 Regulations in respect of that matter.

12. Paragraph 13 applies where—

- (a) before the relevant date, a Health Authority (B) has had a matter referred to it by another Health Authority (A) pursuant to regulation 5 of the 1992 Regulations; and
- (b) the investigation by the discipline committee of the Health Authority (B) has not taken place or been completed before the relevant date.

13. Where this paragraph applies—

- (a) the discipline committee appointed by the Health Authority (B), whether or not it is a discipline committee jointly appointed within the meaning of regulation 3(3) of the 1992 Regulations, shall be deemed to be the discipline committee of another Primary Care Trust (B) that is nominated for this purpose by the relevant Primary Care Trust (A) that is deemed to have referred the matter pursuant to paragraph 11;
- (b) any Primary Care Trust (B) nominated pursuant to sub-paragraph (a) shall be within the locality of the Health Authority (B); and
- (c) any acts done by Health Authority (B) in relation to the discipline committee before the relevant date shall be deemed, on and after the relevant date, to have been done by the Primary Care Trust (B) nominated by the relevant Primary Care Trust (A) pursuant to sub-paragraph (a).

14. Where a Health Authority (A) has not, before the relevant date, determined what action it will take in relation to a practitioner as a consequence of a report that has been produced by a discipline committee of a Health Authority (B)—

- (a) where the report relates to a single list practitioner, the relevant Primary Care Trust (A) shall determine what action should be taken in accordance with regulation 8 of the 1992 Regulations; or
- (b) where the matter relates to a multiple list practitioner, the relevant Primary Care Trusts shall nominate from amongst themselves the Primary Care Trust (A) that will determine what action should be taken in accordance with regulation 8 of the 1992 Regulations,

and any acts done by the Health Authority (A) in relation to that matter before the relevant date shall be deemed to have been done by that relevant Primary Care Trust (A), and that relevant Primary Care Trust (A) shall be deemed to be, on and after the relevant date, the appropriate Primary Care Trust for the purposes of the 1992 Regulations in respect of that matter.

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15. Where a Health Authority has before the relevant date made a determination as to what action should be taken against, or what measure should be imposed on, a practitioner pursuant to regulation 8 of the 1992 Regulations, but that action has not been taken or completed, or that measure remains in place, immediately before the relevant date—

- (a) where the action or measure relates to a single list practitioner, the relevant Primary Care Trust shall take or compete that action, or be deemed to have imposed that measure, in accordance with regulation 8 of the 1992 Regulations; or
- (b) where the action or measure relates to a multiple list practitioner, a relevant Primary Care Trust that is nominated by the relevant Primary Care Trusts from amongst themselves shall take or complete that action, or be deemed to have imposed that measure, in accordance with regulation 8 of the 1992 Regulations,

and any acts done by the Health Authority in relation to that determination before the relevant date shall be deemed to have been done by that relevant Primary Care Trust, and that relevant Primary Care Trust shall be deemed to be, on and after the relevant date, the appropriate Primary Care Trust for the purposes of the 1992 Regulations in respect of that action or measure.

Appeals to the Secretary of State against determinations of Health Authorities taken before the relevant date (regulation 9 of the 1992 Regulations)

16. Where a practitioner has appealed against a determination of a Health Authority in accordance with regulation 9 of the 1992 Regulations, or he has not appealed before the relevant date but he subsequently does so within the time limit specified in regulation 9(2)—

- (a) where the appeal is made by a single list practitioner, the relevant Primary Care Trust (A) shall be deemed to have made that determination; or
- (b) where the appeal relates to a multiple list practitioner, the relevant Primary Care Trusts shall nominate from amongst themselves a relevant Primary Care Trust who shall be deemed to have made that determination,

and the relevant Primary Care Trust that is deemed to have made the determination pursuant to sub-paragraph (a) or (b) shall also be deemed to have done any other acts of the Health Authority that relate to that determination and shall be deemed to be the appropriate Primary Care Trust for the purposes of the 1992 Regulations in respect of that appeal.

17. Where, before the relevant date, the Secretary of State has determined an appeal and given notice in writing of his determination to a Health Authority pursuant to regulation 11(5) or 12(4) of the 1992 Regulations, that determination shall be deemed to apply to—

- (a) where the determination is made in relation to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the determination is made in relation to a multiple list practitioner, a relevant Primary Care Trust that has been nominated by the relevant Primary Care Trusts from amongst themselves,

and the relevant Primary Care Trust that is deemed to be subject to that determination pursuant to sub-paragraph (a) or (b) shall also be deemed to have done any other acts of the Health Authority that relate to that determination and shall be deemed to be the appropriate Primary Care Trust for the purposes of the 1992 Regulations in respect of that determination.

18. Where, before the relevant date, the Secretary of State has directed a Health Authority (A), pursuant to regulation 11(6) of the 1992 Regulations, to recover an amount from a practitioner, and that amount has not been fully recovered before the relevant date, that direction shall be deemed to apply to—

- (a) where the direction relates to a single list practitioner, the relevant Primary Care Trust (A); or
- (b) where the direction relates to a multiple list practitioner, a relevant Primary Care Trust (A) that has been nominated by the relevant Primary Care Trusts from amongst themselves,

and the relevant Primary Care Trust (A) that is deemed to be subject to that direction pursuant to sub-paragraph (a) or (b) shall also be deemed to have done any other acts of the Health Authority (A) that relate to that direction and shall be deemed to be the appropriate Primary Care Trust for the purposes of the 1992 Regulations in respect of that direction.

19. Where paragraph 18 applies, any debt to be recovered by the relevant Primary Care Trust, to the extent that it is not recovered by deduction from the practitioner's remuneration, shall be, for the purposes of regulation 11(9) of the 1992 Regulations, a debt owed to that relevant Primary Care Trust.

Excessive prescribing matters referred to a professional committee before the relevant date (regulation 15 of the 1992 Regulations)

20. A professional committee appointed by a Health Authority under regulation 15 of the 1992 Regulations may exercise any relevant function under that regulation, in relation to any matter which was referred to it before, and not finally dealt with by, the relevant date, as if it were a committee appointed by a Primary Care Trust determined in accordance with paragraph 21.

21. For the purposes of paragraph 20, the professional committee shall be deemed to be—

- (a) where the question concerning excessive prescribing relates to a single list practitioner, a professional committee appointed by the relevant Primary Care Trust; or
- (b) where the question concerning excessive prescribing relates to a multiple list practitioner, a professional committee appointed by a Primary Care Trust that has been nominated, by the relevant Primary Care Trusts from amongst themselves,

and any action taken by the Health Authority before the relevant date shall be deemed to have been taken by that relevant Primary Care Trust.

22. Where a professional committee has, before the relevant date, made a determination that an amount should be recovered from a practitioner pursuant to regulation 15(15) of the 1992 Regulations but the Health Authority who appointed that professional committee has not fully recovered that amount from the practitioner before the relevant date—

- (a) where the determination relates to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the determination relates to a multiple list practitioner, a relevant Primary Care Trust that has been nominated, by the relevant Primary Care Trusts from amongst themselves,

shall be deemed to be subject to that determination and shall be entitled to recover the amount outstanding pursuant to regulation 15 of the 1992 Regulations.

23. Where a doctor has appealed under regulation 15(19) of the 1992 Regulations and that appeal has not been finally determined before the relevant date, or he has not appealed by the relevant date but he does so before the expiry of the time limit specified in regulation 15(19) of the 1992 Regulations—

- (a) where the question concerning excessive prescribing relates to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the question concerning excessive prescribing relates to a multiple list practitioner, the Primary Care Trust that has been nominated by the relevant Primary Care Trusts from amongst themselves,

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shall, on and after the relevant date, be deemed to have referred the matter to the professional committee that made the determination appealed against and any action taken by the Health Authority before the relevant date shall be deemed to have been taken by that relevant Primary Care Trust.

24. Where the appeal body has, before the relevant date, made a determination that an amount should be recovered from a practitioner pursuant to regulation 15(28) of the 1992 Regulations but a Health Authority has not fully recovered that amount from the practitioner before the relevant date—

- (a) where the determination relates to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the determination relates to a multiple list practitioner, a relevant Primary Care Trust that has been nominated, by the relevant Primary Care Trusts from amongst themselves,

shall be deemed to be subject to that determination and shall be entitled to recover the amount outstanding pursuant to regulation 15 of the 1992 Regulations.

Local representative committees: matters referred before the relevant date

25. A local representative committee recognised by a Health Authority before the relevant date, may exercise any functions given to it under the 1992 Regulations in relation to any matter which was referred to it, or initiated by it, before the relevant date, pursuant to paragraph 5(2) and (3) of Part 1 of this Schedule.

26. Where a Health Authority has notified its dissatisfaction with the determination of a Local Medical Committee to the Secretary of State in accordance with regulation 18 of the 1992 Regulations, but the matter has not been finally determined before the relevant date, the notification will be deemed to have been made by—

- (a) where the matter relates to a single list practitioner, the relevant Primary Care Trust, or
- (b) where the matter relates to a multiple list practitioner, by a Primary Care Trust that has been nominated by the relevant Primary Care Trusts from amongst themselves,

and any action taken by the Health Authority in respect of that matter before the relevant date shall be deemed to have been taken by that relevant Primary Care Trust who is deemed to have made the notification pursuant to sub-paragraph (a) or (b).

General matters relating to the transitional arrangements applying to the 1992 Regulations

27. Where in paragraphs 7 to 26, relevant Primary Care Trusts are required to nominate a Primary Care Trust from amongst themselves for a particular purpose—

- (a) the Primary Care Trusts shall nominate a Primary Care Trust that they consider to be the most appropriate in all the circumstances; and
- (b) if no nomination is made because of a disagreement between the Primary Care Trusts, any one or more of those relevant Primary Care Trusts may request that a Strategic Health Authority, within whose locality the relevant Primary Care Trusts fall, nominates a Primary Care Trust for that particular purpose.

28. Where a Strategic Health Authority holds any information that a Primary Care Trust would reasonably require in order to make any determination or nomination, or proceed with any matter pursuant to paragraphs 7 to 26 above, the Strategic Health Authority shall provide the Primary Care Trust with that information as soon as is reasonably practicable.

29. Regulation 2(3) of the 1992 Regulations applies to any reference to the Secretary of State in paragraphs 7 to 26 as it applies in those Regulations.

PART 3

Transitional provisions relating to the Family Health Services Appeal Authority (Primary Care Act) Regulations 2001

Interpretation

30. In this Part—

“FHSAA” means the Family Health Services Appeal Authority constituted under section 49S of the National Health Service Act 1977(**286**);

“medical list” means a list prepared in accordance with regulations made under section 29(2) (a) of the National Health Service Act 1977(**287**); and

“the 2001 Regulations” means the Family Health Services Appeal Authority (Primary Care Act) Regulations 2001(**288**).

Representations made to the FHSAA before the relevant date

31. Paragraph 32 applies where a Health Authority has made representations to the FHSAA under paragraph 3 of Schedule 1 to the 1997 Act before the relevant date but the FHSAA has not finally dealt with the representations in accordance with the 2001 Regulations before that date.

32. Where this paragraph applies, the representations shall be deemed to have been made by—

(a) the Primary Care Trust in whose medical list the practitioner’s name would have been included pursuant to Part 1 of this Schedule if he had been included in the Health Authority’s list immediately before the relevant date; or

(b) where under paragraph (a), there is more than one such medical list pursuant to Part 1 of this Schedule, those Primary Care Trusts in whose lists that practitioner’s name would have been included shall determine amongst themselves which one or more of them shall be deemed to have made representations under the 2001 Regulations,

and any acts done by the Health Authority in relation to the representations shall be deemed to have been done by or in relation to that Primary Care Trust, or those Primary Care Trusts (as the case may be).

Directions made by the FHSAA before the relevant date

33. Where, before the relevant date, the FHSAA has made a direction under regulation 13(3)(c) of the 2001 Regulations in accordance with paragraph 4(1)(a) of Schedule 1 to the 1997 Act and—

(a) that direction was made pursuant to representations made by a Health Authority; and

(b) that direction has not been terminated pursuant to paragraph 5 of Schedule 1 of the 1997 Act before the relevant date,

that direction shall, subject to paragraph 34, be deemed to be a direction in respect of the medical list of the Primary Care Trust in whose medical list the practitioner’s name would have been included pursuant to Part 1 of this Schedule if the practitioner’s name had, immediately before the relevant date, been included in the medical list of the Health Authority that originally made the representations to the FHSAA.

(286) Section 49S was inserted into the National Health Service Act 1977 (c. 49) by the Health and Social Care Act 2001, section 27(1).

(287) 1977 c. 49.

(288) S.I. 2001/3743.

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

34. Where, under paragraph 33, there is more than one such medical list pursuant to Part 1 of this Schedule, the FHSAA shall determine which one or more of the Primary Care Trusts shall be deemed to be subject to the FHSAA direction.

35. If the FHSAA has made any direction under paragraph 4(1)(b) or (3) of Schedule 1 to the 1997 Act before the relevant date—

- (a) that direction shall also apply to Primary Care Trusts; and
- (b) if there is any dispute as to whether a direction applies to a particular Primary Care Trust, the FHSAA shall determine whether that direction applies to that Primary Care Trust.

General matters relating to the transitional arrangements applying to the 2001 Regulations

36. If there is any dispute in relation to which Primary Care Trust shall be nominated pursuant to paragraph 32(b), the FHSAA shall resolve that dispute by designating a Primary Care Trust to be the Primary Care Trust that is deemed to have made the representations to the FHSAA.

37. Where a Strategic Health Authority holds any information that would assist a Primary Care Trust in making any determination, representations or nomination under paragraphs 31 to 36, the Strategic Health Authority shall provide the Primary Care Trust with that information.

PART 4

Transitional provisions relating to the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001

Interpretation

38. In this Part—

“Abolition Regulations” means the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001⁽²⁸⁹⁾;

“appointed date” means 1st October 2002;

“appropriate Primary Care Trust” means any Primary Care Trust that falls within the locality of the Health Authority;

“relevant Primary Care Trust” means a Primary Care Trust in whose list the practitioner’s name is included on the relevant date pursuant to Part 1 of this Schedule by virtue of the fact that the practitioner’s name was included in a particular Health Authority’s list immediately before 1st October 2002; and

“FHSAA”, “local disqualification decision”, “national disqualification decision”, “pharmacist case”, “relevant date”, “suspension pending appeal direction”, “suspension direction” and “the Tribunal” have the same meaning as in regulation 2(1) of the Abolition Regulations.

Local disqualification decisions made before the appointed date

39. Where a person—

- (a) fell within regulation 3 of the Abolition Regulations (local disqualification decisions made before the relevant date);
- (b) was consequently treated as having been removed from a Health Authority’s list in accordance with section 49M(6)(a) of the 1977 Act; and

⁽²⁸⁹⁾S.I. 2001/3744.

(c) is still removed from that list immediately before the appointed date, that person shall be treated from the appointed date as having been removed from the appropriate Primary Care Trust's corresponding list or the appropriate Primary Care Trusts' corresponding lists (as the case may be) pursuant to section 49M(6)(a) of the 1977 Act.

National disqualification decisions made before the appointed date

40. Where a person—

- (a) fell within regulation 4 of the Abolition Regulations (national disqualification decisions made before the relevant date);
- (b) was consequently treated as having had a national disqualification imposed on him by the FHSAA pursuant to section 49N(1) of the 1977 Act; and
- (c) still has that national disqualification imposed on him immediately before the appointed date,

that person shall be treated from the appointed date as having had a national disqualification imposed on him by the FHSAA in relation to all corresponding lists held by Primary Care Trusts pursuant to section 49N(1) of the 1977 Act.

Cases under the 1977 Act where the appeal period had not ended or an appeal period was not concluded by the relevant date

41. Where regulation 5 of the Abolition Regulations applies (cases under the 1977 Act where the appeal period has not ended or an appeal is not concluded by the relevant date)—

- (a) a person, who under paragraph (2) of that regulation—
 - (i) did not file an appeal against a local disqualification decision by the end of the appeal period,
 - (ii) was consequently deemed to have been removed from a Health Authority's list, and
 - (iii) still is removed from that Health Authority's list immediately before the appointed date,

shall be treated, from the appointed date, as having been removed from the appropriate Primary Care Trust's corresponding list or the appropriate Primary Care Trusts' corresponding lists (as the case may be);

- (b) a person, who under paragraph (3) of that regulation—
 - (i) did not file an appeal against a national disqualification decision by the end of the appeal period,
 - (ii) was consequently deemed to have had a national disqualification imposed on him, and
 - (iii) still does have a national disqualification imposed on him immediately before the appointed date,

shall be treated, from the appointed date, as having had a national disqualification imposed on him in relation to all corresponding lists held by Primary Care Trusts; and

- (c) a person who falls within paragraph (5)(a), (b) or (c) of that regulation, who had a suspension pending appeal direction imposed on him that is still effective on the appointed date, shall be deemed to have a suspension pending appeal direction imposed on him in relation to the corresponding lists of all appropriate Health Authorities.

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Other cases under the 1977 Act not disposed of by the relevant date

42. Where, by virtue of regulation 6(1) of the Abolition Regulations, proceedings before the Tribunal have ceased, the relevant Primary Care Trust (or where there is more than one relevant Primary Care Trust, the relevant Primary Care Trust or Trusts determined in accordance with paragraph 47) on and after the appointed date—

- (a) shall be deemed to have made the prior representations to the Tribunal; and
- (b) may, if proceedings pursuant to regulation 6(1)(b) of the Abolition Regulations have not taken place before the appointed date, or where proceedings are on-going immediately before that date, proceed or continue with proceedings against the person under section 49F of the 1977 Act in respect of the matters that formed those prior representations to the Tribunal.

43. Where the Tribunal has given a suspension direction to a person who—

- (a) falls within regulation 6(2) of the Abolition Regulations;
- (b) was consequently treated as having been suspended by a Health Authority under section 49I of the 1977 Act; and
- (c) is still suspended from that Health Authority's list immediately before the appointed date,

that person shall be treated as being suspended from the corresponding lists of all appropriate Primary Care Trusts.

44. Where—

- (a) a Health Authority made an application to the Tribunal under section 46 of the 1977 Act before 1st November 2001; and
- (b) regulation 6(3) of the Abolition Regulations therefore applies,

the relevant Primary Care Trust (or where there is more than one relevant Primary Care Trust, the relevant Primary Care Trust or Trusts determined in accordance with paragraph 47) shall, where such proceedings have not been finally concluded before the appointed date, be deemed to have made that application and shall continue to conduct those proceedings until they are concluded.

45. Where—

- (a) a Health Authority made an application to the Tribunal under section 46 of the 1977 Act in respect of a pharmacist case before the appointed date; and
- (b) that application has not been finally determined before that date,

the relevant Primary Care Trust (or where there is more than one relevant Primary Care Trust, the relevant Primary Care Trust or Trusts determined in accordance with paragraph 47) shall be deemed to have made that application and shall continue to conduct those proceedings until they are concluded.

46. Where, in respect of an application falling within paragraph 44 or 45, the Tribunal has made any direction prior to the appointed date, which is still effective immediately before that date, that direction shall be deemed to apply to the relevant Primary Care Trust (or where there is more than one relevant Primary Care Trust, the relevant Primary Care Trust or Trusts determined in accordance with paragraph 47).

General matters relating to the transitional arrangements applying to the Abolition Regulations

47. Where, by virtue of Part 1 of this Schedule, there is more than one relevant Primary Care Trust, the relevant Primary Care Trusts shall determine amongst themselves which one or more of them shall be the relevant Primary Care Trust or Trusts for the purposes of paragraphs 42, 44 or 45.

48. Where in paragraph 47, the relevant Primary Care Trusts are unable to agree amongst themselves, any one of them may request that a Strategic Health Authority, within whose locality the relevant Primary Care Trusts fall, nominates a Primary Care Trust or Trusts for the purposes of one or more of paragraphs 42, 44 or 45.

49. Where a Strategic Health Authority holds any information that a relevant, appropriate or other Primary Care Trust would reasonably require in order to deal with or determine any matter pursuant to paragraphs 39 to 48, that Strategic Health Authority shall provide those Primary Care Trusts with that information and it shall also provide those Primary Care Trusts with any other assistance that they reasonably request in dealing with those matters or proceedings.

PART 5

Transitional provisions relating to the Family Health Services Appeal Authority (Procedure) Rules 2001

Interpretation

50. In this Part—

“multiple list practitioner” means a practitioner who—

- (a) by virtue of being included in a particular Health Authority’s list immediately before the relevant date, is included in the list of two or more relevant Primary Care Trusts pursuant to the provisions of Part 1 of this Schedule, or
- (b) would, if he had been included in the list of the Health Authority that was the respondent Health Authority or party in respect of an appeal or application before the FHSAA under the 2001 Rules before the relevant date, be included in the list of two or more relevant Primary Care Trusts on the relevant date pursuant to Part 1 of this Schedule;

“relevant Primary Care Trust” means a Primary Care Trust—

- (a) in whose list the practitioner’s name is included on the relevant date pursuant to Part 1 of this Schedule, or
- (b) in whose list the practitioner’s name would have been included if, immediately before the relevant date, his name had remained on the Health Authority list that was the respondent Health Authority or party before the relevant date in any appeal or application before the FHSAA under the 2001 Rules;

“the 2001 Rules” means the Family Health Services Appeal Authority (Procedure) Rules 2001(290);

“single list practitioner” means a practitioner who—

- (a) by virtue of being included in a particular Health Authority’s list immediately before the relevant date, is included in the list of one relevant Primary Care Trust on the relevant date pursuant to Part 1 of this Schedule, or
- (b) would, if he had, immediately before the relevant date, been included in the list of the Health Authority that was the respondent Health Authority or party in respect of an appeal or application before the FHSAA under the 2001 Rules before the relevant date, be included in the list of one relevant Primary Care Trust on the relevant date pursuant to Part 1 of this Schedule; and

(290)S.I. 2001/3750, relevant amendments to which were made by S.I. 2002/1921.

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“the 1977 Act”, “application”, “contingent removal decision”, “decision”, “directions”, “disputed decision”, “the FHSAA” and “respondent Health Authority or Primary Care Trust” have the same meaning as in rule 2(1) of the 2001 Rules.

Appeals to the FHSAA under Part II of the 2001 Rules

51. Where—

- (a) the FHSAA receives a notice of appeal within the time limit specified in rule 5 of the 2001 Rules after the relevant date; and
- (b) that notice of appeal concerns a disputed decision taken by a respondent Health Authority before the relevant date,

paragraph 52 shall apply.

52. Where—

- (a) the FHSAA has received a notice of appeal in accordance with rule 6 of the 2001 Rules before the relevant date; and
- (b) that appeal concerns a disputed decision taken by a respondent Health Authority before the relevant date; and
- (c) that appeal has not been finally determined before the relevant date,

paragraph 53 shall apply.

53. Where this paragraph applies, a relevant Primary Care Trust or Trusts, determined in accordance with paragraph 54, shall, from the relevant date—

- (a) be deemed to have made the disputed decision;
- (b) be the respondent Primary Care Trust for the purposes of the 2001 Rules; and
- (c) be deemed to have done any acts of the respondent Health Authority before the relevant date, in relation to the Appellant and in relation to his appeal to the FHSAA.

54. The relevant Primary Care Trust that shall be deemed to have made the disputed decision shall be—

- (a) where the disputed decision relates to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the disputed decision relates to a multiple list practitioner, all the relevant Primary Care Trusts,

save that nothing in this Part or the 2001 Rules shall prevent a relevant Primary Care Trust from applying to the FHSAA for a direction that it is not to be deemed to be a respondent Primary Care Trust in a particular appeal because it is not appropriate or desirable in the circumstances of that appeal.

55. Nothing in paragraph 54(b) shall prevent the relevant Primary Care Trusts from nominating from amongst themselves one relevant Primary Care Trust to represent all of them in respect of the appeal, and if such a nomination is made, those relevant Primary Care Trusts shall notify the FHSAA of the name of the nominated Primary Care Trust who will be dealing with the appeal on its behalf.

56. Where, before the relevant date, a panel has given leave to a Health Authority to amend any reply or supplementary statement pursuant to rule 13(2) of the 2001 Rules and that amendment has not been effected before the relevant date, the relevant Primary Care Trust or Trusts shall, from the relevant date, be deemed to have been given leave to make the specified amendments on such terms as the panel imposed when it gave leave to the Health Authority.

57. Where, before the relevant date, the FHSAA has made any directions pursuant to rule 8 or rule 13(3) of the 2001 Rules, those directions shall, if they applied to the Health Authority and remain effective immediately before the relevant date, apply to the relevant Primary Care Trust or Trusts from the relevant date.

58. Where a Strategic Health Authority holds any information that would assist a relevant Primary Care Trust in fulfilling its role as a respondent Primary Care Trust in relation to any appeal falling within paragraph 51 or 52, the Strategic Health Authority shall provide that relevant Primary Care Trust with that information as soon as is reasonably practicable.

59. The FHSAA may request information from a Strategic Health Authority concerning which Primary Care Trust is a relevant Primary Care Trust for the purposes of paragraphs 53 and 54 and a Strategic Health Authority shall comply with any such request where it holds or has access to information that would assist the FHSAA.

Applications to the FHSAA under Part III of the 2001 Rules

60. Where the FHSAA—

- (a) has received an application pursuant to Part III of the 2001 Rules before the relevant date; and
- (b) that application has not been finally determined immediately before the relevant date, the parties to that application shall, from the relevant date, be deemed to be the practitioner who was a party immediately before the relevant date, and the relevant Primary Care Trust or Trusts, determined in accordance with paragraph 61.

61. For the purposes of paragraph 60, the relevant Primary Care Trust shall be—

- (a) where the application relates to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the application relates to a multiple list practitioner, all the relevant Primary Care Trusts,

save that in relation to a relevant Primary Care Trust falling within sub-paragraph (b), nothing in this Part or the 2001 Rules shall prevent a relevant Primary Care Trust from applying to the FHSAA for a direction that it is not to be deemed to be a party because it is not appropriate or desirable in the circumstances of a particular application.

62. The relevant Primary Care Trust or Trusts specified in paragraph 60 shall be deemed to have done any acts of the Health Authority that was, together with the practitioner, a party to that application immediately before the relevant date.

63. Nothing in paragraph 61(b) shall prevent the relevant Primary Care Trusts from nominating from amongst themselves one relevant Primary Care Trust to represent all of them in respect of the application, and if such a nomination is made, those relevant Primary Care Trusts shall notify the FHSAA of the name of the nominated Primary Care Trust who will be dealing with the application on its behalf.

64. Where, before the relevant date, a panel has given leave to a Health Authority to amend any reply or supplementary statement pursuant to rule 25(2) of the 2001 Rules and that amendment has not been effected before the relevant date, the relevant Primary Care Trust or Trusts shall, from the relevant date, be deemed to have been given leave to make the specified amendments on such terms as the panel imposed when it gave leave to the Health Authority.

65. Where, before the relevant date, the FHSAA has made any directions pursuant to rule 19 or 26 of the 2001 Rules, those directions shall, if they applied to a Health Authority immediately before the relevant date, apply to the relevant Primary Care Trust or Trusts from the relevant date.

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66. Where a Strategic Health Authority holds any information that would assist a relevant Primary Care Trust in fulfilling its role as a party in relation to any application falling within paragraph 60, the Strategic Health Authority shall provide that relevant Primary Care Trust with that information as soon as is reasonably practicable.

67. The FHSAA may request information from a Strategic Health Authority concerning which Primary Care Trust is a relevant Primary Care Trust for the purposes of paragraph 60 and a Strategic Health Authority shall comply with any such request where it holds or has access to information that would assist the FHSAA.

General matters relating to cases under Part IV of the 2001 Rules

68. Where the FHSAA has served any document or notice on the respondent Health Authority before the relevant date in relation to any appeal falling within paragraph 52 or any application falling within paragraph 60, it shall be deemed to have served that document or notice on the relevant Primary Care Trust or Trusts.

69. Where a panel has—

- (a) pursuant to rule 32(1), 33, 44(2) or 45(2) of the 2001 Rules given any directions; or
- (b) pursuant to rule 37 of those Rules, varied any directions,

in relation to any appeal falling within paragraph 52 or any application falling within paragraph 60, those directions or varied directions shall, if they apply to a Health Authority and remain effective immediately before the relevant date, apply to the relevant Primary Care Trust or Trusts from the relevant date.

70. Where a panel has, pursuant to rule 42 or 43 of the 2001 Rules, given a decision—

- (a) that decision shall be deemed to apply to the relevant Primary Care Trust or Trusts; and
- (b) the relevant Primary Care Trust or Trusts, shall be entitled to apply to the FHSAA pursuant to and in accordance with rule 43 of the 2001 Rules for a review of a panel's decision,

and where any decision pursuant to rule 42 of the 2001 Rules was not announced at the hearing, and was consequently sent to a Health Authority, that decision shall be deemed to have been made in respect of the relevant Primary Care Trust or Trusts on the date that a copy of the document recording it was sent to the Health Authority, pursuant to rule 42(6) of the 2001 Rules.

71. Paragraph 72 applies where any application for, or a decision of a panel to, review a panel's decision has been made before the relevant date, pursuant to rule 43 of the 2001 Rules, and that review has not been finally determined before the relevant date.

72. Where this paragraph applies, a relevant Primary Care Trust or Trusts, determined in accordance with paragraph 73, shall, from the relevant date—

- (a) be deemed to—
 - (i) have made the application for a review of a panel's decision,
 - (ii) where the application for a review was made by a practitioner, be the other party to the application; or
 - (iii) where the decision to review is of the panel's own motion, be a party, together with the practitioner who the decision to be reviewed concerned,as the case may be; and
- (b) be deemed to have done any acts of the Health Authority before the relevant date, in relation to the proceedings that resulted in the panel's decision.

73. The relevant Primary Care Trust that shall be deemed to have made the application shall be—

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- (a) where the application relates to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the application relates to a multiple list practitioner, all the relevant Primary Care Trusts,

save that, in relation to a relevant Primary Care Trust falling within sub-paragraph (b), nothing in this Part or the 2001 Rules shall prevent such a relevant Primary Care Trust from applying to the FHSAA for a direction that it should not be deemed to have made that application because it is not appropriate or desirable in the circumstances of that application.

74. Nothing in paragraph 73(b) shall prevent the relevant Primary Care Trusts from nominating from amongst themselves one relevant Primary Care Trust to represent all of them in respect of the application, and if such a nomination is made, those relevant Primary Care Trusts shall notify the FHSAA of the name of the nominated Primary Care Trust who will be dealing with the application on its behalf.

75. If a Health Authority has, before the relevant date, agreed with the other party upon the terms of a decision to be made by a panel pursuant to rule 44(1)(b) of the 2001 Rules, the relevant Primary Care Trust or Trusts, determined in accordance with paragraph 76 shall be deemed to have agreed those terms.

76. The relevant Primary Care Trust that shall be deemed to have agreed the terms of the decision shall be—

- (a) where the application relates to a single list practitioner, the relevant Primary Care Trust; or
- (b) where the application relates to a multiple list practitioner, all the relevant Primary Care Trusts,

save that, in relation to a relevant Primary Care Trust falling within sub-paragraph (b), nothing in this Part or the 2001 Rules shall prevent such a relevant Primary Care Trust from applying to the FHSAA for a direction that it should not be deemed to have agreed the terms of that decision because it is not appropriate or desirable in the circumstances of that decision.

77. Where the FHSAA has taken a decision before the relevant date which, by virtue of rule 46 of the 2001 Rules, it would, at the time it took that decision have been obliged to publish, that obligation shall continue on or after the relevant date if it has not published the decision immediately before the relevant date.

SCHEDULE 13

Regulation 19

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
National Health Service and Community Care Act 1990 (291)	In Schedule 9, in paragraph 26(2), paragraph (b) and the immediately preceding word and" ; in paragraph 26(3), paragraph (b) and the immediately preceding word and".
Health Authorities Act 1995 (292)	In Schedule 1, in paragraph 108(6), paragraph (b) and the immediately preceding word and"; in paragraph 108(8), paragraph (b)

(291) 1990 c. 19.

(292) 1995 c. 17.

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
	and the immediately preceding word and"; in paragraph 111, sub-paragraph (2).

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.

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.