

SCHEDULES

SCHEDULE 4

Section 65.

AMENDMENTS OF ENACTMENTS

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

- 1 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (g) of paragraph 1 there is inserted—
“(gg) Primary Care Trusts”.

National Health Service Act 1966 (c. 8)

- 2 Section 10 of the National Health Service Act 1966 (modification of prohibition of full-time salaried practitioner service) is omitted (and, accordingly, section 29(4) of the 1977 Act and section 19(3) of the 1978 Act continue to have effect).

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

- 3 In section 63 of the Health Services and Public Health Act 1968 (instruction of Health Authority employees and others)—
- (a) in subsection (1)(a), for “or Special Health Authority or a Health Board” there is substituted “Special Health Authority, Health Board or Primary Care Trust”,
 - (b) in subsection (5A), for “or Special Health Authority” in both places there is substituted “Special Health Authority or Primary Care Trust”,
 - (c) in subsection (5B), after “Special Health Authorities” there is inserted—
“(bb) Primary Care Trusts”.

The 1977 Act

- 4 The 1977 Act is amended as follows.
- 5 In section 8 (Health Authorities)—
- (a) in subsection (2), for “act” there is substituted “be established”,
 - (b) in subsection (3)(a), for “act” there is substituted “be established”,
 - (c) in subsection (4), after paragraph (c) there is inserted—
“(d) change the name by which a Health Authority are known”,
 - (d) in subsection (5)—
 - (i) in paragraph (a), for “acting” there is substituted “established”,
 - (ii) in paragraph (b), for “act” there is substituted “are established”.
- 6 In section 11 (Special Health Authorities), for subsection (1) there is substituted—

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“(1) The Secretary of State may by order establish special bodies for the purpose of exercising any functions which may be conferred on them by or under this Act.”

7 In section 12 (supplementary provisions for sections 8 and 11), subsection (1) is omitted.

8 In section 15 (duty of Health Authority in relation to family health services), subsections (1B) to (1D) are omitted.

9 For section 16 (exercise of functions) there is substituted—

“16 Exercise of functions by Health Authorities and Special Health Authorities

(1) This subsection applies to functions which are exercisable by a Health Authority under or by virtue of this Act (including this section), the National Health Service and Community Care Act 1990 or any prescribed provision of any other Act.

(2) Regulations may provide for any functions to which subsection (1) above applies to be exercised—

- (a) by another Health Authority,
- (b) by a Special Health Authority, or
- (c) jointly with any one or more of the following: Primary Care Trusts and other Health Authorities.

(3) Regulations may provide for any functions which are exercisable by a Special Health Authority under section 16D below to be exercised—

- (a) by another Special Health Authority, or
- (b) jointly with one or more other Special Health Authorities.

(4) Regulations may provide—

- (a) for any functions to which subsection (1) above applies to be exercised, on behalf of the Health Authority by whom they are exercisable, by a committee, sub-committee or officer of the Health Authority,
- (b) for any functions which, under section 16D below or this section, are exercisable by a Special Health Authority to be exercised, on behalf of that authority, by a committee, sub-committee or officer of the authority,
- (c) for any functions exercisable jointly under subsection (2)(c) or (3)(b) above to be exercised, on behalf of the health service bodies in question, by a joint committee or joint sub-committee.”

10 After section 16B there is inserted—

“16C Advice for Health Authorities and Primary Care Trusts

(1) Every Health Authority shall make arrangements with a view to securing that they receive advice appropriate for enabling them effectively to exercise the functions exercisable by them from persons with professional expertise relating to the physical or mental health of individuals.

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- (2) This section applies to Primary Care Trusts as it applies to Health Authorities.”
- 11 In section 26 (supply of goods and services by Secretary of State)—
- (a) in subsection (1)(b), after “by him” there is inserted “or by a Primary Care Trust” and for “or Special Health Authority” there is substituted “Special Health Authority or Primary Care Trust”,
 - (b) in subsection (3), for “or Special Health Authority” (in both places) there is substituted “Special Health Authority or Primary Care Trust”,
 - (c) in subsection (4)(b), for “or Special Health Authorities” there is substituted “Special Health Authorities or Primary Care Trusts”.
- 12 (1) Section 27 (conditions of supply under section 26) is amended as follows.
- (2) In subsection (1), for “or Special Health Authority” (in both places) there is substituted “Special Health Authority or Primary Care Trust”.
- (3) In subsection (3)—
- (a) for “and Special Health Authorities”, in the first place where the words appear, there is substituted “Special Health Authorities and Primary Care Trusts”,
 - (b) the words from “and it shall” to the end are omitted.
- 13 In section 28 (supply of goods and services by local authorities)—
- (a) in subsection (1), for “and any Special Health Authority” there is substituted “Special Health Authority or Primary Care Trust”,
 - (b) in subsection (3), after “Special Health Authorities” (in both places) there is inserted “Primary Care Trusts”.
- 14 (1) Section 28A (power to make payments towards expenditure on community services) is amended as follows.
- (2) In subsection (2), for “An authority to whom” there is substituted “A body to which”.
- (3) Subsections (4) and (8)(a) are omitted.
- (4) In subsection (9)—
- (a) for “expenditure which has been recommended by a joint consultative committee for a payment under this section” there is substituted “the expenditure in respect of which a payment under this section is proposed to be made”,
 - (b) in paragraph (a), for “authority” there is substituted “body”,
 - (c) in paragraph (a), after “subsection (2)” there is inserted “or (2A)”,
 - (d) in paragraph (b), after “subsection (2) above” there is inserted “, or in subsection (2A) above.”,
 - (e) for sub-paragraphs (i) and (ii) there is substituted “which conform with the conditions prescribed for payments of that description under subsection (5) above”.
- 15 In section 28C(4) (personal medical or dental services), for “13” there is substituted “16D”.
- 16 In section 28D (persons who may provide personal medical or personal dental services)—
- (a) in subsection (1), after paragraph (e) there is inserted—

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- “(f) a Primary Care Trust”,
- (b) in subsection (2), in paragraph (a) of the definition of “qualifying body”, for “paragraphs (a) to (d)” there is substituted “paragraph (a), (b), (c), (d) or (f)”.
- 17 In section 29A(3)(b) of the 1977 Act (medical lists), for the words from first “disqualified” to “46” there is substituted “disqualified for inclusion in the list by, or by virtue of a direction of, the NHS Tribunal”.
- 18 In section 48 (disqualification provisions in Scotland or Northern Ireland)—
- (a) in paragraph (a), for the words from “services” to “above” there is substituted “any of the services mentioned in any of the paragraphs of section 46(8) above”,
- (b) in paragraph (b), at the beginning there is inserted “in relation to the services in question” and for the words from “a list” to the end there is substituted “any list and (if also the subject of a declaration under those provisions corresponding to a declaration of unfitness) be treated as if a declaration of unfitness had been made in respect of him.”
- (2) Where under the conditional disqualification provisions in Scotland or Northern Ireland—
- (a) any conditions are imposed in relation to the provision by any person of any services mentioned in section 46(8) above, or
- (b) any conditions so imposed are varied,
- the Secretary of State may, by a notice in writing given to each Health Authority and to the person in question, impose those conditions in relation to the provision by that person of those services under this Part of this Act.
- (3) A notice under subsection (2) above may make such modifications of the conditions as the Secretary of State considers necessary for them to have the like effect in relation to England and Wales as they have in relation to Scotland or (as the case may be) Northern Ireland, but only if the Secretary of State has previously given the person concerned written notice of the proposed modifications and an opportunity (in accordance with such requirements, if any, as may be prescribed) to make representations about them.
- (4) Conditions imposed by a notice under subsection (2) above shall cease to have effect if the Secretary of State withdraws the notice by giving written notice to the person concerned.
- (5) In this section, “the conditional disqualification provisions in Scotland or Northern Ireland” means any provisions in force in Scotland or Northern Ireland corresponding to sections 46C and (so far as relating to conditional disqualifications) 47 above
- 19 In section 49 (regulations as to sections 46 to 48)—
- (a) in paragraph (c), after “disqualifications” there is inserted “or conditions”,
- (b) at the end of that section there is inserted—
- “(2) Regulations under subsection (1)(a) above may in particular provide that, where (apart from the regulations) it would be the duty of the Tribunal to inquire into both an efficiency case and a fraud case in respect of the same person, they may inquire into one case before inquiring into the other and, after proceedings in the

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first case are finally disposed of, may if they think it appropriate adjourn the other case indefinitely.”

20 In section 49A (application for interim suspension)—

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

“(1A) A Health Authority may, if they have requested a review of a conditional disqualification on the ground mentioned in section 47(3)(b) or (c) above, at any time before the review is concluded apply to the Tribunal for a direction to be made under subsection (2) below in relation to the person to whom the review relates.”,

(b) in subsection (2), for the words from “it” to “patients” there is substituted “either of the conditions for doing so is satisfied” and after “in question” there is inserted “or the case to which the review in question,”,

(c) after that subsection there is inserted—

“(2A) The conditions for giving such a direction are—

(a) that it is necessary to do so in order to protect persons who are, or may be, provided with services under this Part of this Act to which the case in question, or the case to which the review in question, relates,

(b) in, or in the case of a review relating to, a fraud case, that unless they do so there is a significant risk that—

(i) an act or omission within section 46(7)(a) above will occur, or

(ii) the investigation of the case or the review will be prejudiced.”,

(d) in subsection (3)(c), for the words from “under” to “engaged in” there is substituted “of unfitness in relation to”,

(e) in subsection (4), after “case” there is inserted “or review”,

(f) subsection (5) is omitted,

(g) in subsection (6)(a), “prepared under this Part of this Act” is omitted.

21 In section 49B (continuation of suspension pending appeal)—

(a) for subsection (1) and the preceding sidenote there is substituted—

“49B Suspension pending appeal

(1) Where, on disposing of a case under section 46B above, the Tribunal make a national disqualification, they may, if they consider that either of the conditions mentioned in section 49A(2A) above is satisfied, direct that section 49A(3) above shall apply or, if a direction has been given under section 49A(2) above, shall continue to apply to him as respects services of the kind to which the disqualification relates.”,

(b) in subsection (2), in paragraph (a), for “direction under section 46(2)(b) above” there is substituted “national disqualification” and, in paragraph (b), for “that direction” there is substituted “the disqualification”,

(c) in subsection (3), for the words from “direction” to “section 46(2)(c) above” there is substituted “disqualification which is not coupled with a declaration of unfitness”,

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- (d) subsection (4) is omitted.
- 22 In section 49D (suspension provisions in Scotland or Northern Ireland), for “46(1)” there is substituted “46(8)”.
- 23 In section 51 (university clinical teaching and research)—
- (a) in subsection (2), for “or Special Health Authority” in both places there is substituted “Special Health Authority or Primary Care Trust”,
- (b) in subsection (3), after “Special Health Authorities” there is inserted—
- “(bb) Primary Care Trusts”.
- 24 Section 65(3) (accommodation and services for private patients: directions) is omitted.
- 25 In section 85 (default powers), after subsection (1)(b) there is inserted—
- “(bb) a Primary Care Trust”.
- 26 In section 86 (emergency powers), in paragraph (b), the words from “and it shall” to the end are omitted.
- 27 In section 91 (private trusts for hospitals)—
- (a) in subsection (3), for paragraphs (aa) to (b) there is substituted—
- “(b) where the hospital is managed by, and trustees have been appointed for, an NHS trust or Primary Care Trust, the trustees,
- (c) where the hospital is managed by an NHS trust or Primary Care Trust and neither paragraph (a) nor paragraph (b) applies, the NHS trust or (as the case may be) Primary Care Trust,
- (d) in any other case, the Health Authority or Special Health Authority exercising functions of the Secretary of State in respect of the hospital”,
- (b) in subsection (4), “to a trust for a special hospital, or” is omitted.
- 28 In section 92 (further transfers of trust property)—
- (a) in subsection (1A), after “NHS trust” (in both places) there is inserted “or a Primary Care Trust”,
- (b) after subsection (6) there is inserted—
- “(7) Subsection (6) above applies in relation to a Primary Care Trust as it applies in relation to an NHS trust.”
- 29 In section 96 (trusts: supplementary provisions), after “90 to 95 above” (in both places) there is inserted “and 96B below”.
- 30 (1) Section 96A (power of health authorities etc. to raise money) is amended as follows.
- (2) In subsection (5)(b), “on behalf” is omitted.
- (3) After subsection (5A) there is inserted—
- “(5B) Where property—
- (a) is given in pursuance of this section on trust for any purposes of a Primary Care Trust for which trustees have been appointed under section 96B below, and
- (b) those trustees and the Primary Care Trust agree,

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the property may be held, administered and applied by those trustees instead of by the Primary Care Trust.”

- (4) After subsection (10) there is inserted—
- “(11) This section (apart from subsection (5A)) has effect in relation to a Primary Care Trust as it has effect in relation to an NHS trust.”
- 31 (1) Section 97 (public funding of Health Authorities and Special Health Authorities) is amended as follows.
- (2) In subsection (6), after paragraph (b) there is inserted—
- “(bb) the application of sums received by them under section 97C(4) below; or”,
- and accordingly the “or” after paragraph (b) is omitted.
- (3) Subsection (7) is omitted.
- (4) In subsection (9), after “paid” there is inserted “to Health Authorities or Special Health Authorities”.
- 32 Section 97A(5) (duty to comply with directions) is omitted.
- 33 (1) Section 98 (accounts and audit) is amended as follows.
- (2) In subsection (1)—
- (a) after paragraph (b) there is inserted—
- “(bb) every Primary Care Trust”,
- (b) in paragraph (dd), after “1990” there is inserted—
- “(ddd) any trustees for a Primary Care Trust appointed in pursuance of section 96B above”.
- (3) Before subsection (2A) there is inserted—
- “(2AA) Every Primary Care Trust shall send a copy of any accounts it has prepared under subsection (2) above to the Health Authority within whose area the trust’s area falls.”
- 34 In section 99 (regulation of financial arrangements)—
- (a) in subsection (1), after paragraph (b) there is inserted—
- “(ba) Primary Care Trusts”,
- (b) in subsection (3), the words from “and shall be complied with” to the end are omitted.
- 35 In section 103 (special arrangements as to payment of remuneration), in subsection (3)(a), after “trust” there is inserted “or a Primary Care Trust”.
- 36 In section 122(2) (recovery of charges), “as a simple contract debt” is omitted.
- 37 (1) Section 126 (orders, regulations and directions) is amended as follows.
- (2) In subsection (1)—
- (a) after “virtue of this Act shall” there is inserted “, unless it is a PCT order”,
- (b) in paragraph (b), after “apply to” there is inserted “an order made under section 28EE(2) above, paragraph 20, 21 or 23 of Schedule 5A to this Act or to”.

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- (3) In subsection (3A), after “Secretary of State” there is inserted “or by a Health Authority”.
- (4) In subsection (3B), for “11 to 17” there is substituted “16D to 17B”.
- (5) After subsection (3B) there is inserted—
- “(3C) Any person or body to whom directions are given in pursuance of any provision of this Act or Part I of the National Health Service and Community Care Act 1990 shall comply with the directions.”
- (6) In subsection (4), for “incidental or supplemental” there is substituted “supplementary, incidental, consequential, transitory, transitional or saving”.
- 38 (1) Section 128 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “health service hospital”, after “or vested in” there is inserted “a Primary Care Trust or”,
- (b) after that definition there is inserted—
- ““high security psychiatric services” has the meaning given by section 4 above”,
- (c) after the definition of “prescribed” there is inserted—
- ““PCT order” has the meaning given by section 16A above”,
- (d) the definition of “special hospital” is omitted.
- (3) After that subsection there is inserted—
- “(1A) So far as is necessary or expedient in consequence of a direction under section 16D or 17A above providing for the exercise by a Health Authority, Special Health Authority or Primary Care Trust of a function exercisable by another person, any reference in any enactment, instrument or other document to that other person is to be read as a reference to the Health Authority, Special Health Authority or Primary Care Trust.”
- 39 (1) Schedule 5 (Health Authorities and Special Health Authorities) is amended as follows.
- (2) In paragraph 9 (pay and allowances), in sub-paragraph (4), after “sub-committee of” there is inserted “, or joint committee or joint sub-committee including,”.
- (3) In paragraph 10 (staff), in sub-paragraph (3), the words from “and it shall” to the end are omitted.
- (4) In paragraph 12 (miscellaneous)—
- (a) in paragraph (a), after “sub-committee of” there is inserted “, or joint committee or joint sub-committee including,”,
- (b) in paragraph (b), for “of an authority” to “and committees and sub-committees” there is substituted “(and joint committees and joint sub-committees) of (or including) an authority (including any such committees”.
- (5) For sub-paragraph (1) of paragraph 15 (acting as principal), there is substituted—
- “15 (1) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by an authority of any function exercisable by

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them by virtue of section 16 or 16D above are enforceable by or (as the case may be) against that authority (and no other health service body).

(1A) This paragraph does not apply in relation to the joint exercise of any functions by an authority with another body under section 16(2)(c) or (3)(b) above.”

- 40 In Schedule 7 (Community Health Councils), in paragraph 2 (regulations)—
- (a) in sub-paragraphs (d) and (e), after “Health Authorities” there is inserted “Primary Care Trusts”,
 - (b) in sub-paragraphs (f) and (g), after “Health Authorities” there is inserted “and Primary Care Trusts”.
- 41 In Schedule 9 (NHS Tribunal), in paragraph 5A—
- (a) in sub-paragraph (2)(a), for “section 46” there is substituted “sections 46 to 46C”,
 - (b) in sub-paragraph (2)(b), after “disqualification” there is inserted “conditional disqualification or declaration of unfitness”,
 - (c) in sub-paragraph (2)(d), for the words from “the application” to the end there is substituted “section 49A(3) may be made to apply or continue to apply”.

The 1978 Act

- 42 The 1978 Act is amended as follows.
- 43 In section 9 (local consultative committees)—
- (a) in subsection (5), for “on the provision of services under this Act” there is substituted “and, where the Secretary of State so directs, an NHS trust on the provision of services under this Act or under a pilot scheme under section 1 of the National Health Service (Primary Care) Act 1997”,
 - (b) in subsection (7), after “Health Boards” there is inserted “or, where the Secretary of State so directs, NHS trusts” and for “may be prescribed” there is substituted “the Secretary of State may direct”.
- 44 In section 10(4) (Common Services Agency)—
- (a) after “Health Boards” in the first place where it appears there is inserted “the NHS trusts”,
 - (b) after “Health Boards” in the second place where it appears there is inserted “or of the NHS trusts”,
 - (c) after “Health Boards” in the third place where it appears there is inserted “or NHS trusts”.
- 45 In section 12A(5) (NHS trusts)—
- (a) in paragraph (a), for “and directors” there is substituted “, directors and trustees”,
 - (b) in paragraph (b), after “directors” there is inserted “, trustees”,
 - (c) in paragraph (c), after “directors” there is inserted “and trustees”,
 - (d) in paragraph (d), for the words from “director” where it first appears to the end of the paragraph there is substituted “trustee, to be regarded as an executive director rather than as a trustee”.
- 46 In section 17A (NHS contracts)—
- (a) in subsection (2)—

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- (i) after paragraph (a) there is inserted—
 “(aa) Special Health Boards”,
 - (ii) after paragraph (k) there is inserted—
 “(ka) Primary Care Trusts established under
 section 16A of the National Health
 Service Act 1977”,
 - (iii) paragraphs (d) and (j) are omitted,
 - (b) in subsection (3), paragraph (a) and the word “and” following it are omitted.
- 47 In section 17E (personal medical and dental services: regulations), subsection (4) is omitted.
- 48 In section 19A(3)(b) (medical lists), for the words from first “disqualified” to “29” there is substituted “disqualified for inclusion in the list by, or by virtue of a direction of, the NHS Tribunal”.
- 49 Section 31 (disqualification provisions in England and Wales or Northern Ireland) is renumbered as subsection (1) of that section and—
- (a) in paragraph (a), for the words from “services” to “29(1)” there is substituted “any of the services mentioned in one of the paragraphs of section 29(8)”,
 - (b) in paragraph (b), at the beginning, there is inserted “in relation to the services in question” and for the words from “a list” to the end there is substituted “any list and (if also the subject of such a declaration under those provisions corresponding to a declaration of unfitness) be treated as if a declaration of unfitness had been made in respect of him”,
 - (c) after that subsection there is inserted—
 - “(2) Where under the conditional disqualification provisions in England and Wales or Northern Ireland—
 - (a) any conditions are imposed in relation to the provision by any person of any of the services mentioned in section 29(8); or
 - (b) any conditions so imposed are varied,

the Secretary of State may, by a notice in writing given to each Health Board and to the person in question, impose those conditions in relation to the provision by that person of those services under this Part.
- (3) A notice under subsection (2) may make such modifications of the conditions as the Secretary of State considers necessary for them to have the like effect in relation to Scotland as they have in relation to England and Wales or (as the case may be) Northern Ireland, but only if the Secretary of State has previously given the person concerned written notice of the proposed modifications and an opportunity (in accordance with such requirements, if any, as may be prescribed) to make representations about them.
- (4) Conditions imposed by a notice under subsection (2) shall cease to have effect if the Secretary of State withdraws the notice by giving written notice to the person concerned.
- (5) In this section, “the conditional disqualification provisions in England and Wales or Northern Ireland” means any provisions in

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- force in England and Wales or Northern Ireland corresponding to sections 29C and (so far as relating to conditional disqualifications) 30.”
- 50 Section 32 (regulations as to sections 29 to 31) is renumbered as subsection (1) of that section and—
- (a) in paragraph (c) after “disqualification” in both places where it occurs there is inserted “or condition”,
 - (b) after that subsection there is inserted—
 - “(2) Regulations under subsection (1)(a) may in particular provide that, where (apart from the regulations) it would be the duty of the Tribunal to inquire into both an efficiency case and a fraud case in respect of the same person, they may inquire into one case before inquiring into the other and, after proceedings in the first case are finally disposed of, may if they think it appropriate adjourn the other case indefinitely.”
- 51 In section 32A (applications for interim suspension)—
- (a) after subsection (1) there is inserted—
 - “(1A) A Health Board may, if they have requested a review of a conditional disqualification on the ground mentioned in section 30(3)(b) or (c), at any time before the review is concluded apply to the Tribunal for a direction to be made under subsection (2) in relation to the person to whom the review relates.”,
 - (b) in subsection (2), for the words from “it” to “patients” there is substituted “either of the conditions for doing so is satisfied” and after “in question” there is inserted “or the case to which the review in question”,
 - (c) after that subsection there is inserted—
 - “(2A) The conditions for giving such a direction are—
 - (a) that it is necessary to do so in order to protect persons who are, or may be, provided with services under this Part to which the case in question, or the case to which the review in question, relates;
 - (b) in, or in the case of a review relating to, a fraud case, that unless they do so there is a significant risk that—
 - (i) an act or omission within section 29(7)(a) will occur; or
 - (ii) the investigation of the case or the review will be prejudiced.”,
 - (d) in subsection (3)(c), for the words from “under” to “engaged in” there is substituted “of unfitness in relation to”,
 - (e) in subsection (4), after “case” there is inserted “or review”,
 - (f) subsection (5) is omitted'
 - (g) in subsection (6)(a), “prepared under this Part of this Act” is omitted.
- 52 In section 32B (continuation of suspension pending appeal)—
- (a) for subsection (1) and the preceding sidenote there is substituted—

Status: This is the original version (as it was originally enacted).

“32B Suspension pending appeal

- (1) Where, on disposing of a case under section 29B, the Tribunal make a national disqualification, they may, if they consider that either of the conditions mentioned in section 32A(2A) is satisfied, direct that section 32A(3) shall apply or, if a direction has been given under section 32A(2), shall continue to apply to him as respects services of the kind to which the disqualification relates.”,
- (b) in subsection (2), in paragraph (a), for “direction under section 29(2)(b)” there is substituted “national disqualification” and, in paragraph (b), for “that direction” there is substituted “the disqualification”,
- (c) in subsection (3), for the words from “direction” to “section 29(3)(c)” there is substituted “disqualification which is not coupled with a declaration of unfitness”,
- (d) subsection (4) is omitted.
- 53 In section 32D (suspension provisions in England and Wales or Northern Ireland), for “29(1)” there is substituted “29(8)”.
- 54 After section 35 there is inserted—

“35A Interpretation of Part II

- Where, under a direction by the Secretary of State, a Health Board has delegated any of its functions to an NHS trust, any reference in this Part to a Health Board in relation to such a delegated function shall, unless the context otherwise requires, include a reference to an NHS trust.”
- 55 In section 85A (financial duties of certain bodies)—
- (a) in subsection (1), before “85(1)” in both places where it occurs there is inserted “85AA(1) or” and for “85(2)(a)” there is substituted “85AA(3)”,
- (b) in subsection (2), for “Subsection (3) of section 85” there is substituted “Subsection (9) of section 85AA”,
- (c) in subsection (3), before “85(1)” there is inserted “85AA(1) or”,
- (d) in subsection (6), in paragraph (c) before “85(1)” there is inserted “85AA(1)” and for “85(2)(a)” there is substituted “85AA(3)”.
- 56 In section 85B(2) (bodies in respect of which schemes for meeting losses and liabilities may be made)—
- (a) the “and” after paragraph (c) is omitted,
- (b) after paragraph (d) there is inserted “and
- (e) Special Health Boards”.
- 57 In section 86 (accounts of Health Boards and the Agency), subsections (1A), (1C) and (5) are omitted.
- 58 Section 87D (indicative amounts for doctors' practices) is omitted.
- 59 In section 102 (state hospitals), for paragraph (b) of subsection (4) there is substituted—
- “(b) A Health Board, a Special Health Board, the Agency or an NHS trust to the extent that power to do so is delegated to the Board, Agency or trust by the Secretary of State.”

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- 60 In section 105(7) (orders, regulations and directions), for “incidental or supplemental” there is substituted “supplementary, incidental, consequential, transitory, transitional or saving”.
- 61 In section 108(1) (interpretation)—
- (a) in the appropriate place there is inserted—
 - ““goods” includes accommodation”,
 - (b) for the definition of “state hospital” there is substituted—
 - ““state hospital” has the meaning indicated in section 102(2)”.
- 62 In Schedule 7A (NHS trusts)—
- (a) for any reference to a non-executive director or to non-executive directors there is substituted a reference to a trustee or, as the case may be, to trustees,
 - (b) in paragraph 16(c), the words from “which purposes shall include” to the end are omitted,
 - (c) in paragraph 22, in sub-paragraph (1), in paragraph (c) the words from “or is within” to the end of the paragraph, and “or Health Authority” are omitted,
 - (d) paragraph 23 is omitted.
- 63 (1) Schedule 7B (financial provisions relating to NHS trusts) is amended as follows.
- (2) In paragraph 6 (surplus funds)—
- (a) for “amount standing in the reserves of an NHS trust” there is substituted “sum held by an NHS trust other than a sum held on trust under section 12G”,
 - (b) for “that amount” there is substituted “that sum”.
- (3) For paragraph 7 of that Schedule (investment) there is substituted—
- “7 An NHS trust shall have power to invest money held by it in any investments, including investments which do not produce income, specified in directions made by the Secretary of State with the consent of the Treasury; but nothing in this paragraph applies in relation to money held on trust under section 12G.”
- (4) After that paragraph there is inserted—
- “8 Any direction with respect to—
- (a) the power conferred on an NHS trust by paragraph 1; or
 - (b) the maximum amount which an NHS trust may invest in any investment or class of investment,
- may be given only with the consent of the Treasury.”
- 64 In Schedule 8 (the Tribunal), in paragraph 8—
- (a) in sub-paragraph (2)(a), for “section 29” there is substituted “sections 29 to 29C”,
 - (b) in sub-paragraph (2)(b), after “disqualification” there is inserted “conditional disqualification or declaration of unfitness”,
 - (c) in sub-paragraph (2)(d), for the words from “the application” to the end there is substituted “section 32A(3) may be made to apply or continue to apply”.

Status: This is the original version (as it was originally enacted).

Mental Health Act 1983 (c. 20)

- 65 The Mental Health Act 1983 is amended as follows.
- 66 In section 122(1) (provision of pocket money for in-patients in hospital), “special hospitals or other hospitals being” is omitted.
- 67 In section 123 (transfers to and from special hospitals)—
- (a) in subsection (1), “in a special hospital” is omitted, after “above)” there is inserted “in a hospital at which high security psychiatric services are provided” and for “other special hospital” there is substituted “other hospital at which those services are provided”,
 - (b) in subsection (2), for “which is not a special hospital” there is substituted “at which those services are not provided”.
- 68 In section 134 (correspondence of patients)—
- (a) in subsection (1)(b), for “a special hospital” there is substituted “one at which high security psychiatric services are provided”,
 - (b) in subsection (2), for “in a special hospital under this Act” there is substituted “under this Act in a hospital at which high security psychiatric services are provided”.
- 69 (1) Section 145 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “Health Authority” there is inserted—

““high security psychiatric services” has the same meaning as in the National Health Service Act 1977,”
 - (b) the definition of “special hospital” is omitted.
- (3) After that subsection there is inserted—
- “(1AA) Where high security psychiatric services and other services are provided at a hospital, the part of the hospital at which high security psychiatric services are provided and the other part shall be treated as separate hospitals for the purposes of this Act.”

Mental Health (Scotland) Act 1984 (c. 36)

- 70 In section 125(1) (interpretation) of the Mental Health (Scotland) Act 1984, in the definition of “managers of a hospital”, in paragraph (c) after “Health Board” there is inserted “, to a Special Health Board, to an NHS trust” and after “that Board” there is inserted “, trust”.

Hospital Complaints Procedure Act 1985 (c. 42)

- 71 In section 1 of the Hospital Complaints Procedure Act 1985 (complaints procedures for hospitals managed by health authorities and NHS trusts)—
- (a) in subsection (1), the words from “under” to “functions)” and “for the management of” are omitted and for “are responsible” there is substituted “manage”,
 - (b) in subsection (1A), for “is responsible for the management of” there is substituted “manages”, “for the management of” is omitted and for “is responsible” there is substituted “manages”,

Status: This is the original version (as it was originally enacted).

- (c) after subsection (1A) there is inserted—
- “(1B) It shall also be the duty of the Secretary of State to give to each Primary Care Trust which manages a hospital such directions as appear necessary for the purpose of securing that, as respects each hospital which that Primary Care Trust manages—
- (a) such arrangements are made for dealing with complaints made by or on behalf of persons who are or have been patients at that hospital; and
 - (b) such steps are taken for publicising the arrangements so made,
- as (in each case) are specified or described in the directions.
- (1C) In this section, “directions” means—
- (a) in relation to England and Wales, directions under section 17 of the National Health Service Act 1977,
 - (b) in relation to Scotland, directions under section 2(5) of the National Health Service (Scotland) Act 1978.”

Health Service Joint Consultative Committees (Access to Information) Act 1986 (c. 24)

- 72 The Health Service Joint Consultative Committees (Access to Information) Act 1986 is to cease to have effect.

Income and Corporation Taxes Act 1988 (c. 1)

- 73 In section 519A(2) of the Income and Corporation Taxes Act 1988 (health service bodies), after paragraph (aa) there is inserted—
- “(ab) a Primary Care Trust”.

The 1990 Act

- 74 The 1990 Act is amended as follows.
- 75 In section 3(1)(a) (primary functions of Health Authorities and Special Health Authorities), for “11 or 13” there is substituted “16D”.
- 76 In section 4 (NHS contracts)—
- (a) in subsection (2)—
 - (i) after paragraph (b) there is inserted—

“(bb) a Primary Care Trust”,
 - (ii) after paragraph (f) there is inserted—

“(ff) the Commission for Health Improvement”,
 - (b) in subsections (6) and (7), the words from “and it shall” to the end are omitted.
- 77 In section 6 (transfer of staff to NHS trusts)—
- (a) for “or Special Health Authority” in each place there is substituted “Special Health Authority or Primary Care Trust”,
 - (b) in subsection (1)(a), after “responsibility of the” there is inserted “NHS”.
- 78 In section 7 (supplementary provisions as to transfer of staff), for “or Special Health Authority” there is substituted “Special Health Authority or Primary Care Trust”.

Status: This is the original version (as it was originally enacted).

- 79 (1) Section 8 (transfer of property, rights and liabilities to NHS trust) is amended as follows.
- (2) In subsection (1)—
- (a) for “such” there is substituted “any”,
 - (b) for “Health Authority or Special Health Authority” there is substituted “Health Authority, Special Health Authority or Primary Care Trust”,
 - (c) the words from “as, in his opinion,” to the end are omitted.
- (3) In subsections (2), (3) and (5), for “Health Authority or Special Health Authority” there is substituted “Health Authority, Special Health Authority or Primary Care Trust”.
- (4) For subsection (6) there is substituted—
- “(6) Any property, rights and liabilities which—
- (a) belong to, or are used or managed by, a Health Authority or Special Health Authority or belong to a Primary Care Trust, and
 - (b) are to be transferred to an NHS trust by or by virtue of an order under this section,
- must be identified by agreement between the Health Authority, Special Health Authority or Primary Care Trust and the NHS trust or, in default of agreement, by direction of the Secretary of State.”
- 80 Section 18 (indicative amounts for doctors' practices) is omitted.
- 81 (1) Section 21 (schemes for meeting losses and liabilities etc. of certain health service bodies) is amended as follows.
- (2) In subsection (2)—
- (a) after “Special Health Authorities” there is inserted—
“*(aaa) Primary Care Trusts*”,
 - (b) after “NHS trusts” there is inserted—
“*(bb) the Commission for Health Improvement*”.
- (3) In subsections (3) to (5), after “Special Health Authority” in each place where it appears there is inserted “Primary Care Trust”.
- 82 In section 61(3) (health service bodies: taxation), after “1991” there is inserted “or to a Primary Care Trust”.
- 83 (1) Schedule 2 (NHS trusts) is amended as follows.
- (2) In paragraph 3 (matters to be specified in order establishing NHS trust), in sub-paragraph (1)(f), after “which are” there is inserted “or the Primary Care Trust which is”.
- (3) In paragraph 4 (making staff available to new NHS trust), for “or Special Health Authority” in both places there is substituted “Special Health Authority or Primary Care Trust”.
- (4) In paragraph 6 (duties of NHS trusts)—
- (a) in sub-paragraph (1), the words following “Schedule”, and
 - (b) sub-paragraph (2),
- are omitted.

Status: This is the original version (as it was originally enacted).

- (5) In paragraph 13 (bodies with whom NHS trust can exercise functions jointly), after “jointly” there is inserted “with any Primary Care Trust.”
- (6) Paragraphs 19 and 20 (re-imbursement for health services work carried out otherwise than under NHS contract) are omitted.
- (7) In paragraph 30 (transfer of property etc. on dissolution of NHS trust), in subparagraph (1), after paragraph (bb) there is inserted—
“(bbb) a Primary Care Trust, or”.
- 84 (1) Schedule 3 (financial provisions relating to NHS trusts) is amended as follows.
- (2) In paragraph 6 (surplus funds)—
- (a) for “amount standing in the reserves of an NHS trust” there is substituted “sum held by an NHS trust otherwise than as trustee”,
- (b) for “that amount” there is substituted “that sum”.
- (3) For paragraph 7 (investment) there is substituted—
- “7 An NHS trust shall have power to invest money held by it in any investments, including investments which do not produce income, specified in directions under section 17 of the principal Act; but nothing in this paragraph applies in relation to money held by an NHS trust as trustee”.
- (4) After that paragraph there is inserted—
- “8 Any direction under section 17 of the principal Act with respect to—
- (a) the power conferred on an NHS trust by paragraph 1 above; or
- (b) the maximum amount which an NHS trust may invest in any investments or class of investments,
- may be given only with the consent of the Treasury.”

Health Service Commissioners Act 1993 (c. 46)

- 85 (1) The Health Service Commissioners Act 1993 is amended as follows.
- (2) In section 2 (bodies subject to investigation)—
- (a) in subsection (1), after paragraph (d) there is inserted—
“(da) Primary Care Trusts established for areas in England”,
- (b) in subsection (2), after paragraph (a) there is inserted—
“(aa) Primary Care Trusts established for areas in Wales”.
- (3) In section 3 (general remit of Commissioners), subsection (1B) is omitted.
- (4) In section 19 (interpretation), the definitions of “allotted sum” and “recognised fund-holding practice” are omitted.

Value Added Tax Act 1994 (c. 23)

- 86 In section 41(7) (application to Crown), after “1978” there is inserted “and a Primary Care Trust”.

Status: This is the original version (as it was originally enacted).

National Health Service (Residual Liabilities) Act 1996 (c. 15)

- 87 In section 1 of the National Health Service (Residual Liabilities) Act 1996—
- (a) in subsection (1), after “trust” there is inserted “a Primary Care Trust”,
 - (b) in subsection (2), after paragraph (d) there is inserted—
 - “(dd) a Primary Care trust”.

National Health Service (Primary Care) Act 1997 (c. 46)

- 88 (1) The National Health Service (Primary Care) Act 1997 is amended as follows.
- (2) In section 1 (pilot schemes), in subsection (7), after “NHS trust” there is inserted “and a Primary Care Trust”.
 - (3) In section 2 (persons who may provide personal medical services under a pilot scheme)—
 - (a) in subsection (2), after paragraph (e) there is inserted—
 - “(f) a Primary Care Trust”,
 - (b) in subsection (3), in the definition of “qualifying body”, for “or (e)” there is substituted “(e) or (f)”.
 - (4) In section 3 (persons who may provide personal dental services under a pilot scheme)—
 - (a) in subsection (2), after paragraph (e) there is inserted—
 - “(f) a Primary Care Trust”,
 - (b) in subsection (3), in paragraph (b) of the definition of “qualifying body”, for “or (e)” there is substituted “(e) or (f)”.
 - (5) In section 9 (relationship between 1977 Act and 1997 Act)—
 - (a) in subsection (1), for “13” there is substituted “16D” and for “functions on his behalf” there is substituted “his functions”,
 - (b) in subsection (2)(b), for “13” there is substituted “16D”.
 - (6) Sections 14 (returning to fund-holding status) and 19 (fund-holding practices) are omitted.

National Health Service (Private Finance) Act 1997 (c. 56)

- 89 Section 1 of the National Health Service (Private Finance) Act 1997 (powers to enter into externally financed development agreements) applies to Primary Care Trusts as it applies to NHS trusts.

Audit Commission Act 1998 (c. 18)

- 90 In section 5 of the Audit Commission Act 1998 (general duties of auditors), in subsection (1)(a), for “(2B) (NHS trusts) or (2B) (fund-holding practices)” substitute “or (2B)”.