

SCHEDULES

SCHEDULE 8

Section 80

MINOR AND CONSEQUENTIAL AMENDMENTS

Pharmacy Act 1954 (c. 61)

- 1 The Pharmacy Act 1954 has effect subject to the following amendments.
- 2 In section 15 (appointment of additional members to the council of the Pharmaceutical Society of Great Britain) omit subsections (3) and (4).
- 3 In Schedule 1 (statutory committee of the Pharmaceutical Society) omit paragraph 3A.

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) insert at the appropriate place—
“The Appointments Commission.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 5 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) insert at the appropriate place—
“The Appointments Commission.”

National Health Service Act 1977 (c. 49)

- 6 The 1977 Act has effect subject to the following amendments.
- 7 (1) Section 3 (services generally) is amended as follows.
 - (2) In subsection (1)(c) after “dental,” insert “ophthalmic.”
 - (3) In subsection (3) after “ophthalmic” insert “services in Wales”.
 - (4) In subsection (4)—
 - (a) in paragraph (a) for “or 16CC(2)” substitute “, 16CC(2) or 16CD(4)”,
 - (b) in paragraph (b) for “or a general dental services contract” substitute “, a general dental services contract or a general ophthalmic services contract”.
- 8 In section 15(1)(a) (duty of Health Authority in relation to family health services)—
 - (a) omit “general ophthalmic services”,
 - (b) at the end add “and also such arrangements for the provision of primary ophthalmic services for their area if it is in England, or general ophthalmic services for their area if it is in Wales;”.

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- 9 In section 18A(3) (provision of services etc.)—
- (a) in paragraph (a), omit “general ophthalmic or”,
 - (b) in paragraph (b), for “or primary dental services” substitute “, primary dental services or primary ophthalmic services”.
- 10 In section 19(1) (advisory committees for Wales) for paragraph (e) substitute—
- “(e) the optometrists,”.
- 11 In section 26 (supply of goods and services by Secretary of State)—
- (a) in subsection (2)(b), for “or a general dental services contract” substitute “, a general dental services contract or a general ophthalmic services contract”,
 - (b) in subsection (4)(aa), for “or a general dental services contract” substitute “, a general dental services contract or a general ophthalmic services contract”.
- 12 In section 38(1) (arrangements for general ophthalmic services)—
- (a) omit “of every Primary Care Trust and”,
 - (b) for “ophthalmic opticians” substitute “optometrists”.
- 13 (1) Section 39 (regulations as to section 38) is amended as follows.
- (2) In subsection (1)(a) omit “by each Primary Care Trust and”.
 - (3) In subsection (1)(a) and (d) for “ophthalmic opticians” substitute “optometrists”.
 - (4) In subsections (1)(b) and (c) and (2)(a) for “ophthalmic optician” substitute “optometrist”.
 - (5) In subsections (1) and (2) omit “Primary Care Trust or” in each place where it occurs.
 - (6) In subsection (3) omit “Primary Care Trust or” and “of the Primary Care Trust or”.
- 14 In section 41(3)(d) (arrangements for pharmaceutical services) for “ophthalmic opticians” substitute “optometrists”.
- 15 In section 43D(1) (supplementary lists) at the end add “(but in relation to general ophthalmic services this subsection has effect with the omission of the references to Primary Care Trusts)”.
- 16 In section 44(B2) (recognition of Local Optical Committees and Local Pharmaceutical Committees)—
- (a) omit paragraph (a),
 - (b) omit “the Local Optical Committee or”,
 - (c) omit “, as the case may be,”.
- 17 (1) Section 45A (Local Medical Committees) is amended as follows.
- (2) In subsection (3), omit “and” at the end of paragraph (a) and after that paragraph insert—
 - “(aa) every medical practitioner who, under a general ophthalmic services contract entered into by him, is providing primary ophthalmic services in the area for which the committee is formed; and”.
 - (3) For subsection (4)(a) substitute—
 - “(a) who is performing primary medical services or primary ophthalmic services in the area for which the committee is formed—

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- (i) pursuant to section 16CC(2)(a) or 16CD(4)(a) above respectively;
 - (ii) (in relation to primary medical services) in accordance with section 28C arrangements; or
 - (iii) under a general medical services contract or a general ophthalmic services contract, as the case may be; and”.
- 18 In section 49F(1)(d) (disqualification of practitioners) for “ophthalmic opticians” substitute “optometrists”.
- 19 In section 49H(1)(a) and (b) (fraud and unsuitability: supplementary) for “ophthalmic optician” substitute “optometrist”.
- 20 In section 49N(4)(b) (national disqualification) omit “(or, in the case of a medical list, to nominate or approve him for inclusion in it)”.
- 21 In section 72(5) (permission for use of facilities in private practice)—
- (a) in paragraph (a) for “ophthalmic opticians” substitute “optometrists”,
 - (b) in paragraph (d)—
 - (i) for “or primary dental services” substitute “, primary dental services or primary ophthalmic services”,
 - (ii) for “or a general dental services contract” substitute “, a general dental services contract or a general ophthalmic services contract”.
- 22 In section 103(1)(a) (special arrangements as to payment of remuneration) for “or primary dental services” substitute “, primary dental services or primary ophthalmic services”.
- 23 In section 126(4) (orders and regulations, and directions) for “or 28U” substitute “, 28U or 28WD”.
- 24 In section 128(1) (interpretation and construction)—
- (a) at the appropriate place insert—

““financial year” means a period of 12 months ending with 31st March in any year;”,
 - (b) in the definition of “ophthalmic optician”, for ““ophthalmic optician”” substitute ““optometrist””.
- 25 In Schedule 9A (the Family Health Services Appeal Authority), in paragraph 6(c) for “ophthalmic optician” substitute “optometrist”.

Medical Act 1983 (c. 54)

- 26 In Schedule 1 to the Medical Act 1983 (the General Medical Council etc.) omit paragraph 4ZA.

Dentists Act 1984 (c. 24)

- 27 (1) Schedule 1 to the Dentists Act 1984 (the General Dental Council etc.) is amended as follows.
- (2) In paragraph 1(5) for “paragraphs 2 and 2A” substitute “paragraph 2”.
 - (3) Omit paragraph 2A.

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Opticians Act 1989 (c. 44)

- 28 In Schedule 1 to the Opticians Act 1989 (the General Optical Council) omit paragraph 2A.

National Health Service and Community Care Act 1990 (c. 19)

- 29 (1) Section 4A of the National Health Service and Community Care Act 1990 (provision of certain services under NHS contracts) is amended as follows.
- (2) In subsection (1)—
- (a) omit “or” at the end of paragraph (a), and after that paragraph insert—
- “(aa) by a contractor under a general ophthalmic services contract, or”,
- (b) at the end add “other than under section 16CD of that Act”.
- (3) In subsection (3), before the definition of “health service body” insert—
- ““general ophthalmic services contract” and “contractor” under such a contract have the meanings given by section 28WA of the principal Act;”.

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 30 In section 279(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners)—
- (a) for “or primary dental services” substitute “, primary dental services or primary ophthalmic services”,
- (b) at the end of paragraph (b) add “or under a contract under section 28WA of that Act entered into by him with a Primary Care Trust,”.

Osteopaths Act 1993 (c. 21)

- 31 In the Schedule to the Osteopaths Act 1993 (the General Osteopathic Council etc.) omit paragraph 11A.

Health Service Commissioners Act 1993 (c. 46)

- 32 The Health Service Commissioners Act 1993 has effect subject to the following amendments.
- 33 In section 2A(1) (health service providers subject to investigation)—
- (a) in paragraph (a), for “or 28Q” substitute “, 28Q or 28WA”,
- (b) in paragraph (b), omit “general ophthalmic services or”.
- 34 In section 6(5) (general health services and service committees) omit “38, 39,”.

Chiropractors Act 1994 (c. 17)

- 35 In Schedule 1 to the Chiropractors Act 1994 (the General Chiropractic Council etc.) omit paragraph 11A.

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

- 36 (1) Section 1 of the National Health Service (Residual Liabilities) Act 1996 (transfer of residual liabilities of certain NHS bodies) is amended as follows.
- (2) In subsection (1)—
- (a) for “a Health Authority” substitute “a Local Health Board”, and
 - (b) after “all of its liabilities” insert “(other than any criminal liabilities)”.
- (3) In subsection (2)—
- (a) for paragraph (c) substitute—
“(c) a Local Health Board;”, and
 - (b) after paragraph (dd) insert “; or
(de) an NHS foundation trust.”

Employment Rights Act 1996 (c. 18)

- 37 In section 43K(1)(ba) of the Employment Rights Act 1996 (extension of meaning of “worker” etc. for Part 4A) at the end add “or with a Primary Care Trust under section 28WA of that Act”.

Pharmacists (Fitness to Practise) Act 1997 (c. 19)

- 38 In the Schedule to the Pharmacists (Fitness to Practise) Act 1997 (fitness to practise of registered pharmaceutical chemists) omit paragraph 5.

Audit Commission Act 1998 (c. 18)

- 39 The Audit Commission Act 1998 has effect subject to the following amendments.
- 40 In section 5(1)(a) (general duties of auditors in relation to accounts of health service bodies) for “subsection (2), or (2B) of section 98 of” substitute “paragraph 4(1) of Schedule 12B to”.
- 41 In section 53(1) (interpretation) for the definition of “health service body” substitute—
- ““health service body” means an English NHS body (within the meaning of Schedule 12B to the National Health Service Act 1977), other than a Special Health Authority;”.
- 42 (1) Schedule 2 (accounts subject to audit) is amended as follows.
- (2) Omit paragraph 1(g).
- (3) For paragraph 1A substitute—
- “1A Section 2 also applies to annual accounts of health service bodies prepared under paragraph 4(1) of Schedule 12B to the National Health Service Act 1977.”
- (4) Omit paragraph 1C.

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Government of Wales Act 1998 (c. 38)

- 43 In section 144(2) of the Government of Wales Act 1998 (accounts, audit and reports) for “the accounts kept in pursuance of section 98(1) of the National Health Service Act 1977 (accounts and audit of NHS bodies)” substitute “any accounts kept or prepared in pursuance of paragraph 3 or 4 of Schedule 12B to the National Health Service Act 1977 (requirement for Welsh NHS bodies to keep accounts or prepare annual accounts)”.

Government Resources and Accounts Act 2000 (c. 20)

- 44 (1) Section 14 of the Government Resources and Accounts Act 2000 (summarised accounts) is amended as follows.
- (2) In subsection (1) for “section 98(4) of” substitute “paragraph 8 or 9 of Schedule 12B to”.
- (3) In subsection (3) after “subsection (1)” insert “in respect of an English NHS body”.
- (4) For subsection (4) substitute—
- “(4) Before making an order under that subsection in respect of a Welsh NHS body the Treasury shall consult—
- (a) the National Assembly for Wales, and
- (b) the Auditor General for Wales.”
- (5) At the end add—
- “(6) In this section “English NHS body” and “Welsh NHS body” have the same meanings as in Schedule 12B to the National Health Service Act 1977.”

Freedom of Information Act 2000 (c. 36)

- 45 (1) Schedule 1 to the Freedom of Information Act 2000 (public authorities) is amended as follows.
- (2) In Part 3, in paragraph 43A—
- (a) for “or primary dental services” substitute “, primary dental services or primary ophthalmic services”,
- (b) in paragraph (b) for “or 28Q” substitute “, 28Q or 28WA”.
- (3) In Part 6, at the appropriate place insert—
- “The Appointments Commission.”

Health and Social Care Act 2001 (c. 15)

- 46 In Schedule 1 to the Health and Social Care Act 2001 (exempt information relating to health services), for paragraph 11(a) (as substituted by paragraph 72(2) of Schedule 11 to the 2003 Act) substitute—
- “(a) is or was formerly providing primary medical services, primary dental services or primary ophthalmic services under a contract under section 28K, 28Q or 28WA of the 1977 Act;”.

Nursing and Midwifery Order 2001 (S.I. 2002/253)

- 47 In Schedule 1 to the Nursing and Midwifery Order 2001 (the Nursing and Midwifery Council etc.) omit paragraph 15A.

Health Professions Order 2001 (S.I. 2002/254)

- 48 In Schedule 1 to the Health Professions Order 2001 (the Health Professions Council etc.) omit paragraph 16A.

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 49 The National Health Service Reform and Health Care Professions Act 2002 has effect subject to the following amendments.
- 50 In section 17(1) (entry and inspection of premises)—
- (a) for the paragraph (fa) inserted by paragraph 74(2)(a) of Schedule 11 to the 2003 Act substitute—
 - “(fb) persons providing primary medical services, primary dental services or primary ophthalmic services under Part 1 of the 1977 Act,”
 - (b) in subsection (2), for “(1)(fa),” substitute “(1)(fb),”.
- 51 In Schedule 6 (the Commission for Patient and Public Involvement in Health) omit paragraph 6.
- 52 In Schedule 7 (the Council for the Regulation of Health Care Professionals) omit paragraph 5.

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 53 The 2003 Act has effect subject to the following amendments.
- 54 In section 7(5) (continuity of bodies which become NHS foundation trusts and their liabilities) after “liabilities” add “(including its criminal liabilities)”.
- 55 In section 150(7)(d) (liability to pay NHS charges) for sub-paragraph (ii) substitute—
 - “(ii) section 2C, 17C, 17J or 25 of the 1978 Act (primary medical services or personal or general dental services).”
- 56 In section 187 (appointments to certain health and social care bodies) omit subsections (1) to (7), (9) and (10).
- 57 Omit section 188 (appointments to certain health and social care bodies: joint functions).
- 58 (1) In Schedule 6 (the Commission for Health Care Audit and Inspection: supplementary) paragraph 3 is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) in paragraphs (a) and (c) for “relevant Special Health Authority” substitute “Secretary of State”, and
 - (b) in paragraph (b) for “relevant Special Health Authority who appears to that Authority” substitute “Assembly who appears to the Assembly”.
 - (3) Omit sub-paragraphs (2), (3), (9), (10), (14) and (15).

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- (4) In sub-paragraph (11)—
 - (a) for “Special Health Authority referred to in sub-paragraph (2)” substitute “Secretary of State”, and
 - (b) for “Special Health Authority referred to in sub-paragraph (3)” substitute “Assembly”.
- 59 (1) In Schedule 7 (the Commission for Social Care Inspection: supplementary) paragraph 3 is amended as follows.
 - (2) In sub-paragraph (1) for “relevant Special Health Authority” substitute “Secretary of State”.
 - (3) Omit sub-paragraphs (2) and (6) to (8).

General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I. 2003/1250)

- 60 In Schedule 2 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (the Postgraduate Medical Education and Training Board etc.) omit paragraph 4.

Health Protection Agency Act 2004 (c. 17)

- 61 In Schedule 1 to the Health Protection Agency Act 2004 (the Health Protection Agency) omit paragraph 2.

Public Audit (Wales) Act 2004 (c. 23)

- 62 In section 61(1) of the Public Audit (Wales) Act 2004 (audit of Welsh NHS bodies) for “section 98(2) of the National Health Service Act 1977 (accounts of NHS bodies)” substitute “paragraph 4(2) of Schedule 12B to the National Health Service Act 1977 (preparation of annual accounts of Welsh NHS bodies)”.