



National Health Service Act 1977

1977 CHAPTER 49

PART I

SERVICES AND ADMINISTRATION

Co-operation and assistance

21 Local social services authorities.

- (1) Subject to paragraphs (d) and (e) of section 3(1) above, the services described in Schedule 8 to this Act in relation to—
- (a) care of mothers^{F1} . . . ,
 - (b) prevention, care and after-care,
 - (c) home help and laundry facilities,
- are functions exercisable by local social services authorities, and that Schedule has effect accordingly.

- (2) A local social services authority who provide premises, furniture or equipment for any of the purposes of this Act may permit the use of the premises, furniture or equipment—
- (a) by any other local social services authority, or
 - (b) by any of the bodies constituted under this Act, or
 - (c) by a local education authority.

This permission may be on such terms (including terms with respect to the services of any staff employed by the authority giving permission) as may be agreed.

- (3) A local social services authority may provide (or improve or furnish) residential accommodation—
- (a) for officers employed by them for the purposes of any of their functions as a local social services authority, or
 - (b) for officers employed by a voluntary organisation for the purposes of any services provided under this section and Schedule 8.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

F1 Words in s. 21(1)(a) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Modifications etc. (not altering text)

C1 S. 21 restricted (8.1.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 54, 162(2), **Sch. 3**; S.I. 2002/2811, **art. 2**, Sch.

22 Co-operation between health authorities and local authorities.

[^{F2}(1) In exercising their respective functions NHS bodies (on the one hand) and local authorities (on the other) shall co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales.

(1A) In this section “NHS body” means—

- [a Strategic Health Authority;]
- ^{F3}(za)
 - (a) a Health Authority;
 - (b) a Special Health Authority;
 - (c) a Primary Care Trust; ^{F4} . . .
- [a Local Health Board; or]
- ^{F5}(cc)
 - (d) an NHS trust.]

[^{F6}(2) There shall be committees, to be called joint consultative committees, who shall [^{F7}advise][^{F8}bodies represented on them] on the performance of their duties under subsection (1) above, and on the planning and operation of services of common concern to those authorities. ^{F9} . . .

[Except as provided by an order under the following provisions of this section, each ^{F10}(3) joint consultative committee shall represent one or more Health Authorities together with, in the case of each, one or more associated local authorities; and a Health Authority shall be represented together with each of the local authorities associated with that Health Authority in one or other of the committees (but not necessarily the same committee).

(3ZA) For the purposes of subsection (3) above a local authority is associated with a Health Authority if it is a local authority whose area is wholly or partly within the area of the Health Authority.]

[It is the Secretary of State’s duty by order to secure as respects each joint consultative ^{F11}(3A) committee that it includes additional members appointed in a manner specified in the order by voluntary organisations.]

- (4) The Secretary of State shall have power by order to provide for any matter relating to joint consultative committees, and such an order may in particular—
- (a) provide for the way in which the provisions of subsections (2) and (3) above are to be carried out, or provide for varying the arrangements set out in those subsections;

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- (b) provide, where it appears to the Secretary of State appropriate, for [^{F12}a Health Authority to be represented on a joint consultative committee together with a local authority none of whose area is within the area of the Health Authority;]
 - (c) afford a choice to any authorities as to the number of joint consultative committees on which they are to be represented, and provide for the case where the authorities cannot agree on the choice;
 - (d) authorise or require a joint consultative committee to appoint any sub-committee or to join with another joint consultative committee or other joint consultative committees in appointing a joint sub-committee;
 - (e) authorise or require the appointment to a joint consultative committee, or to any sub-committee, of persons who are [^{F13}neither—
 - (i) members of the authorities represented by the joint consultative committee; nor
 - (ii) appointed by virtue of an order under subsection (3A) above];
 - (f) require the authorities represented on a joint consultative committee to defray the expenses of the committee, and of any sub-committee, in such shares as may be determined by or under the order, and provide for the way in which any dispute between those authorities concerning the expenses is to be resolved; and
 - (g) require those authorities to make reports to the Secretary of State on the work of the joint consultative committee and of any sub-committee.
- (5) Before making an order under this section the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.
- [Without prejudice to the generality of section 126(4) below, the power to make an ^{F14}(6) order conferred by subsection (3A) above may be exercised so as to make different provision for England and Wales and different provision for different communities in either.]]

Textual Amendments

- F2** S. 22(1)(1A) substituted (1.4.2000 for E. and 1.12.2000 for W. for specified purposes and otherwise *prosp.*) for s. 22(1) by 1999 c. 8, ss. 27, 67(1); S.I. 1999/2793, art. 2(3)(b); S.I. 2000/2991, art. 2(1), Sch. 1
- F3** S. 22(1A)(za) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 1(3), Sch. 1 Pt. 1 para. 10; S.I. 2002/2478, art. 3(1)(c)
- F4** Word in s. 22(1A)(c) repealed (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), Sch. 5 para. 8, Sch. 9 Pt. 1; S.I. 2002/2532, art. 2
- F5** S. 22(1A)(cc) inserted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), Sch. 5 para. 8; S.I. 2002/2532, art. 2
- F6** S. 22(2)-(6) repealed (9.2.2001 for E.W.) by 1999 c. 8, ss. 65(2), 67(1), Sch. 5; S.I. 2001/270, art. 2(c), Sch.
- F7** Word in s. 22(2) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), Sch. 1 para. 12(b) (with Sch. 2 paras. 6, 16)
- F8** Words substituted by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 5(4), Sch. 3 para. 3(b)
- F9** Table in s. 22(2) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), 8(1), Sch. 1 para. 12(c), Sch. 3 (with Sch. 2 paras. 6, 16)
- F10** S. 22(3)(3ZA) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) for s. 22(3) by 1995 c. 17, ss. 2(1)(3), 8(1), Sch. 1 para. 12(d) (with Sch. 2 paras. 6, 16)

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- F11** S. 22(3A) inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 12, **Sch. 5 para. 2(a)**
- F12** Words in s. 22(4)(b) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 12(e)** (with Sch. 2 paras. 6, 16)
- F13** Words substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41 SIF 113:3), s. 12, Sch. 5 para. 2(b)
- F14** S. 22(6) inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 12, **Sch. 5 para. 2(c)**

23 Voluntary organisations and other bodies.

- (1) The Secretary of State may, where he considers it appropriate, arrange with any person or body (including a voluntary organisation) for that person or body to provide, or assist in providing, any service under this Act.

..... F15

- (2) The Secretary of State may make available—
- (a) to any person or body (including a voluntary organisation) carrying out any arrangements under subsection (1) above, or
 - (b) to any voluntary organisation eligible for assistance under section 64 or section 65 of the Health Services and Public Health Act 1968 (assistance made available by the Secretary of State or local authorities),
- any facilities (including goods or materials, or the use of any premises and the use of any vehicle, plant or apparatus) provided by him for any service under this Act; and, where anything is so made available, the services of persons employed by the Secretary of State or by a [^{F16}Strategic Health Authority,][^{F17}Health Authority [^{F18}, Special Health Authority [^{F19}, Primary Care Trust or Local Health Board]]] in connection with it.
- (3) The powers conferred by this section may be exercised on such terms as may be agreed, including terms as to the making of payments by or to the Secretary of State, and any goods or materials may be made available either temporarily or permanently.
- (4) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of this section and is used in accordance with the terms on which it is so made available, [^{F20}the Vehicle Excise and Registration Act 1994] and [^{F21}Part VI of the Road Traffic Act 1988] shall have effect with such modifications as are specified in the order.
- (5) Any power to supply goods or materials conferred by this section includes a power to purchase and store them and includes a power to arrange with third parties for the supply of goods or materials by those third parties.

Textual Amendments

- F15** Para. repealed by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 7**
- F16** Words in s. 23(2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 11**; S.I. 2002/2478, **art. 3(1)(c)**
- F17** Words in s. 23(2) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 13** (with Sch. 2 paras. 6, 16)
- F18** Words in s. 23(2) substituted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 13(2)** (with art. 2(5))
- F19** Words in s. 23(2) substituted (10.10.2002 for W., otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 9**; S.I. 2002/2532, **art. 2**

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- F20** Words in s. 23(4) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 10** (with s. 57(4))
F21 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 18(1)**

Modifications etc. (not altering text)

- C2** S. 23(1)-(3): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(a), **Sch. 1**
C3 S. 23(1)-(3): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

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Textual Amendments

- F22** S. 24 repealed by Overseas Development and Co-operation Act 1980 (c. 63, SIF 88), s. 18, Sch. 2 Pt. I

25 Supplies not readily obtainable.

Where the Secretary of State has acquired—

- (a) supplies of human blood for the purposes of any service under this Act, or
- (b) any part of a human body for the purpose of, or in the course of providing, any such service, or
- (c) supplies of any other substances or preparations not readily obtainable,

he may arrange to make such supplies or that part available (on such terms, including terms as to charges, as he thinks fit) to any person.

This section is subject to section 62 below (restriction of powers under [^{F23}section 25]).

Textual Amendments

- F23** Words substituted by Health and Medicines Act 1988 (c. 49, SIF 113:2), s. 25(1), **Sch. 2 para. 2**

26 Supply of goods and services by Secretary of State.

(1) The Secretary of State may—

- (a) supply to local authorities, and to such public bodies or classes of public bodies as he may determine, any goods or materials of a kind used in the health service;
- (b) make available to local authorities, and to those bodies or classes of bodies, any facilities (including the use of any premises and the use of any vehicle, plant or apparatus) provided by him [^{F24}or by a Primary Care Trust] for any service under this act, and the services of persons employed by the Secretary of State or by a [^{F25}Strategic Health Authority,][^{F26}Health Authority [^{F27}Special Health Authority [^{F28}, Primary Care Trust or Local Health Board]]];
- (c) carry out maintenance work in connection with any land or building for the maintenance of which a local authority is responsible.

In this subsection—

“maintenance work” includes minor renewals, minor improvements and minor extensions; and

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“public bodies” includes public bodies in Northern Ireland.

- [^{F29}(2) The Secretary of State may supply or make available to persons—
- (a) providing general medical services, general dental services, general ophthalmic services or pharmaceutical services, or
 - (b) providing, in accordance with section 28C arrangements, personal medical services, personal dental services or other services of a kind that may be provided under this Part, [^{F30} or
 - (c) providing, in accordance with LPS arrangements, local pharmaceutical services or other services of a kind that may be provided under this Part,]
- such goods, materials or other facilities as may be prescribed.]
- (3) The Secretary of State shall make available to local authorities—
- (a) any services or other facilities (excluding the services of any person but including goods or materials, the use of any premises and the use of any vehicle, plant or apparatus) provided under this Act,
 - (b) the services provided as part of the health service by any person employed by the Secretary of State or a [^{F31}Strategic Health Authority,][^{F26}Health Authority [^{F32}Special Health Authority or Primary Care Trust]], and
 - (c) the services of any medical practitioner, dental practitioner or nurse employed by the Secretary of State or a [^{F33}Strategic Health Authority,][^{F26}Health Authority [^{F32}Special Health Authority or Primary Care Trust]] otherwise than to provide services which are part of the health service,
- so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.
- [^{F34}(4) The Secretary of State may arrange to make available to local authorities the services of persons of the following descriptions, that is to say—
- (a) persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services,
- [^{F35}(aa) persons performing, in accordance with section 28C arrangements, personal medical services, personal dental services or other services of a kind that may be provided under this Part,]. . .
- [^{F36}(ab) persons providing, in accordance with LPS arrangements, local pharmaceutical services or other services of a kind that may be provided under this Part, and]
 - (b) persons providing [^{F37}Strategic Health Authorities,][^{F38}Health Authorities [^{F39}Special Health Authorities or Primary Care Trusts]] with services of a kind provided as part of the health service,
- so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.]

Textual Amendments

- F24** Words in s. 26(1)(b) inserted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(2), 67(1), **Sch. 4 para. 11(a)**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F25** Words in s. 26(1)(b) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 12(a)**; S.I. 2002/2478, art. 3(1)(c)
- F26** Words in s. 26 substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 14(a)**

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- F27** Words in s. 26(1)(b) substituted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(2), 67(1), **Sch. 4 para. 11(a)**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F28** Words in s. 26(1)(b) substituted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 10**; S.I. 2002/2532, **art. 2**
- F29** S. 26(2) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. 1 para. 5(2)**; S.I. 1998/631, art. 2(b), **Sch. 2** (subject to arts. 3-5) (as amended (13.8.1998) by S.I. 1998/1998, **art. 3(3)**)
- F30** S. 26(2)(c) and preceding word inserted (E.) (12.12.2002) by The National Health Service (Local Pharmaceutical Services Etc.) Regulations 2002 (S.I. 2002/2861), **reg. 17(a)**
- F31** Words in s. 26(3)(b) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 12(b)**; S.I. 2002/2478, **art. 3(1)(c)**
- F32** Words in s. 26(3)(b)(c) substituted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 11(b)**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F33** Words in s. 26(3)(c) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 12(b)**; S.I. 2002/2478, **art. 3(1)(c)**
- F34** S. 26(4) added by Health Services Act 1980 (c. 53, SIF 113:2), **s. 3(1)**
- F35** S. 26(4)(aa) inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. 1 para. 5(3)**; S.I. 1998/631, art. 2(b), **Sch. 2** (subject to arts. 3-5) (as amended (13.8.1998) by S.I. 1998/1998, **art. 3(3)**)
- F36** S. 26(4)(ab) inserted (E.) (12.12.2002) by The National Health Service (Local Pharmaceutical Services Etc.) Regulations 2002 (S.I. 2002/2861), **reg. 17(b)**
- F37** Words in s. 26(4)(b) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 12(c)**; S.I. 2002/2478, **art. 3(1)(c)**
- F38** Words in s. 26(4)(b) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 14(b)**
- F39** Words in s. 26(4)(b) substituted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 11(c)**; S.I. 1999/2342, art. 2(3), **Sch. 2**

Modifications etc. (not altering text)

- C4** S. 26: functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, **reg. 3(2)(a)**, **Sch. 1**
- C5** S. 26(1)-(4): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, **regs. 2(1), 3, 4**, **Sch. 1**

27 Conditions of supply under s. 26.

- (1) It is the Secretary of State's duty, before he makes the services of any officer of a [F40Strategic Health Authority,][F41Health Authority [F42Special Health Authority [F43, Primary Care Trust or Local Health Board]]] available in pursuance of subsection (1) (b) or subsection (3)(b) or (c) of section 26 above, to consult the officer or a body recognised by the Secretary of State as representing the officer about the matter, or to satisfy himself that the [F44Strategic Health Authority,][F41Health Authority [F42Special Health Authority [F45, Primary Care Trust or Local Health Board]]] has consulted the officer about the matter.
- (2) The Secretary of State shall be entitled to disregard the provisions of subsection (1) above in a case where he considers it necessary to make the services of an officer available as mentioned in that subsection for the purpose of dealing temporarily with an emergency, and has previously consulted such a body about the making available of services in an emergency.
- (3) For the purposes of subsection (1)(b) or subsection (3)(b) or (c) of section 26 the Secretary of State may give such directions to [F46Strategic Health Authorities,][F47Health Authorities [F48Special Health Authorities [F49, Primary Care

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Trusts and Local Health Boards]]] to make the services of their officers available as he considers appropriate; [^{F50} . . .].

- (4) The powers conferred by this section and section 26 may be exercised on such terms as may be agreed, including terms as to the making of payments to the Secretary of State, and such charges may be made by the Secretary of State in respect of services or facilities provided under subsection (3) of section 26 as may be agreed between the Secretary of State and the local authority or, in default of agreement, as may be determined by arbitration.
- (5) The Secretary of State may by order provide that, in relation to a vehicle which is made available by him in pursuance of section 26 and is used in accordance with the terms on which it is so made available, [^{F51}the Vehicle Excise and Registration Act 1994] and [^{F52}Part VI of the ^{M1}Road Traffic Act 1988] shall have effect with such modifications as are specified in the order.
- (6) Any power to supply goods or materials conferred by section 26 includes a power to purchase and store them, and a power to arrange with third parties for the supply of goods or materials by those third parties.

Textual Amendments

- F40** Words in s. 27(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 13(a)(i)**; S.I. 2002/2478, **art. 3(1)(c)**
- F41** Words in s. 27(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 15(a)**
- F42** Words in s. 27(1) substituted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(2), **Sch. 4 para. 12(2)**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F43** Words in s. 27(1) substituted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(3), 42(3), **Sch. 5 para. 11(a)**; S.I. 2002/2532, **art. 2**
- F44** Words in s. 27(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 13(a)(ii)**; S.I. 2002/2478, **art. 3(1)(c)**
- F45** Words in s. 27(1) substituted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(3), 42(3), **Sch. 5 para. 11(a)**; S.I. 2002/2532, **art. 2**
- F46** Words in s. 27(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 13(b)**; S.I. 2002/2478, **art. 3(1)(c)**
- F47** Words in s. 27(3) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 15(b)(i)**
- F48** Words in s. 27(3) substituted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(2), **Sch. 4 para. 12(3)(a)**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F49** Words in s. 27(3) substituted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(3), 42(3), **Sch. 5 para. 11(b)**; S.I. 2002/2532, **art. 2**
- F50** Words in s. 27(3) omitted (1.9.1999 for E. and 1.12.1999 for W.) by virtue of 1999 c. 8, ss. 65(1), **Sch. 4 para. 12(3)(b)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2** and repealed (1.4.2000) by 1999 c. 8, ss. 65(2), **Sch. 5**; S.I. 2000/1041, art. 2(d), **Sch.**
- F51** Words in s. 27(5) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 10** (with s. 57(4))
- F52** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 18(2)**

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Modifications etc. (not altering text)

- C6 S. 27(1)(2)(4): functions of local authority not to be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(a), **Sch. 1**
- C7 S. 27(1)(2)(4): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

Marginal Citations

- M1 1988 c. 52(107:1).

28 Supply of goods and services by local authorities.

- (1) In the ^{M2}Local Authorities (Goods and Services) Act 1970 the expression “public body” includes any [^{F53}Strategic Health Authority,][^{F54}Health Authority [^{F55}Special Health Authority [^{F56}, Primary Care Trust or Local Health Board]]] and so far as relates to his functions under this Act includes the Secretary of State.
- (2) The provisions of subsection (1) above have effect as if made by an order under section 1(5) of that Act of 1970, and accordingly may be varied or revoked by such an order.
- (3) Every local authority shall make available to [^{F57}Strategic Health Authorities,][^{F58}Health Authorities, Special Health Authorities [^{F59}Primary Care Trusts [^{F60}, Local Health Boards]]][^{F61}and NHS trusts] acting in the area of the local authority the services of persons employed by the local authority for the purposes of the local authority’s functions under the ^{M3}Local Authorities Social Services Act 1970 so far as is reasonably necessary and practicable to enable [^{F62}Strategic Health Authorities,][^{F58}Health Authorities, Special Health Authorities [^{F63}Primary Care Trusts [^{F63}, Local Health Boards]]][^{F61}and NHS trusts] to discharge their functions under this Act [^{F64}and the National Health Service and Community Care Act 1990].

^{F65}(4)

Textual Amendments

- F53 Words in s. 28(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 14(a)**; S.I. 2002/2478, **art. 3(1)(c)**
- F54 Words in s. 28(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 16(a)**
- F55 Words in s. 28(1) substituted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(2), **Sch. 4 para. 13(a)**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F56 Words in s. 28(1) substituted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 12(a)**; S.I. 2002/2532, **art. 2**
- F57 Words in s. 28(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 14(b)(i)**; S.I. 2002/2478, **art. 3(1)(c)**
- F58 Words in s. 28(3) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 16(b)**
- F59 Words in s. 28(3) inserted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(2), **Sch. 4 para. 13(b)**; S.I. 1999/2342, art. 2(3), **Sch. 2**
- F60 Words in s. 28(3) inserted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 12(b)**; S.I. 2002/2532, **art. 2**

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- F61** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 5(8), **Sch. 2 para. 21**
- F62** Words in s. 28(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 14(b)(ii)**; S.I. 2002/2478, **art. 3(1)(c)**
- F63** Words in s. 28(3) inserted (10.10.2002 for W., otherwise prosp.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 12(b)**; S.I. 2002/2532, **art. 2**
- F64** Words added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 5(8), **Sch. 2 para. 21**
- F65** S. 28(4) repealed (*retrospectively*) by Health and Medicines Act 1988 (c. 49, SIF 113:2), ss. 19, 25(2), **Sch. 3**

Marginal Citations

- M2** 1970 c. 39(81:4).
M3 1970 c. 42(81:3).

[^{F66}28A Power to make payments towards expenditure on community services.

- (1) This section applies to the following [^{F67}[^{F68}bodies]—
- (a) a Health Authority;]. . .
 - [a Primary Care Trust[^{F70}; and]]
 - ^{F69}(b) [a Local Health Board.]
 - ^{F71}(c)
- (2) [^{F72}A body to which] this section applies may, if they think fit, make payments—
- (a) to a local social services authority towards expenditure incurred or to be incurred by them in connection with [^{F73}any social services functions (within the meaning of the Local Authority Social Services Act 1970)], other than functions under section 3 of the ^{M4}Disabled Persons (Employment) Act 1958;
 - (b) to a district council, [^{F74}or to a Welsh county council or county borough council,] towards expenditure incurred or to be incurred by them in connection with their functions under section 8 of the ^{M5}Residential Homes Act 1980 or Part II of Schedule 9 to the ^{M6}Health and Social Services and Social Security Adjudications Act 1983 (meals and recreation for old people);
 - (c) to an authority who are a local education authority for the purposes of [^{F75}the Education Act 1996], towards expenditure incurred or to be incurred by them in connection with their functions under [^{F76}the Education Acts (within the meaning of that Act)], in so far as they perform those functions for the benefit of disabled persons;
 - [to a local housing authority within the meaning of the ^{M7}Housing Act 1985,
 - ^{F77}(d) towards expenditure incurred or to be incurred by them in connection with their functions under Part II of that Act (provision of housing); and]
 - (e) to the following bodies, in respect of expenditure incurred or to be incurred by them in connection with the provision of housing accommodation,—
 - [a registered social landlord within the meaning of the Housing Act
 - ^{F78}(i) 1985 (see section 5(4) and (5) of that Act);.]
 - (ii) the Commission for the New Towns;
 - (iii) a new town development corporation;

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- (iv) an urban development corporation established under the ^{M8}Local Government, Planning and Land Act 1980;
- (v) the Housing Corporation; ^{F79} . . .
- ^{F79}(vi)
- ^{F80}(vii)

^{F81}(2A) [A body to which this section applies may, if they think fit, make payments to a local authority towards expenditure incurred or to be incurred by the authority in connection with the performance of any of the authority’s functions which, in the opinion of the body,—

- (a) have an effect on the health of any individuals,
- (b) have an effect on, or are affected by, any NHS functions, or
- (c) are connected with any NHS functions.

(2B) In this section “NHS functions” means functions exercised by a [^{F82}Strategic Health Authority,] Health Authority, Special Health Authority, Primary Care Trust [^{F83}, Local Health Board] or NHS trust.]

(3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.

^{F84}(4) [No payment shall be made under this section in respect of any expenditure unless the expenditure has been recommended for a payment under this section by a joint consultative committee on which the authority proposing to make the payment are represented.]

(5) The Secretary of State may by directions prescribe conditions relating to payments under this section.

(6) The power to give such directions may be exercised so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.

(7) Without prejudice to the generality of subsection (5) above, the power may be exercised—

- (a) so as to make different provision for England and Wales and different provision for different [^{F85}areas] in either; and
- (b) so as to require, in such circumstances as may be specified,—
 - (i) repayment of the whole or any part of a payment under this section;
 - (ii) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.

(8) No payment shall be made under this section in respect of any expenditure unless the conditions relating to it—

- ^{F84}(a) [accord with the advice given by the joint consultative committee in making the recommendation for a payment under this section in respect of the expenditure in question; and]]
- (b) conform with the conditions prescribed for payments of that description under subsection (5) above.

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- (9) Where [^{F86}the expenditure in respect of which a payment under this section is proposed to be made] is expenditure in connection with services to be provided by a voluntary organisation—
- (a) the [^{F87}body] who are to make the payment may make payments to the voluntary organisation towards the expenditure incurred or to be incurred by the organisation in connection with the provision of those services, instead of or in addition to making payments under subsection (2) [^{F88}or (2A)] above; and
 - (b) an authority of one of the descriptions specified in paragraph (a), (b), (c) or (d) of subsection (2) above [^{F89}, or in subsection (2A) above,] and who have received payments under that subsection may make out of the sums paid to them payments to the voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of those services,
- but no payment shall be made under this subsection except subject to conditions [^{F90}which conform with the conditions prescribed for payments of that description under subsection (5) above.]

Textual Amendments

- F66** Ss. 28A, 28B substituted for s. 28A by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 1](#)
- F67** Words in s. 28A(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 para. 17\(a\)](#)
- F68** Word in s. 28A(1) substituted (1.11.1999 for E., 1.12.2000 for W. for specified purposes and otherwise *prosp.*) by [1999 c. 8, ss. 29\(2\)\(a\), 67\(2\); S.I. 1999/2793, art. 2\(1\)\(a\), Sch. 1; S.I. 2000/2991, art. 2\(1\), Sch. 1](#)
- F69** S. 28A(1)(b) substituted (1.4.2000 for E. and otherwise *prosp.*) by [1999 c. 8, ss. 29\(2\)\(b\), 67\(2\); S.I. 1999/2793, art. 2\(3\)\(b\)](#)
- F70** Word in s. 28A(1)(b) inserted (10.10.2002 for W., otherwise *prosp.*) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 6\(3\), 42\(3\), Sch. 5 para. 13\(a\)\(ii\); S.I. 2002/2532, art. 2](#)
- F71** S. 28A(1)(c) inserted (10.10.2002 for W., otherwise *prosp.*) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 6\(2\), 42\(3\), Sch. 5 para. 13\(a\)\(ii\); S.I. 2002/2532, art. 2](#)
- F72** Words in s. 28A(2) substituted (1.11.1999 for E. and 1.12.2000 for W.) by [1999 c. 8, ss. 65\(1\), Sch. 4 para. 14\(2\); S.I. 1999/2793, art. 2\(1\)\(a\), Sch. 1; S.I. 2000/2991, art. 2\(1\), Sch. 1](#)
- F73** Words in s. 28A(2)(a) substituted (E.W.) (26.10.2000 for E. and 28.7.2001 for W.) by [2000 c. 22, ss. 107, 108\(4\), Sch. 5 para. 17; S.I. 2000/2849, art. 2\(1\)](#)
- F74** Words in s. 28A(2)(b) inserted (1.4.1996) by [1994 c. 19, s. 22\(4\), Sch. 10 para. 11\(2\) \(with Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1996/396, art. 3, Sch. 1](#)
- F75** Words in s. 28A(2)(c) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\), Sch. 37 Pt. I para. 44\(a\) \(with s. 1\(4\), Sch. 9 paras. 30, 39, Sch. 39\)](#)
- F76** Words in s. 28A(2)(c) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\), Sch. 37 Pt. I para. 44\(b\) \(with s. 1\(4\), Sch. 9 paras. 30, 39, Sch. 39\)](#)
- F77** S. 28A(2)(d) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 38\(2\)\(a\)](#)
- F78** S. 28A(2)(e)(i) substituted (E.W.) (1.10.1996) by [S.I. 1996/2325, art. 5\(1\), Sch. 2 para. 9\(2\)](#)
- F79** S. 28A(2)(e)(vi) and word “and” immediately preceding repealed (1.10.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. IV \(with ss. 137\(1\), 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art. 4](#)
- F80** S. 28A(2)(e)(vii) repealed (1.11.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. VI \(with ss. 137\(1\), 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art. 5](#)

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- F81** S. 28A(2A)(2B) inserted (1.11.1999 for E., 1.12.2000 for W. for specified purposes and otherwise *prosp.*) by 1999 c. 8, **ss. 29(3)**, 67(2); S.I. 1999/2793, art. 2(1)(a), **Sch. 1**; S.I. 2000/2991, art. 2(1), **Sch. 1**
- F82** Words in s. 28A(2B) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 Pt. 1 para. 15**; S.I. 2002/2478, **art. 3(1)(c)**
- F83** Words in s. 28A(2B) inserted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 13(b)**; S.I. 2002/2532, **art. 2**
- F84** S. 28A(4)(8)(a) omitted (1.11.1999 for E. for specified purposes, 1.4.2000 for specified other purposes, 1.12.2000 for W. for specified purposes, and 1.1.2001 for other specified purposes) by virtue of 1999 c. 8, ss. 65(1), **Sch. 4 para. 14(3)**; S.I. 1999/2793, art. 2(1)(a)(3)(c)(i), **Sch. 1**; S.I. 2000/2991, art. 2(1)(2), Schs. 1, 2
- F85** Word in s. 28A(7)(a) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 17(b)**
- F86** Words in s. 28A(9) substituted (1.11.1999 for E., 1.4.2000 for W. for specified purposes and otherwise 1.1.2001) by 1999 c. 8, ss. 65(1), **Sch. 4 para. 14(4)(a)**; S.I. 1999/2793, art. 2(1)(a)(3)(c)(i), **Sch. 1**; S.I. 2000/2991, art. 2(1)(2), Schs. 1, 2
- F87** Word in s. 28A(9)(a) substituted (1.11.1999 for E. and 1.12.2000 for W.) by 1999 c. 8, ss. 65(1), **Sch. 4 para. 14(4)(b)**; S.I. 1999/2793, art. 2(1)(a), **Sch. 1**; S.I. 2000/2991, art. 2(1), **Sch. 1**
- F88** Words in s. 28A(9)(a) inserted (1.4.2000 for E. and 1.1.2001 for W.) by 1999 c. 8, ss. 65(1), **Sch. 4 para. 14(4)(c)**; S.I. 1999/2793, **art. 2(3)(c)(i)**; S.I. 2000/2991, art. 2(2), **Sch. 2**
- F89** Words in s. 28A(9)(b) inserted (1.4.2000 for E. and 1.1.2001 for W.) by 1999 c. 8, ss. 65(1), **Sch. 4 para. 14(4)(d)**; S.I. 1999/2793, **art. 2(3)(c)(i)**; S.I. 2000/2991, art. 2(2), **Sch. 2**
- F90** Words in s. 28A(9)(b) substituted (1.11.1999 for E. for specified purposes, 1.4.2000 for specified other purposes, 1.12.2000 for W. and for specified other purposes, 1.1.2001) for s. 28A(b)(i)(ii) by 1999 c. 8, ss. 65(1), **Sch. 4 para. 14(4)(e)**; S.I. 1999/2793, art. 2(1)(a)(3)(c)(i), **Sch. 1**; S.I. 2000/2991, art. 2(1)(2), Schs. 1, 2

Marginal Citations

- M4** 1958 c. 33(43:1).
M5 1980 c. 7.
M6 1983 c. 41(113:3).
M7 1985 c. 68(61).
M8 1980 c. 65(81:1, 2) (103:1, 2) (123:1, 2, 3, 4).

[^{F91}28B Power of Secretary of State to make payments towards expenditure on community services in Wales.

- (1) The Secretary of State may, if he thinks fit, make payments—
- (a) to authorities in Wales of any of the descriptions mentioned in paragraphs (a), (b), (c) and (d) of section 28A(2) above, for the purposes respectively mentioned in those paragraphs;
 - (b) to the following bodies, in respect of expenditure incurred or to be incurred by them in connection with the provision of housing accommodation in Wales,

—^{F92}
[a registered social landlord within the meaning of the Housing Act
^{F93}(i) 1985 (see section 5(4) and (5) of that Act);.]

- (ii) the Commission for the New Towns;
- (iii) a new town development corporation;
- (iv) an urban development corporation established under the ^{M9}Local Government, Planning and Land Act 1980;

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^{F94}(v)

^{F95}(vi)

- (2) The Secretary of State may, if he thinks fit, make payments to a voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of services for which he could make payments under subsection (1) above.
- (3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (4) Conditions may be attached to a payment under this section.
- (5) Without prejudice to the generality of subsection (4) above, the conditions that may be attached include conditions requiring, in such circumstances as may be specified,—
 - (a) repayment of the whole or any part of a payment under this section;
 - (b) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.

Textual Amendments

- F91** Ss. 28A, 28B substituted for s. 28A by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 1
- F92** S. 28B(1)(b)(i) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 38(3)**
- F93** S. 28B(1)(b)(i) substituted (E.W.) (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 9(3)**
- F94** S. 28B(1)(b)(v) repealed (1.11.1998) by virtue of [1998 c. 38](#), s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), art. 5
- F95** S. 28B(1)(b)(vi) and the word “and” immediately preceding repealed (1.10.1998) by [1998 c. 38](#), s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), art. 4

Marginal Citations

- M9** [1980 c. 53\(113:2\)](#).

^{F96}**28BB Power of local authorities to make payments to NHS bodies.**

- (1) A local authority may, if they think fit, make payments to a relevant NHS body towards expenditure incurred or to be incurred by the body in connection with the performance by the body of prescribed functions of the NHS body.
- (2) In this section—

“prescribed” means prescribed to any extent by regulations made by the Secretary of State;

“relevant NHS body” means a ^{F97}Strategic Health Authority or] Health Authority or a Primary Care Trust ^{F98}or Local Health Board].
- (3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (4) The Secretary of State may by directions prescribe conditions relating to payments under this section.

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- (5) The power to give such directions may be exercised so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.
- (6) Without prejudice to the generality of subsection (4) above, the power may be exercised—
- (a) so as to make different provision for England and Wales and different provision for different areas in either; and
 - (b) so as to require, in such circumstances as may be specified—
 - (i) repayment of the whole or any part of a payment under this section; or
 - (ii) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.
- (7) No payment shall be made under this section in respect of any expenditure unless the conditions relating to it conform with the conditions prescribed for payments of that description under subsection (4) above.]

Textual Amendments

- F96** S. 28BB inserted (1.4.2000 for E. and 1.12.2000 for W. for specified purposes and otherwise *prosp.*) by 1999 c. 8, ss. 30, 67(2); S.I. 1999/2793, art. 2(3)(b); S.I. 2000/2991, art. 2(1), Sch. 1
- F97** Words in s. 28BB(2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), Sch. 1 Pt. 1 para. 16; S.I. 2002/2478, art. 3(1)(c)
- F98** Words in s. 28BB(2) inserted (10.10.2002 for W., otherwise *prosp.*) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), {Sch. 5 para. (14)}; S.I. 2002/2532, art. 2

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

- Act modified by [2003 c. 43 Sch. 7 para. 3\(7\)](#)
- Act repealed by [2006 c. 43 Sch. 4](#)

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

- s. 3(4) inserted by [2003 c. 43 Sch. 11 para. 8](#)
- s. 3(4)(a) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(a\)](#)
- s. 3(4)(b) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 3(4)(b) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(b\)](#)
- s. 8(9)(10) added by [2006 c. 28 s. 74\(1\)](#)
- s. 11(4A)(4B) inserted by [2006 c. 28 s. 74\(2\)\(a\)](#)
- s. 16B(4) inserted by [2003 c. 43 s. 182\(1\)](#)
- s. 16BC(4) inserted by [2003 c. 43 s. 182\(2\)](#)
- s. 16CA and heading inserted by [2003 c. 43 s. 170](#)
- s. 16CB inserted by [2003 c. 43 s. 171\(1\)](#)
- s. 16CC inserted by [2003 c. 43 s. 174](#)
- s. 16CD16CE inserted by [2006 c. 28 s. 37](#)
- s. 19A(2)(aa) inserted by [2003 c. 43 Sch. 9 para. 9](#)
- s. 20A inserted by [2003 c. 4 s. 1\(1\)](#)
- s. 21(4) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 9](#)
- s. 22(1A)(e) inserted by [2003 c. 43 Sch. 4 para. 25](#)
- s. 28D(1)(b)-(bc) substituted for s. 28D(1)(b)(c) by [2003 c. 43 s. 177\(2\)](#)
- s. 28D(1)(bc)(i) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 28D(1)(bc)(iii) words substituted by [S.I. 2004/957 Sch. para. 3](#)
- s. 28D(1A) inserted by [2003 c. 43 s. 177\(3\)](#)
- s. 28E(3)(ca) inserted by [2003 c. 43 s. 177\(7\)](#)
- s. 28E(3A)(3B) inserted by [2003 c. 43 s. 177\(8\)](#)
- s. 28E(3C) inserted by [2003 c. 43 s. 177\(9\)](#)
- s. 28E(3D) inserted by [2003 c. 43 s. 177\(10\)](#)
- s. 28E(3E)(3F) inserted by [2003 c. 43 s. 177\(11\)](#)
- s. 28K-28P and heading inserted by [2003 c. 43 s. 172\(1\)](#)
- s. 28M(4) words substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 16](#)
- s. 28Q-28W and heading(s) inserted by [2003 c. 43 s. 175\(1\)](#)
- s. 28W(5) applied by [S.I. 2004/478 reg. 100\(3\)](#)
- s. 28W(5) applied by [S.I. 2004/478 Sch. 6 para. 100\(3\)](#)
- s. 28X applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 4](#)
- s. 28X inserted by [2003 c. 43 s. 179\(1\)](#)
- s. 28X heading words substituted by [2006 c. 28 s. 39\(5\)](#)
- s. 28X(1A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(a\)](#)
- s. 28X(2A) inserted by [2006 c. 28 s. 39\(2\)](#)
- s. 28X(3)(b) words substituted by [2006 c. 28 s. 39\(3\)](#)
- s. 28X(3)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(b\)](#)
- s. 28X(6A) inserted by [2006 c. 28 s. 39\(4\)](#)
- s. 28Y inserted by [2003 c. 43 s. 180](#)
- s. 28Y(1) applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 5](#)
- s. 28Y(1)(a) substituted by [2006 c. 28 s. 40\(2\)](#)
- s. 28Y(1)(b) words substituted by [2006 c. 28 s. 40\(3\)](#)
- s. 28Y(1)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 18](#)
- s. 28WA-28WF and cross-heading inserted by [2006 c. 28 s. 38](#)
- s. 29-34A repealed by [2003 c. 43 s. 175\(2\)Sch. 14 Pt. 4](#)

- s. 34A inserted by [1997 c. 46 s. 25\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 25(1) repealed (1.4.2004) without ever being in force by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1) (4), Sch. 14 Pt. 4 Note; S.I. 2004/288, art. 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345))
- s. 35(3)-(3B) substituted for s. 35(3) by [S.I. 2005/2011 Sch. 6 para. 1\(2\)\(a\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- s. 42(2A) inserted by [2001 c. 15 s. 40\(3\)](#)
- s. 42(2B)(2C) inserted by [2006 c. 28 s. 35](#)
- s. 42A42B inserted by [2006 c. 28 s. 34\(1\)](#)
- s. 43(4)(5) added by [1997 c. 19 Sch. para. 6](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 19 repealed (30.3.2007) by S.I. 2007/289, art. 1(2)(3), Sch. 1 para. 6; commencing date as notified in The Gazette, published 23.3.2007)
- s. 43A inserted by [1984 c. 48 s. 7\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(1) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43A43B substituted by [1999 c. 8 s. 10\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1))
- s. 43A43B substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 19](#)
- s. 43A(3) repealed by [1997 c. 46 Sch. 2 para. 77](#)[Sch. 3 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 77 repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43B added by [1984 c. 48 s. 7\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(3) repealed to the extent that it inserts section 43B of the National Health Service Act 1977 (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without that amendment ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 44(3A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 20\(c\)](#)
- s. 45A45B inserted by [2003 c. 43 Sch. 11 para. 23](#)
- s. 45A(3) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(3)(a) word repealed by [2006 c. 28 Sch. 8 para. 17\(2\)](#)[Sch. 9](#)
- s. 45A(3)(aa) inserted by [2006 c. 28 Sch. 8 para. 17\(2\)](#)
- s. 45A(4) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(4)(a) substituted by [2006 c. 28 Sch. 8 para. 17\(3\)](#)
- s. 45A(11) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45C inserted by [2006 c. 28 s. 41](#)
- s. 46-46C substituted for s. 46 by [1999 c. 8 s. 40\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed by 2001 c. 15, ss. 67, 70(2), Sch. 6 Pt. 1 (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the National Health Service Act 2006 (c. 41) (as to which see s. 227 of that 2006 Act) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), arts. 1(1), 2, Sch. 1 Pt. 2 para. 8(c))
- s. 54(1)(c) and word(s) inserted by [2003 c. 43 Sch. 11 para. 26\(2\)\(c\)](#)
- s. 54(1)(c) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) and word(s) inserted by [2003 c. 43 Sch. 11 para. 27\(2\)](#)
- s. 72(5)(d) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(i\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(ii\)](#)

- s. 77(4) inserted by [2003 c. 43 Sch. 11 para. 28](#)
- s. 78A inserted by [1997 c. 46 s. 26\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26(1) repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1))
- s. 79(5)(b) modified by [2003 c. 43 s. 183\(4\)](#)
- s. 96(4) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 27](#)
- s. 96A(12) inserted by [2003 c. 43 Sch. 4 para. 37](#)
- s. 98(1A)-(1C) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(2\)](#)
- s. 98(1A) substituted by [S.I. 2004/1714 Sch. 2 para. 1\(2\)](#)
- s. 98(1A)(e) inserted by [S.I. 2006/960 Sch. 2 para. 1\(2\)](#)
- s. 98(1C) words inserted by [S.I. 2004/1714 Sch. 2 para. 1\(4\)](#)
- s. 98(1C) words substituted by [S.I. 2006/960 Sch. 2 para. 1\(4\)](#)
- s. 98(1D) inserted by [2004 c. 23 Sch. 2 para. 2](#)
- s. 98(1BA)(1BB) inserted by [S.I. 2004/1714 Sch. 2 para. 1\(3\)](#)
- s. 98(1BC) inserted by [S.I. 2006/960 Sch. 2 para. 1\(3\)](#)
- s. 98(4A) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(4\)](#)
- s. 98(7)-(10) inserted by [S.I. 2005/1074 art. 2\(2\)](#)
- s. 103(4)(5) inserted by [2001 c. 15 Sch. 5 para. 5\(12\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(12)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 124A(3)(aa) inserted by [2002 c. 38 Sch. 3 para. 20](#)
- s. 126(1A) inserted by [2003 c. 43 s. 183\(3\)\(b\)](#)
- s. 126(4A) inserted by [2001 c. 15 Sch. 5 para. 5\(13\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(13)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 126(4A) inserted by [2003 c. 4 s. 1\(2\)](#)
- Sch. 5 para. 12B inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 39\(c\)](#)
- Sch. 5 para. 10(2A)-(2C) substituted for Sch. 5 para. 10(2A) by [S.I. 2005/2011 Sch. 6 para. 1\(4\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- Sch. 5A para. 20(1A) inserted by [2006 c. 28 s. 74\(3\)](#)
- Sch. 5B para. 19(1A) inserted by [2006 c. 28 s. 74\(4\)](#)
- Sch. 7A inserted by [2003 c. 4 s. 1\(3\)Sch. 1](#)
- Sch. 7A para. 3(1)(fa) inserted by [2003 c. 43 Sch. 11 para. 40\(2\)\(a\)](#)
- Sch. 7A para. 3(1)(g) words repealed by [2003 c. 43 Sch. 11 para. 40\(2\)\(b\)Sch. 14 Pt. 4](#)
- Sch. 7A para. 3(2) words substituted by [2003 c. 43 Sch. 11 para. 40\(3\)](#)
- Sch. 9A para. 10(a)(aa) substituted for s. Sch. 9A para. 10(a) by [2003 c. 43 Sch. 11 para. 42\(4\)\(b\)](#)
- Sch. 9A para. 6(d)(i)(ii) substituted for words in para. 6(d) by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 40\(b\)](#)
- Sch. 11 para. 5A inserted by [S.I. 2004/3363 art. 7](#)
- Sch. 12 para. 2A(6) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 42\(g\)](#)
- Sch. 12 para. 2B amendment to earlier affecting provision 2006 c. 28, s. 41(3) by [S.I. 2006/1407 Sch. 1 Pt. 2 para. 15](#) (The earlier affecting provision cited is incorrect. The correct provision should be s. 42(3).)
- Sch. 12 para. 2B inserted by [2006 c. 28 s. 42\(3\)](#)
- Sch. 12 para. 2A(1)(b)(ba) substituted for Sch. 12 para. 2A(1)(b) by [2006 c. 28 s. 42\(2\)\(a\)](#)
- Sch. 12A para. 7(4) inserted by [2001 c. 15 Sch. 5 para. 5\(17\)\(c\)](#)
- Sch. 12B inserted by [2006 c. 28 s. 56\(2\)Sch. 3](#)
- Sch. 12ZA inserted by [2003 c. 43 s. 183\(2\)](#)

Commencement Orders yet to be applied to the National Health Service Act 1977

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/53 art. 2-4 commences (2001 c. 15)
- S.I. 2003/713 art. 2 commences (2001 c. 15)
- S.I. 2003/833 art. 23 commences (2002 c. 17)
- S.I. 2003/2245 art. 2 commences (2001 c. 15)
- S.I. 2003/2246 art. 2 commences (2002 c. 17)
- S.I. 2003/2660 art. 2-4 commences (2003 c. 4)
- S.I. 2003/3064 art. 2 commences (2003 c. 4)
- S.I. 2003/3083 art. 2 commences (2002 c. 17)
- S.I. 2003/3346 art. 2-5 commences (2003 c. 43)
- S.I. 2004/103 art. 2-4 commences (2001 c. 15)
- S.I. 2004/287 art. 23 commences (1997 c. 46)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/289 art. 2 commences (1998 c. 8)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2004/1859 art. 2-6 commences (1999 c. 8)
- S.I. 2004/2626 art. 2 commences (2003 c. 43)
- S.I. 2005/457 art. 2 commences (2003 c. 43)
- S.I. 2005/558 art. 2Sch. 1 commences (2004 c. 23)
- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.I. 2005/2213 art. 23 commences (2002 c. 38)
- S.I. 2005/2800 art. 3-5 commences (2005 c. 10)
- S.I. 2005/2897 art. 2 commences (2002 c. 38)
- S.I. 2005/2925 art. 24-11 commences (2003 c. 43)
- S.I. 2005/2926 art. 23 commences (1997 c. 46)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/481 art. 23 commences (2001 c. 15)
- S.I. 2006/1014 art. 2Sch. 12 commences (2005 c. 4)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 3681213 commences (1997 c. 46)
- S.I. 2006/2603 art. 2-5 commences (2006 c. 28)
- S.I. 2006/3125 art. 2-4 commences (2006 c. 28)
- S.I. 2007/204 art. 2-4 commences (2006 c. 28)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)