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SCHEDULES

SCHEDULE 5

[^{F1}HEALTH AUTHORITIES AND SPECIAL HEALTH AUTHORITIES]

Textual Amendments

- F1** Sch. 5 heading substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with Sch. 2 para. 6)

[^{F2}PART I

[^{F3}MEMBERSHIP OF STRATEGIC HEALTH AUTHORITIES AND HEALTH AUTHORITIES]

Textual Amendments

- F2** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with Sch. 2 para. 6) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that Sch. 5 Pt. I shall be inserted
- F3** Words in Sch. 5 Pt. 1 heading substituted (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. 34(2)(d)**; S.I. 2002/2478, **art. 3(1)(c)**

- ^{F4}1 A [^{F5}Strategic Health Authority] shall consist of—
- (a) a chairman appointed by the Secretary of State;
 - (b) not more than a prescribed number of persons (not being officers of the [^{F5}Strategic Health Authority]) appointed by the Secretary of State; and
 - (c) a prescribed number of officers of the [^{F5}Strategic Health Authority] .

Textual Amendments

- F4** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with Sch. 2 para. 6) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that Sch. 5 Pt. I shall be inserted
- F5** Words in Sch 5 Pt. 1 substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**

- ^{F6}2 Regulations may provide that all or any of the persons appointed as members of a [^{F7}Strategic Health Authority] under paragraph 1(b) above—
- (a) must hold posts of a prescribed description; or
 - (b) must fulfil any other prescribed conditions.

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Textual Amendments

- F6** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with **Sch. 2 para. 6**) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that **Sch. 5 Pt. 1** shall be inserted
- F7** Words in **Sch 5 Pt. 1** substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**

- ^{F8}3 Regulations shall provide that each of the persons who is a member of a [^{F9}Strategic Health Authority] under paragraph 1(c) above must either—
- (a) hold an office of the [^{F9}Strategic Health Authority] of a prescribed description; or
- (b) be appointed by the chairman of the [^{F9}Strategic Health Authority] and the persons appointed as members of the [^{F9}Strategic Health Authority] under paragraph 1(b) above.

Textual Amendments

- F8** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with **Sch. 2 para. 6**) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that **Sch. 5 Pt. 1** shall be inserted
- F9** Words in **Sch 5 Pt. 1** substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**

- ^{F10}4 Regulations may provide for a person of a prescribed description who is not an officer of a [^{F11}Strategic Health Authority] to be treated for the purposes of this Part of this Schedule, and any other prescribed provision relating to members of (or of committees or sub-committees of) [^{F12}Strategic Health Authorities] , as if he were such an officer.

Textual Amendments

- F10** By 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 59** (with **Sch. 2 para. 6**) it is provided (28.6.1995 for specified purposes and otherwise 1.4.1996) that **Sch. 5 Pt. 1** shall be inserted
- F11** Words in **Sch 5 Pt. 1** substituted (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. 34(2)(a)**; S.I. 2002/2478, **art. 3(1)(c)**
- F12** Words in **Sch 5 Pt. 1 para. 4** substituted (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. 34(2)(b)**; S.I. 2002/2478, **art. 3(1)(c)**

- [^{F13}4A Paragraphs 1 to 4 above apply in relation to Health Authorities as they apply in relation to Strategic Health Authorities.]

Textual Amendments

- F13** **Sch 5 Pt. 1 para. 4A** 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. 34(2)(c)**; S.I. 2002/2478, **art. 3(1)(c)**

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[^{F14}PART I

MEMBERSHIP OF REGIONAL [^{F15}AREA AND DISTRICT] HEALTH AUTHORITIES

Textual Amendments

F14 Sch. 5 Pt. I repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**

F15 Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 1**, para. 78(1)(2)

Modifications etc. (not altering text)

C1 Sch. 5 Pt. I: by s. 1(2) of the National Health Service and Community Care Act 1990 (c. 19, SIF 113:2) it is provided that Part I of Schedule 1 to that Act shall have effect in place of Part I of Schedule 5

Regional Health Authorities

- 1 (1) A Regional Health Authority shall consist of a chairman appointed by the Secretary of State, and of such number of other members appointed by him as he thinks fit.
- (2) Except in prescribed cases, it is the Secretary of State's duty, before he appoints a member of a Regional Health Authority other than the chairman, to consult with respect to the appointment—
- such of the following bodies of which the areas or parts of them are within the region of the Authority, namely, county councils, metropolitan district councils, . . . ^{F16} London borough councils, and the Common Council of the City of London;
 - the university or universities with which the provision of health services in that region is, or is to be, associated;
 - such bodies as the Secretary of State may recognise as being, either in that region or generally, representative respectively of medical practitioners [^{F17}including medical practitioners qualified in homoeopathy], dental practitioners, nurses, midwives, registered pharmacists and ophthalmic . . . ^{F18} opticians, or representative of such other professions as appear to him to be concerned;
 - any federation of workers' organisations which appears to the Secretary of State to be concerned, and any voluntary organisation within the meaning of section 23 above and any other body which appear to him to be concerned; and
 - in the case of an appointment of a member falling to be made after the establishment of the Regional Health Authority in question, that Authority.

Textual Amendments

F16 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102(2), **Sch. 17**

F17 Words inserted by Health Services Act 1980 (c. 53, SIF 113:2), **s. 22**

F18 Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. I**

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Area Health Authorities

- 2 (1) . . . ^{F19} an Area [^{F20}or District] Health Authority for an area [^{F20}or district] in England shall consist of the following members—
- (a) a chairman appointed by the Secretary of State;
 - (b) the specified number of members appointed by the relevant Regional Authority after consultation (except in prescribed cases) with the bodies mentioned in sub-paragraph (2) below;
 - (c) the specified number of members appointed by the relevant Regional Authority on the nomination of the university or universities specified as being associated with the provision of health services in that Authority's region; and
 - (d) the specified number (not less than four) of members appointed by the specified local authority or local authorities.
- (2) The bodies referred to in sub-paragraph (1)(b) above are—
- (a) such bodies as the relevant Regional Authority may recognise as being, either in its region or in the area [^{F20}or district] of the Area [^{F20}or District] Health Authority or generally, representative respectively of medical practitioners, dental practitioners, nurses, midwives, registered pharmacists and ophthalmic . . . ^{F21} opticians, or representative of such other professions as appear to the relevant Regional Authority to be concerned;
 - (b) such other bodies (including any federation of workers' organisations) as appear to the relevant Regional Authority to be concerned, excluding any university which has nominated, or is entitled to nominate, a member, and any local authority which has appointed, or is entitled to appoint, a member; and
 - (c) in the case of an appointment of a member falling to be made after the establishment of the Area [^{F20}or District] Health Authority in question, that Authority.

Textual Amendments

F19 Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, **Sch. 10 Pt. I**

F20 Words inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), **Sch. 1**, para. 78(3)

F21 Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, **Sch. 8 Pt. I**

- 3 Paragraph 2 above applies to an Area [^{F22}or District] Health Authority for an area [^{F22}or district] in Wales as if, for any reference to the relevant Regional Authority, there were substituted a reference to the Secretary of State, and for any reference to England or the region of that Authority there were substituted a reference to Wales.

Textual Amendments

F22 Words inserted by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), **Sch. 1**, para. 78(4)

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Textual Amendments

F23 S. 9, Sch. 5 Pt. I para. 4, Sch. 8 paras. 1(2), 2(5), 3(2), repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), ss. 13, 30, **Sch. 10 Pt. I**

Supplemental

- 5 (1) For the purposes of paragraphs 2 to 4 above—
- (a) “local authority” means the council of a non-metropolitan county, a metropolitan district, [^{F24}a non-metropolitan district] and a London borough, . . . ^{F25}and the Common Council of the City of London;
 - (b) “the relevant Regional Authority” means the Regional Health Authority of which the region includes [^{F26}the area or district of the Area or District] Health Authority in question; and
 - (c) “specified” means specified in the order establishing the Area [^{F24}or District] Health Authority in question, . . . ^{F27}.
- (2) Where—
- (a) an order establishing an Area [^{F24}or District] Health Authority, . . . ^{F27}, specifies more than one university in pursuance of paragraph 2(1)(c) above, the order may contain provision as to which of the universities shall (either severally or jointly) nominated all or any of the members falling to be nominated in pursuance of that provision;
 - (b) such an order specifies more than one local authority in pursuance of paragraph 2(1)(d) above, the order may provide for each of the local authorities to appoint in pursuance of paragraph 2(1)(d) the number of members specified in the order in relation to that local authority.]

Textual Amendments

F24 Words inserted by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 1**, para. 78(6)

F25 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1, 2), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F26 Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), **Sch. 1 para. 78(6)**

F27 Words repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**

[^{F28}[^{F29}PART II

FAMILY PRACTITIONER COMMITTEES

Textual Amendments

F28 Pt. II substituted by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 5(4), **Sch. 3 para. 12**.

F29 Sch. 5 Pt. II repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), 67(2), **Sch. 10**

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Modifications etc. (not altering text)

- C2** Sch. 5 Pt. II: by s. 2(4)(6) of the [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), it is provided that Part II of Schedule 1 of that Act shall have effect in place of Part II of Schedule 5
- C3** Pt. II modified by [S.I. 1984/1735, art. 2\(1\)](#)

- 6 (1) Subject to paragraph 7 below, a Family Practitioner Committee shall consist of a chairman and 30 other members.
- (2) The chairman shall be appointed by the Secretary of State.
- (3) The other members shall be appointed by the Secretary of State, as follows—
- (a) 8 shall be appointed from persons nominated by the Local Medical Committee for the locality of the Family Practitioner Committee, and one of them must be, but not more than one of them shall be, a medical practitioner having the qualifications prescribed in pursuance of section 38 above;
 - (b) 3 shall be appointed from persons nominated by the Local Dental Committee for that locality;
 - (c) 2 shall be appointed from persons nominated by the Local Pharmaceutical Committee for that locality;
 - (d) 1 shall be an ophthalmic optician appointed from persons nominated by such members of the Local Optical Committee for that locality as are ophthalmic opticians;
 - [1 shall be appointed from persons nominated—
 - ^{F30}(e) (i) by the Local Medical Committee for the locality of the Family Practitioner Committee;
 - (ii) by the Local Dental Committee for that locality;
 - (iii) by the Local Pharmaceutical Committee for that locality; or
 - (iv) by the Local Optical Committee for that locality;]
 - (f) 4 shall be appointed from persons nominated by local authorities any part of whose area is in the locality of the Family Practitioner Committee;
 - (g) 4 shall be appointed from persons nominated by District Health Authorities any part of whose district is in the locality of the Family Practitioner Committee; and
 - (h) 7 shall be appointed after such consultations with such bodies as the Secretary of State considers appropriate.
- (4) One member must be a person who—
- (a) is registered in the register of qualified nurses, midwives and health visitors—
 - (i) as a nurse recorded in the register as having an additional qualification in district nursing;
 - (ii) as a midwife; or
 - (iii) as a health visitor; and
 - (b) has recent experience of providing services to patients (other than patients resident in hospital) in any such capacity.
- (5) If a nomination required for the purposes of sub-paragraph (3) above is not made before such date as the Secretary of State may determine, he may appoint a member without waiting any longer for the nomination.
- (6) No person—

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- (a) shall be nominated for appointment to a Family Practitioner Committee under sub-paragraph (3)(f) or (g) above or sub-paragraph (5) above; or
- (b) shall be appointed to such a Committee under sub-paragraph (3)(f), (g) or (h) above,

if he is—

- (i) a medical practitioner;
- (ii) a dental practitioner;
- (iii) an ophthalmic optician;
- (iv) F31
- (v) a registered pharmacist; or
- (vi) a person conducting a business providing any service for the purposes of Part II of this Act.

- (7) If a Local Medical Committee so require, the Secretary of State shall appoint from among medical practitioners having the qualifications prescribed in pursuance of section 38 above and nominated by the Local Medical Committee under sub-paragraph (3)(a) above a medical practitioner to be the deputy of such a practitioner appointed from among persons nominated by them under sub-paragraph (3)(a) above.

[If a Local Optical Committee so require, the Secretary of State shall appoint from F32 (8) among ophthalmic opticians nominated by the Committee under sub-paragraph (3) (d) above an ophthalmic optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(d) above.]

- (9) If a Local Optical Committee so require, the Secretary of State shall appoint from among dispensing opticians nominated by the Committee under sub-paragraph (3) (e) above a dispensing optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(e) above.

- (10) A deputy may, while the member for whom he is deputy is absent from any meeting of the relevant Family Practitioner Committee, act as a member of that Committee in the place of the absent member.

- (11) The Committee shall appoint one of their members to be vice-chairman.

Textual Amendments

F30 Para. 6(3)(e) repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. 1](#) and substituted (1.7.1986) by virtue of para. 7A(2) below

F31 Para. 6(5)(iv) repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 24, [Sch. 8 Pt. 1](#)

F32 Para. 6(8) repealed (prosp.) by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), ss. 24, 27(1), [Sch. 8 Pt. 1](#)

Modifications etc. (not altering text)

C4 Para. 6 modified by [S.I. 1985/66](#), [art. 2](#) and [S.I. 1985/303](#), [art. 2](#)

- 7 (1) If it appears to the Secretary of State that, by reason of special circumstances affecting a locality, it is appropriate that the Family Practitioner Committee for that locality should not be in accordance with paragraph 6 above, he may by order provide that that paragraph shall apply in relation to the Committee for that locality with such modifications as are specified in the order.

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- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, before he makes an order under sub-paragraph (1) above, to consult the Family Practitioner Committee for the locality and any District Health Authority any part of whose district is in the locality of the Family Practitioner Committee with respect to the order.
- (3) It shall also be his duty, in making any such order, to have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between members falling to be appointed in pursuance of paragraph 6 above as there would be if no modification were made.
- 7A (1) Any member of a Family Practitioner Committee appointed by virtue of paragraph 6(3)(e) above shall cease to be a member of the Committee on the day on which the repeal of that paragraph by section 24 of the Health and Social Security Act 1984 comes into force.
- (2) The following paragraph shall be substituted on that day for paragraph 6(3)(e) above—
- “(e) I shall be appointed from persons nominated—
- (i) by the Local Medical Committee for the locality of the Family Practitioner Committee;
- (ii) by the Local Dental Committee for that locality;
- (iii) by the Local Pharmaceutical Committee for that locality; or
- (iv) by the Local Optical Committee for that locality;”]

PART III

SUPPLEMENTARY PROVISIONS

Corporate status

- 8 Each [^{F33}Strategic Health Authority, each][^{F34}Health Authority and each Special Health Authority] (hereinafter in this Schedule referred to severally as “an authority”) shall be a body corporate.

Textual Amendments

- F33** Words in Sch. 5 Pt. 3 para. 8 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. 34(3)(a)**; S.I. 2002/2478, **art. 3(1)(c)**
- F34** Words in Sch. 1 Pt. III para. 8 substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 60(a)** (with Sch. 2 para. 6)

Pay and allowances

- 9 (1) The Secretary of State may pay to the chairman of an authority [^{F35}and to any member of a relevant authority who is appointed by the Secretary of State ^{F36}. . .] . . . ^{F37} such remuneration as he may determine with the approval of [^{F38}the Treasury].

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- (2) The Secretary of State may provide as he may determine with the approval of [^{F39}the Treasury] for the payment of a pension, allowance or gratuity to or in respect of the chairman of an authority . . . ^{F37}.
- (3) Where a person ceases to be chairman of an authority . . . ^{F37}, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to him a payment of such amount as the Secretary of State may determine with the approval of [^{F40}the Treasury].
- (4) The Secretary of State may pay to a member of an authority, or of a committee or sub-committee of [^{F41}, or joint committee or joint sub-committee including,] an authority, such travelling and other allowances (including attendance allowance or compensation for the loss of remunerative time) as he may determine with the approval of [^{F42}the Treasury].
- (5) Allowances shall not be paid in pursuance of sub-paragraph (4) above except in connection with the exercise, in such circumstances as the Secretary of State may determine with the approval of [^{F42}the Treasury], of such functions as he may so determine.
- (6) Payments under this paragraph shall be made at such times, and in such manner and subject to such conditions, as the Secretary of State may determine with the approval of [^{F43}the Treasury].
- ^{F44}(7) In sub-paragraph (1) above “relevant authority” [^{F45}means—
- (a) a [^{F46}Strategic Health Authority or] Health Authority; or
 - (b) any Special Health Authority which is specified] in Schedule 1 to the Authorities for London Post-Graduate Teaching Hospitals (Establishment and Constitution) Order ^{M1}1982, in the Board of Governors of the Eastman Dental Hospital (Establishment and Constitution) Order ^{M2}1984 or in any other provision of an order under this Act which specifies an authority for the purposes of this sub-paragraph.]

Textual Amendments

- F35** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 1(3), 2, [Sch. 1 para. 7](#)
- F36** Words in [Sch. 5 Pt. III para. 9\(1\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17](#), ss. 2(1)(3), 5(1), 8(1), [Sch. 1 Pt. I para. 60\(b\)\(i\)](#), [Sch. 3](#) (with [Sch. 2 para. 6](#))
- F37** Words repealed by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), ss. 5, 24, [Sch. 3 para. 13](#), [Sch. 8 Pt. I](#)
- F38** Words substituted by virtue of S.I. 1981/1670, [arts. 2\(2\)](#), 3(5)
- F39** Words substituted by virtue of S.I. 1981/1670, [arts. 2\(1\)\(c\)](#), 3(5)
- F40** Words substituted by virtue of S.I. 1981/1670, [arts. 2\(1\)\(d\)](#), 3(5)
- F41** Words in [Sch. 5 Pt. III para. 9\(4\)](#) inserted (1.9.1999 for E. and 1.12.1999 for W.) by [1999 c. 8](#), s. 65, [Sch. 4 para. 39\(2\)](#); S.I. 1999/2342, art. 2(1), [Sch. 1](#); S.I. 1999/3184, art. 2(2), [Sch. 2](#)
- F42** Words substituted by virtue of S.I. 1981/1670, [arts. 2\(1\)\(d\)\(2\)](#), 3(5)
- F43** Words substituted by virtue of S.I. 1981/1670, [arts 2\(1\)\(2\)](#), 3(5)

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- F44** Sch. 5 para. 9(7) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 7(2)**
- F45** Words in Sch. 5 Pt. III para. 9(7) and sub-paras. (a)(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 Pt. I para. 60(b)(ii)** (with Sch. 2 para. 6)
- F46** Words in Sch. 5 Pt. 3 para. 9(7)(a) 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. I para. 34(3)(b)**; S.I. 2002/2478, **art. 3(1)(c)**

Modifications etc. (not altering text)

- C5** Para. 9 modified by Mental Health Act 1983 (c. 20, SIF 85), **s. 121(11)**
- C6** Sch. 5 para. 9(1)(4): functions not to be exercised by a primary care trust (1.4.2000) by S.I. 2000/695, reg. 4(1), **Sch. 4**
- C7** Sch. 5 para. 9(1)(4): transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

Marginal Citations

- M1** S.I. 1982/314.
- M2** S.I. 1984/188.

Staff

- 10 ^{F47}(1) Subject to and in accordance with regulations and such directions as may be given by the Secretary of State, an authority . . . ^{F48} may employ such officers as it may determine ^{F49} and pay its officers such remuneration and allowances, and employ them on such other terms and conditions,] as it may determine; and regulations and directions under] this sub-paragraph ^{F50} may make provision with respect to any matter connected with the employment by an authority of its officers, including in particular provision—]
- (a) with respect to the qualifications of persons who may be employed as officers of an authority;
- (b) requiring an authority to employ ^{F51} a chief officer and officers of such other descriptions as may be prescribed and to employ], for the purpose of performing prescribed functions of the authority or any other body, officers having prescribed qualifications or experience; and
- (c) as to the manner in which any officers of an authority are to be appointed.
- ^{F52}(1A) Regulations or directions under sub-paragraph (1) above may provide for approvals or determinations to have effect from a date specified in them ^{F53} and a direction under that sub-paragraph may relate to a particular officer or class of officer specified in the direction].
- (1B) The date may be before or after the date of giving the approvals or making the determinations but may not be before if it would be to the detriment of the officers to whom the approvals or determinations relate.]
- (2) Regulations may provide for the transfer of officers from one authority to another . . . ^{F54}, and for arrangements under which the services of an officer of an authority are placed at the disposal of another authority or a local authority.
- ^{F55}(2A) Where the registration of a dental practitioner in the dentists register is suspended—
- (a) by an order under ^{F56} section 32 of the ^{M3} Dentists Act 1984] (interim suspension); or

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(b) by a direction or [^{F56}an order of the Health Committee under] that Act (health cases),

the suspension shall not terminate any contract of employment made between him and an authority but a person whose registration is suspended under that Part of that Act shall not perform any duties under a contract made between him and an authority which involves the practice of dentistry within the meaning of [^{F56}the ^{M4}Dentists Act 1984.]

(3) Directions may be given—

(a) by the Secretary of State to an authority to place services of any of its officers at the disposal of another authority,

^{F57}(b)

(c) by the Secretary of State to any authority . . . ^{F58} to employ as an officer of the authority any person who is or was employed by another authority and is specified in the direction,

^{F57}(d)

^{F59} . . .

(4) Regulations made in pursuance of this paragraph shall not require that all consultants employed by an authority are to be so employed whole-time.

Textual Amendments

- F47** Words substituted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 14, Sch. 6 para. 3\(1\)](#)
- F48** Words repealed by [Health and Social Services Act 1984 \(c. 48, SIF 113:1\), ss. 5, 24, Sch. 3 para. 14, Sch. 8 Pt. I](#)
- F49** Words in [Sch. 5 Pt. III para. 10\(1\)](#) substituted (1.10.2001 for E. and otherwise *prosp.*) by [2001 c. 15, ss. 6\(1\)\(a\), 70\(2\)](#) (with ss. 64(9), 65(4)); [S.I. 2001/3294, art. 2](#)
- F50** Words in [Sch. 5 Pt. III para. 10\(1\)](#) substituted (1.10.2001 for E. and otherwise *prosp.*) by [2001 c. 15, ss. 6\(1\)\(b\), 70\(2\)](#) (with ss. 64(9), 65(4)); [S.I. 2001/3294, art. 2](#)
- F51** Words in [Sch. 5 Pt. III para. 10\(1\)\(b\)](#) inserted (28.6.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 Pt. I para. 60\(c\)\(i\)](#) (with [Sch. 2 para. 6](#))
- F52** [Para. 10\(1A\)\(1B\)](#) inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 14, Sch. 6 para. 3\(2\)](#)
- F53** Words added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), ss. 1\(3\), 2, Sch. 1 para. 8](#)
- F54** Words repealed by [S.I. 1985/39, art. 7\(22\)\(a\)\(i\)](#)
- F55** [Para. 10\(2A\)](#) inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\), s. 15\(b\)](#)
- F56** Words substituted by [Dentists Act 1984 \(c. 24, SIF 83:1\), s. 54\(1\), Sch. 5 paras. 8, 10](#)
- F57** [Sch. 5 Pt. III para. 10\(3\)\(b\)\(d\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 5\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(c\)\(ii\), Sch. 3](#) (with [Sch. 2 para. 6](#))
- F58** Words repealed by [S.I. 1985/39, art. 7\(22\)\(a\)\(ii\)](#)
- F59** Words in [Sch. 5 Pt. III para. 10\(3\)](#) omitted (1.9.1999 for E. and 1.12.1999 for W.) and repealed (1.4.2000) by [1999 c. 8, s. 65, Sch. 4 para. 39\(3\), Sch. 5; S.I. 1999/2342, art. 2\(1\), Sch. 1; S.I. 1999/3184, art. 2\(2\), Sch. 2; S.I. 2000/1041, art. 2\(d\), Sch.](#)

Marginal Citations

- M3** [1984 c. 24\(83:1\)](#).

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M4 1984 c. 24(83:1).

- 11 (1) It shall be the duty of the Secretary of State, before he makes regulations in pursuance of paragraph 10 above, to consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, ^{F60} . . . before he ^{F60} . . . gives directions to an authority in pursuance of sub-paragraph (3) of paragraph 10 above in respect of any officer of an authority—
- (a) to consult the officer about the directions; or
 - (b) to satisfy himself. . . that the authority of which he is an officer has consulted the officer about the placing or employment in question; or
 - (c) to consult, except in the case of a direction in pursuance of paragraph (c) ^{F60} . . . of paragraph 10(3), with respect to the directions such body as he ^{F60} . . . may recognise as representing the officer.
- (3) If the Secretary of State ^{F61} . . . —
- (a) considers it necessary to give directions in pursuance of paragraph (a) ^{F61} . . . of paragraph 10(3) for the purpose of dealing temporarily with an emergency, and
 - (b) has previously consulted bodies recognised by him ^{F61} . . . as representing the relevant officers about the giving of directions for that purpose,
- the Secretary of State ^{F61} . . . shall be entitled to disregard sub-paragraph (2) above in relation to the directions.

Textual Amendments

F60 Words in [Sch. 5 Pt. III para. 11\(2\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 5\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(d\)\(i\), Sch. 3](#) (with [Sch. 2 para. 6](#))

F61 Words in [Sch. 5 Pt. III para. 11\(3\)](#) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 5\(1\), 8\(1\), Sch. 1 Pt. I para. 60\(d\)\(ii\), Sch. 3](#) (with [Sch. 2 para. 6](#))

Miscellaneous

- 12 Provision may be made by regulations as to—
- (a) the appointment and tenure of office of the chairman [^{F62}vice-chairman] and members of an authority [^{F63}and any members of a committee or sub-committee of [^{F64}, or joint committee or joint sub-committee including,] an authority who are not members of the authority];
 - ^{F65}(aa) the circumstances in which a member of an authority who is (or is to be regarded as) an officer of the authority may be suspended from performing his functions as a member]
 - (b) the appointment [^{F66}and constitution] of ^{F67} . . . committees and sub-committees [^{F68}(and joint committees and joint sub-committees) of (or including) an authority (including any such committees] consisting wholly or partly of persons who are not members of the authority in question); and

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- (c) the procedure of an authority, and of such committees and sub-committees as are mentioned in sub-paragraph (b) above.

Textual Amendments

- F62** Word inserted by S.I. 1985/39, **art. 7(22)(b)**
- F63** Words added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 9(a)**
- F64** Words in Sch. 5 Pt. III para. 12(a) inserted (1.9.1999 for E. and 1.12.1999 for W.) by 1999 c. 8, s. 65, **Sch. 4 para. 39(4)(a)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**
- F65** Sch. 5 para. 12(aa) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 9(b)**
- F66** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 9(c)**
- F67** Words in Sch. 5 Pt. III para. 12(b) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), Sch. 1 Pt. I para. 60(e), **Sch. 3** (with Sch. 2 para. 6)
- F68** Words in Sch. 5 Pt. III para. 12(b) substituted (1.9.1999 for E., and 1.12.1999 for W.) by 1999 c. 8, s. 65, **Sch. 4 para. 39(4)(b)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**

- [^{F69}12A Regulations made by virtue of this Schedule [^{F70}may make provision (including provision modifying this Schedule)] to deal with cases where the post of chief officer or any other officer of an authority is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.]

Textual Amendments

- F69** Sch. 5 para. 12A inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 1(3), 2, **Sch. 1 para. 10**
- F70** Words in Sch. 5 Pt. III para. 12A substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 60(f)** (with Sch. 2 para. 6)

- 13 An authority may pay subscriptions, of such amounts as the Secretary of State may approve, to the funds of such bodies as he may approve.
- 14 The proceedings of an authority shall not be invalidated by any vacancy in its membership, or by any defect in a member's appointment.
- 15 [^{F71}(1) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by an authority of any function exercisable by 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.]
- [^{F72}(2) An authority shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the discovery or production of documents.

This sub-paragraph shall not prejudice any right of the Crown to withhold or procure the withholding from production of any document on the ground that its disclosure would be contrary to the public interest.]

- ^{F73}(3)

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Textual Amendments

- F71** Sch. 5 Pt. III para. 15(1)(1A) substituted (1.9.1999 for E. and 1.12.1999 for W.) for Sch. 15 Pt. III para. 15(1) by 1999 c. 8, s. 65, **Sch. 4 para. 39(5)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 1999/3184, art. 2(2), **Sch. 2**
- F72** Sch. 5 para. 15(2) repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**
- F73** Sch. 5 Pt. III para. 15(3) omitted (28.6.1995 for specified purposes and otherwise 1.4.1996) and repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, 8(1), Sch. 1 Pt. I para. 60(g), **Sch. 3** (with Sch. 2 para. 6)

- 16 Provision may be made by regulations with respect to the recording of information by an authority, and the furnishing of information by an authority to the Secretary of State or another authority.

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 5 extended by [2003 c. 43 s. 187\(5\)](#)
- Sch. 5 para. 9(7) omitted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 39\(b\)](#)
- Sch. 5 para. 6(8) repealed by [1984 c. 48 Sch. 8 Pt. 1](#)
- Sch. 5 Pt. 1 repealed by [1990 c. 19 Sch. 10](#)
- Sch. 5 Pt. 2 repealed by [1990 c. 19 Sch. 10](#)
- Sch. 5 para. 9(1) words substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 39\(a\)](#)

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. 77Sch. 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)