



# National Health Service Act 1977

## 1977 CHAPTER 49

### PART II

#### GENERAL MEDICAL, GENERAL DENTAL, GENERAL OPHTHALMIC, AND PHARMACEUTICAL SERVICES

##### *Local representative committees*

#### 44 Recognition of local representative committees. **E**

[<sup>F1</sup>(ZA1) A Primary Care Trust may recognise a committee formed for its area, or for the area of that and one or more other Primary Care Trusts, which it is satisfied is representative of—

- (a) the medical practitioners providing general medical services or general ophthalmic services in the Primary Care Trust's area;
- (b) those medical practitioners and the deputy medical practitioners for the Primary Care Trust's area;
- (c) the medical practitioners mentioned in—
  - (i) paragraph (a) above; or
  - (ii) paragraph (b) above,

and the section 28C medical practitioners for the Primary Care Trust's area,

and any committee so recognised shall be called the Local Medical Committee for the Primary Care Trust's area.]

[<sup>F2</sup>(A1) A Health Authority may recognise a committee formed for their area which they are satisfied is representative of—

- (a) the medical practitioners providing general medical services or general ophthalmic services in that area;
- (b) those medical practitioners and the deputy medical practitioners for that area;  
or
- (c) the medical practitioners mentioned in—

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- (i) paragraph (a) above; or
  - (ii) paragraph (b) above,
- and the section 28C medical practitioners for that area,

and any committee so recognised shall be called the Local Medical Committee for the area.

[ A Primary Care Trust may recognise a committee formed for its area, or for the area of <sup>F3</sup>(A2) that and one or more other Primary Care Trusts, which it is satisfied is representative of—

- (a) the dental practitioners providing general dental services in the Primary Care Trust's area;
- (b) those dental practitioners and the deputy dental practitioners for the Primary Care Trust's area;
- (c) the dental practitioners mentioned in—
  - (i) paragraph (a) above; or
  - (ii) paragraph (b) above,
 and the section 28C dental practitioners for the Primary Care Trust's area,

and any committee so recognised shall be called the Local Dental Committee for the Primary Care Trust's area.]

(B1) A Health Authority may recognise a committee formed for their area which they are satisfied is representative of—

- (a) the dental practitioners providing general dental services in that area;
- (b) those dental practitioners and the deputy dental practitioners for that area; or
- (c) the dental practitioners mentioned in—
  - (i) paragraph (a) above; or
  - (ii) paragraph (b) above,
 and the section 28C dental practitioners for that area,

and any committee so recognised shall be called the Local Dental Committee for the area.]

[<sup>F4</sup>(B2) Where a Primary Care Trust is satisfied that a committee formed for its area, or for its area together with the area of one or more other Primary Care Trusts, is representative—

- (a) of the ophthalmic opticians providing general ophthalmic services in the Primary Care Trust's area; or

[<sup>F5</sup>(b) of—

- (i) the persons providing pharmaceutical services from premises in the Primary Care Trust's area, or
- (ii) the persons mentioned in sub-paragraph (i) above and the persons providing local pharmaceutical services in the Primary Care Trust's area,]

the Primary Care Trust may recognise that committee; and any committee so recognised shall be called the Local Optical Committee or the Local Pharmaceutical Committee, as the case may be, for the area of the Primary Care Trust.]

(1) Where [<sup>F6</sup>a [<sup>F7</sup>Health Authority are satisfied] that a committee formed for [<sup>F7</sup>their area] is representative]—

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- [<sup>F8</sup>(a) .....]
- (b) .....]
- (c) of the ophthalmic opticians . . . <sup>F9</sup> providing general ophthalmic services in that [<sup>F7</sup>area], or
- (d) of the persons providing pharmaceutical services [<sup>F10</sup>from premises] in that [<sup>F7</sup>area],
- [<sup>F11</sup>the Family Health Services Authority] may recognise that committee; and any committee so recognised shall be called<sup>F12</sup> . . . the Local Optical Committee or the Local Pharmaceutical Committee, as the case may be, for the [<sup>F7</sup>area] concerned.
- (2) Any such committee may <sup>F13</sup> . . . delegate any of their functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- [<sup>F14</sup>(3) For the purposes of this section and section 45 below, a person who meets the condition in subsection (4) below—
- (a) is a deputy medical practitioner for the area of a [<sup>F15</sup>Primary Care Trust or] Health Authority if he is a medical practitioner who assists a medical practitioner providing general medical services in that area in the provision of those services but is not himself on a [<sup>F16</sup>medical list];
- [<sup>F17</sup>(aa) is a section 28C medical practitioner for the area of a Primary Care Trust if he is a medical practitioner who performs personal medical services in the area of the PrimaryCare Trust in accordance with arrangements made under section 28C above;]
- (b) is a section 28C medical practitioner for the area of a Health Authority if he is a medical practitioner who provides or performs personal medical services in accordance with arrangements made under section 28C above by the Health Authority (whether with himself or another);
- (c) is a deputy dental practitioner for the area of a [<sup>F18</sup>Primary Care Trust or] Health Authority if he is a dental practitioner who assists a dental practitioner providing general dental services in that area in the provision of those services but is not himself on a [<sup>F19</sup>list of dental practitioners and dental corporations undertaking to provide general dental services];
- [<sup>F20</sup>(ca) is a section 28C dental practitioner for the area of a Primary Care Trust if he is a dental practitioner who performs personal dental services in the area of the PrimaryCare Trust in accordance with arrangements made under section 28C above;]
- (d) is a section 28C dental practitioner for the area of a Health Authority if he is a dental practitioner who provides or performs personal dental services in accordance with arrangements made under section 28C above by the Health Authority (whether with himself or another)
- [<sup>F21</sup>(e) is a person providing local pharmaceutical services in the area of a Primary Care Trust if he provides such services in accordance with LPS arrangements made by the Primary Care Trust (whether with himself or another.)].
- (4) The condition referred to in subsection (3) above is that the person concerned has notified the [<sup>F22</sup>Primary Care Trust or] Health Authority that he wishes to be represented under this section by the appropriate committee for their area (and has not notified them that he wishes to cease to be so represented).
- (5) For the purposes of subsection (3) above—

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- (a) a person is to be treated as assisting a medical practitioner or dental practitioner in the provision of services if he is employed by that practitioner for that purpose or if he acts as his deputy in providing those services; <sup>F23</sup> . . .
- (b) . . . . .]

### Extent Information

- E1** This version of this provision extends to England only; a separate version has been created for Wales (and any Scotland extent) only.

### Textual Amendments

- F1** S. 44(ZA1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(2)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F2** S. 44(A1)(B1) inserted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purpose and otherwise prosp.) by 1999 c. 8, **ss. 11(2)**, 67(1); S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.**
- F3** S. 44(A2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(3)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F4** S. 44(B2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(4)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F5** S. 44(B2)(b) substituted (E.) (12.12.2002) by The National Health Service (Local Pharmaceutical Services Etc.) Regulations 2002 (S.I. 2002/2861), **reg. 19(b)**
- F6** Words commencing “a Family Health” to “locality is representative” substituted (1.10.1991) for words commencing “the Secretary of State” to “is representative” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 12(4)(a)**; S.I. 1990/2511, **art. 3**
- F7** Words in s. 44(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 Pt. 1 para. 32(a)** (with Sch. 2 paras. 6, 16)
- F8** S. 44(1)(a)(b) omitted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes) by virtue of 1999 c. 8, **ss. 11(3)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.** and repealed (1.4.2000 for E.W.) by 1999 c. 8, ss. 65(2), **Sch. 5**; S.I. 2000/1041, art. 2(c)(d), **Sch.**
- F9** Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. 1**
- F10** Words in s. 44(1)(d) inserted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 43(6), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(6)**; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F11** Words commencing “the Family Health” substituted (1.10.1991) for the word “he” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 12(4)(b)**; S.I. 1991/2511, **art. 3**
- F12** Words in s. 44(1) omitted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes) by virtue of 1999 c. 8, ss. 11(3); S.I. 1999/2342, art. 2(1), Sch. 1; S.I. 2000/1026, art. 2(1), Sch. and repealed (1.4.2000 for E.W.) by 1999 c. 8, ss. 65(2), 67(1), Sch. 5; S.I. 2000/1041, **art. 2(d)**, Sch.
- F13** Words in s. 44(2) omitted (1.10.2002) by virtue of National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 5(5), 42(3); S.I. 2002/2478, {art. 3(1(a))}; and those same words repealed (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 37(2), **Sch. 9 Pt. 1**; S.I. 2002/2478, **art. 3(2)(c)(i)**; S.I. 2002/2532, **art. 2**, Sch.
- F14** S. 44(3)-(5) inserted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes and otherwise prosp.) by 1999 c. 8, **ss. 11(4)**, 67(1); S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.**
- F15** Words in s. 44(3)(a) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(a)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F16** Words in s. 44(3)(a) substituted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 67(1), 70(2), Sch. 5 Pt. 1 para. 5(7)(a) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.; S.I. 2002/1475, **art. 2(1)** Sch. Pt 1

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- F17** S. 44(3)(aa) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(b)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F18** Words in s. 44(3)(c) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(a)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F19** Words in s. 44(3)(c) substituted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 67(1), 70(2), Sch. 5 Pt. 1 para. 5(7)(b) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.; S.I. 2002/1475, **art. 2(1)** Sch. Pt 1
- F20** S. 44(3)(ca) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(c)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F21** S. 44(3)(e) inserted (E.) (12.12.2002) by The National Health Service (Local Pharmaceutical Services Etc.) Regulations 2002 (S.I. 2002/2861), **reg. 19(b)**
- F22** Words in s. 44(4) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(7)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F23** S. 44(5)(b) and the preceding word repealed (1.4.2002) by 2001 c. 15, ss. 67(1)(2), 70(2), Sch. 5 Pt. 1 para. 5(7)(c), Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch. Pt. 1; and the repeal also purportedly brought in to force at 1.7.2002 for W. by S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1

#### Modifications etc. (not altering text)

- C4** S. 44(1) amended by S.I. 1990/2511, **art. 5(1)**

## 44 Recognition of local representative committees. **W+S**

[<sup>F1</sup>(ZA1) A Primary Care Trust may recognise a committee formed for its area, or for the area of that and one or more other Primary Care Trusts, which it is satisfied is representative of—

- (a) the medical practitioners providing general medical services or general ophthalmic services in the Primary Care Trust's area;
- (b) those medical practitioners and the deputy medical practitioners for the Primary Care Trust's area;
- (c) the medical practitioners mentioned in—
  - (i) paragraph (a) above; or
  - (ii) paragraph (b) above,
 and the section 28C medical practitioners for the Primary Care Trust's area,

and any committee so recognised shall be called the Local Medical Committee for the Primary Care Trust's area.]

[<sup>F2</sup>(A1) A Health Authority may recognise a committee formed for their area which they are satisfied is representative of—

- (a) the medical practitioners providing general medical services or general ophthalmic services in that area;
- (b) those medical practitioners and the deputy medical practitioners for that area; or
- (c) the medical practitioners mentioned in—
  - (i) paragraph (a) above; or
  - (ii) paragraph (b) above,
 and the section 28C medical practitioners for that area,

and any committee so recognised shall be called the Local Medical Committee for the area.

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[ A Primary Care Trust may recognise a committee formed for its area, or for the area of <sup>F3</sup>(A2) that and one or more other Primary Care Trusts, which it is satisfied is representative of—

- (a) the dental practitioners providing general dental services in the Primary Care Trust’s area;
- (b) those dental practitioners and the deputy dental practitioners for the Primary Care Trust’s area;
- (c) the dental practitioners mentioned in—
  - (i) paragraph (a) above; or
  - (ii) paragraph (b) above,
 and the section 28C dental practitioners for the Primary Care Trust’s area,

and any committee so recognised shall be called the Local Dental Committee for the Primary Care Trust’s area.]

(B1) A Health Authority may recognise a committee formed for their area which they are satisfied is representative of—

- (a) the dental practitioners providing general dental services in that area;
- (b) those dental practitioners and the deputy dental practitioners for that area; or
- (c) the dental practitioners mentioned in—
  - (i) paragraph (a) above; or
  - (ii) paragraph (b) above,
 and the section 28C dental practitioners for that area,

and any committee so recognised shall be called the Local Dental Committee for the area.]

<sup>F4</sup>(B2) Where a Primary Care Trust is satisfied that a committee formed for its area, or for its area together with the area of one or more other Primary Care Trusts, is representative—

- (a) of the ophthalmic opticians providing general ophthalmic services in the Primary Care Trust’s area; or
- (b) of the persons providing pharmaceutical services from premises in the Primary Care Trust’s area,

the Primary Care Trust may recognise that committee; and any committee so recognised shall be called the Local Optical Committee or the Local Pharmaceutical Committee, as the case may be, for the area of the Primary Care Trust.]

(1) Where <sup>F6</sup>a <sup>F7</sup>Health Authority are satisfied] that a committee formed for <sup>F7</sup>their area] is representative]—

- <sup>F8</sup>(a) . . . . .
- (b) . . . . .]
- (c) of the ophthalmic opticians . . . <sup>F9</sup> providing general ophthalmic services in that <sup>F7</sup>area], or
- (d) of the persons providing pharmaceutical services <sup>F10</sup>from premises]in that <sup>F7</sup>area],

<sup>F11</sup>the Family Health Services Authority] may recognise that committee; and any committee so recognised shall be called <sup>F12</sup>. . . the Local Optical Committee or the Local Pharmaceutical Committee, as the case may be, for the <sup>F7</sup>area] concerned.

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(2) Any such committee may <sup>F13</sup> . . . delegate any of their functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.

<sup>F14</sup>(3) For the purposes of this section and section 45 below, a person who meets the condition in subsection (4) below—

(a) is a deputy medical practitioner for the area of a [<sup>F15</sup>Primary Care Trust or] Health Authority if he is a medical practitioner who assists a medical practitioner providing general medical services in that area in the provision of those services but is not himself on a [<sup>F16</sup>medical list];

<sup>F17</sup>(aa) is a section 28C medical practitioner for the area of a Primary Care Trust if he is a medical practitioner who performs personal medical services in the area of the PrimaryCare Trust in accordance with arrangements made under section 28C above;]

(b) is a section 28C medical practitioner for the area of a Health Authority if he is a medical practitioner who provides or performs personal medical services in accordance with arrangements made under section 28C above by the Health Authority (whether with himself or another);

(c) is a deputy dental practitioner for the area of a [<sup>F18</sup>Primary Care Trust or] Health Authority if he is a dental practitioner who assists a dental practitioner providing general dental services in that area in the provision of those services but is not himself on a [<sup>F19</sup>list of dental practitioners and dental corporations undertaking to provide general dental services];

<sup>F20</sup>(ca) is a section 28C dental practitioner for the area of a Primary Care Trust if he is a dental practitioner who performs personal dental services in the area of the PrimaryCare Trust in accordance with arrangements made under section 28C above;]

(d) is a section 28C dental practitioner for the area of a Health Authority if he is a dental practitioner who provides or performs personal dental services in accordance with arrangements made under section 28C above by the Health Authority (whether with himself or another).

(4) The condition referred to in subsection (3) above is that the person concerned has notified the [<sup>F22</sup>Primary Care Trust or] Health Authority that he wishes to be represented under this section by the appropriate committee for their area (and has not notified them that he wishes to cease to be so represented).

(5) For the purposes of subsection (3) above—

(a) a person is to be treated as assisting a medical practitioner or dental practitioner in the provision of services if he is employed by that practitioner for that purpose or if he acts as his deputy in providing those services; [<sup>F23</sup> . . .

(b) . . . . .]

#### Extent Information

**E2** This version of this provision extends to Wales (and any Scotland extent) only; a separate version has been created for England only.

#### Textual Amendments

**F1** S. 44(ZA1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. {5(2)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**



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- F3** S. 44(A2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(3)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F4** S. 44(B2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(4)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F6** Words commencing “a Family Health” to “locality is representative” substituted (1.10.1991) for words commencing “the Secretary of State” to “is representative” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 12(4)(a)**; S.I. 1990/2511, **art. 3**
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- F8** S. 44(1)(a)(b) omitted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes) by virtue of 1999 c. 8, **ss. 11(3)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.** and repealed (1.4.2000 for E.W.) by 1999 c. 8, ss. 65(2), **Sch. 5**; S.I. 2000/1041, art. 2(c)(d), **Sch.**
- F9** Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. 1**
- F10** Words in s. 44(1)(d) inserted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 43(6), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(6)**; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F11** Words commencing “the Family Health” substituted (1.10.1991) for the word “he” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 12(4)(b)**; S.I. 1991/2511, **art. 3**
- F12** Words in s. 44(1) omitted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes) by virtue of 1999 c. 8, ss. 11(3); S.I. 1999/2342, art. 2(1), Sch. 1; S.I. 2000/1026, art. 2(1), Sch. and repealed (1.4.2000 for E.W.) by 1999 c. 8, ss. 65(2), 67(1), Sch. 5; S.I. 2000/1041, **art. 2(d)**, Sch.
- F13** Words in s. 44(2) omitted (1.10.2002) by virtue of National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 5(5), 42(3); S.I. 2002/2478, {art. 3(1(a))}; and those same words repealed (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 37(2), **Sch. 9 Pt. 1**; S.I. 2002/2478, **art. 3(2)(c)(i)**; S.I. 2002/2532, **art. 2**, Sch.
- F14** S. 44(3)-(5) inserted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes and otherwise prosp.) by 1999 c. 8, **ss. 11(4)**, 67(1); S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.**
- F15** Words in s. 44(3)(a) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(a)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F16** Words in s. 44(3)(a) substituted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 67(1), 70(2), Sch. 5 Pt. 1 para. 5(7)(a) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.; S.I. 2002/1475, **art. 2(1)** Sch. Pt. 1
- F17** S. 44(3)(aa) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(b)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F18** Words in s. 44(3)(c) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(a)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F19** Words in s. 44(3)(c) substituted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 67(1), 70(2), Sch. 5 Pt. 1 para. 5(7)(b) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.; S.I. 2002/1475, **art. 2(1)** Sch. Pt. 1
- F20** S. 44(3)(ca) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(c)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F22** Words in s. 44(4) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(7)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F23** S. 44(5)(b) and the preceding word repealed (1.4.2002) by 2001 c. 15, ss. 67(1)(2), 70(2), Sch. 5 Pt. 1 para. 5(7)(c), Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch. Pt. 1; and the repeal also purportedly brought in to force at 1.7.2002 for W. by S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1



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**Status:** *There are multiple versions of this provision on screen. These apply to different geographical extents.***Skip to:** *E - England extentW+S - Wales and Scotland extent*

**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*

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**Modifications etc. (not altering text)**

**C4** S. 44(1) amended by S.I. 1990/2511, **art. 5(1)**

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E - England extent
- W+S - Wales and Scotland extent

**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.

View outstanding changes

**Changes and effects yet to be applied to :**

- s. 44 applied (with modifications) by S.I. 2006/552 Sch. 1 para. 6
- s. 44 sidenote words substituted by 2003 c. 43 Sch. 11 para. 21(2)
- s. 44(ZA1)-(B1) repealed by 2003 c. 43 Sch. 11 para. 21(3)Sch. 14 Pt. 4
- s. 44(B2) words repealed by 2006 c. 28 Sch. 8 para. 16(b)Sch. 9
- s. 44(B2) words repealed by 2006 c. 28 Sch. 8 para. 16(c)Sch. 9
- s. 44(B2)(a) repealed by 2006 c. 28 Sch. 8 para. 16(a)Sch. 9
- s. 44(B2)(b) substituted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 20(a)
- s. 44(1) words substituted by 2003 c. 43 Sch. 11 para. 21(4)(a)
- s. 44(1) words substituted by 2003 c. 43 Sch. 11 para. 21(4)(b)
- s. 44(3) words inserted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 20(b)
- s. 44(3)(a)-(d) repealed by 2003 c. 43 Sch. 11 para. 21(5)Sch. 14 Pt. 4
- s. 44(3)(e) omitted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 20(b)
- s. 44(4) words inserted by S.I. 2006/1407 Sch. 1 Pt. 1 para. 20(d)
- s. 44(5) repealed by 2003 c. 43 Sch. 11 para. 21(5)Sch. 14 Pt. 4

**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)