



# Health and Social Care Act 2001

## 2001 CHAPTER 15

### PART 1 **U.K.**

#### NATIONAL HEALTH SERVICE

##### *Health service funding*

#### <sup>F1</sup> **Determination of allotments to and resource limits for Health Authorities and Primary Care Trusts** **E+W**

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##### **Textual Amendments**

- F1** Ss. 1-4 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

#### <sup>F2</sup> **Payments relating to past performance** **E+W**

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##### **Textual Amendments**

- F1** Ss. 1-4 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

#### <sup>F3</sup> **Supplementary payments to NHS trusts and Primary Care Trusts** **E+W**

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

**Textual Amendments**

**F1** Ss. 1-4 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F14 Public-private partnerships** **E+W**

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**Textual Amendments**

**F1** Ss. 1-4 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**5 Income generation** **E+W**

In section 7 of the Health and Medicines Act 1988 (c. 49) (additional powers for financing Health Service), after subsection (7) there shall be inserted—

“(7A) The power specified in paragraph (g) of subsection (2) above includes power for the Secretary of State—

- (a) to form, or participate in the forming of, companies,
- (b) to invest in companies (whether by acquiring assets, securities or rights or otherwise), and
- (c) to provide loans and guarantees and make other kinds of financial provision to or in respect of companies,

where it appears to him that to do so is calculated to facilitate, or to be conducive or incidental to, the exercise of any power conferred by that subsection.

(7B) In subsection (7A) above “companies” means companies within the meaning of the Companies Act 1985 (c. 6); and that subsection is without prejudice to—

- (a) the generality of paragraph (g) of subsection (2) above, and
- (b) any powers of the Secretary of State exercisable otherwise than by virtue of this section.”

**Commencement Information**

**II** S. 5 wholly in force at 12.9.2002; s. 5 not in force at Royal Assent, see s. 70(2); s. 5 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#); s. 5 in force for E. at 12.9.2002 by [S.I. 2002/2363](#), [art. 3](#)

*Terms of employment of health service employees*

**F26 Terms and conditions of employment by health service bodies** **E+W**

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

**Textual Amendments**

- F2** S. 6 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Local authority scrutiny of health service provision*

**7 Functions of overview and scrutiny committees** **U.K.**

(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (2), after paragraph (e) there shall be inserted—

“(f) in the case of the overview and scrutiny committee or committees of an authority to which section 7 of the Health and Social Care Act 2001 applies, to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning of that section) in the authority’s area, and to make reports and recommendations on such matters in accordance with the regulations.”

- <sup>F3</sup>(2) .....
- <sup>F3</sup>(3) .....
- <sup>F3</sup>(4) .....
- <sup>F3</sup>(5) .....

**Textual Amendments**

- F3** S. 7(2)-(5) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**Commencement Information**

- I2** S. 7 partly in force; s. 7 in force for certain purposes at 11.5.2001, see s. 70(2)
- I3** S. 7 in force at 1.1.2003 for E. by [S.I. 2003/53](#), [art. 3\(a\)](#)
- I4** S. 7 in force at 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force by [S.I. 2006/1407](#), [art. 1\(1\)](#), [Sch. 1 para. 8](#) (with [art. 4](#))

**<sup>F4</sup>8 Joint overview and scrutiny committees etc.** **U.K.**

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**Textual Amendments**

- F4** Ss. 8-13 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**<sup>F4</sup>9 Overview and scrutiny committees: exempt information** **U.K.**

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

**Textual Amendments**

**F4** Ss. 8-13 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F410 Application to the City of London** **U.K.**

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**Textual Amendments**

**F4** Ss. 8-13 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Public involvement and consultation*

**F411 Public involvement and consultation** **E+W**

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**Textual Amendments**

**F4** Ss. 8-13 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Independent advocacy services*

**F412 Independent advocacy services** **U.K.**

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**Textual Amendments**

**F4** Ss. 8-13 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Intervention powers*

**F413 Intervention orders** **E+W**

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**Textual Amendments**

**F4** Ss. 8-13 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

*Abolition of Medical Practices Committee and National Health Service Tribunal*

**14 Abolition of Medical Practices Committee** **E+W**

- <sup>F5</sup>(1) .....
- (2) On the date this section comes into force—
- (a) all property in the possession of the Medical Practices Committee, and
  - (b) all rights and liabilities to which the Medical Practices Committee is entitled or subject immediately before that date,
- shall be transferred to the Secretary of State.
- <sup>F5</sup>(3) .....
- (4) A certificate issued by the Medical Practices Committee under paragraph 1(3) of Schedule 10 to the [<sup>F6</sup>National Health Service Act 1977, prior to its repeal by the National Health Service (Consequential Provisions) Act 2006,] before the commencement of this section shall continue to have effect from then on as if it had been issued by the Secretary of State.

**Textual Amendments**

- F5** S. 14(1)(3) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)
- F6** Words in s. 14(4) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 215** (with Sch. 3 Pt. 1)

<sup>F7</sup>**15 Vacancies for medical practitioners** **E+W**

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**Textual Amendments**

- F7** S. 15 repealed (1.4.2004) by 2003 c. 43, s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, **art. 6(2)(r)** (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, **art. 5(2)(r)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

<sup>F8</sup>**16 Abolition of NHS Tribunal** **E+W**

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**Textual Amendments**

- F8** S. 16 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

*General and personal medical services, general dental services, general ophthalmic services and pharmaceutical services*

**F<sup>9</sup>17 Remuneration of general medical practitioners** **E+W**

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**Textual Amendments**  
**F9** S. 17 repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 14 Pt. 4](#); S.I. 2004/288, art. 6(2)(r) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(r) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

**F<sup>10</sup>18 Out of hours medical services** **E+W**

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**Textual Amendments**  
**F10** S. 18 repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 11 para. 70, Sch. 14 Pt. 4](#); S.I. 2004/288, arts. 5(2)(y), 6(2)(r) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(cc), 5(2)(r) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

**F<sup>11</sup>19 Enhanced criminal record certificates** **E+W**

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**Textual Amendments**  
**F11** S. 19 repealed (6.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 17 Pt. 2](#); S.I. 2006/378, art. 7(f)

**F<sup>12</sup>20 Medical, dental, ophthalmic and pharmaceutical etc. lists** **E+W**

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**Textual Amendments**  
**F12** S. 20 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F<sup>13</sup>21 Conditional inclusion in medical, dental, ophthalmic and pharmaceutical lists** **E+W**

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

### Textual Amendments

**F13** S. 21 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

## 22 Dental corporations **E+W**

[<sup>F14</sup>(1) The 1977 Act shall be amended as follows.

(2) In section 35 (arrangements for general dental services)—

(a) in subsection (1)—

(i) after “dental practitioners” there shall be inserted “ or dental corporations ”, and

(ii) after “dental practitioner” there shall be inserted “ or dental corporation ”,

(b) in subsection (2)—

(i) after “dental practitioner who” there shall be inserted “ , or dental corporation which, ”,

(ii) after “salary” there shall be inserted “ (or, in the case of a dental corporation, a fixed rate of remuneration) ”, and

(iii) in paragraph (b), after “practitioner” there shall be inserted “ or corporation ”, and

(c) after subsection (4) there shall be inserted—

“(5) In this Act, “dental corporation” means a body corporate which carries on the business of dentistry (within the meaning of section 40 of the Dentists Act 1984 (c. 24)).”

(3) In section 36 (regulations about general dental services)—

(a) in subsection (1)(a), after “dental practitioners” there shall be inserted “ and dental corporations ”,

(b) in subsection (1)(b), after “dental practitioner” there shall be inserted “ or dental corporation ”,

(c) in subsection (1)(d), after “dental practitioners” there shall be inserted “ and dental corporations ”, and

(d) in subsection (3), after “dental practitioner” there shall be inserted “ or dental corporation ”.

(4) In section 37 (Dental Practice Board), after subsection (1C) there shall be inserted—

“(2) In subsections (1A) and (1B), references to a dental practitioner include references to a dental corporation.”

(5) In section 128(1) (interpretation), in the appropriate place there shall be inserted—

““dental corporation” has the meaning given by section 35(5);”.]

### Textual Amendments

**F14** S. 22 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(1)

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

#### Commencement Information

- I5** S. 22 wholly in force at 1.7.2002; s. 22 not in force at Royal Assent see s. 70(2); s. 22 in force for E. at 22.11.2001 by [S.I. 2001/3738](#), arts. 1(3), 2(1), Sch. 1 Pt. I; s. 22 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), art. 2(1), Sch. Pt. 1

#### <sup>F15</sup>**23 Declaration of financial interests, gifts, etc.** **E+W**

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#### Textual Amendments

- F15** Ss. 23-25 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

#### <sup>F15</sup>**24 Supplementary lists** **E+W**

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#### Textual Amendments

- F15** Ss. 23-25 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

#### <sup>F15</sup>**25 Suspension and disqualification of practitioners** **E+W**

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#### Textual Amendments

- F15** Ss. 23-25 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### *Personal medical services and personal dental services*

#### **26 PMS and PDS lists** **E+W**

[<sup>F16</sup>(1) After section 28D of the 1977 Act there shall be inserted—

#### **“ Lists of persons who may perform personal medical services or personal dental services**

- (1) The Secretary of State may make regulations providing for the preparation and publication [<sup>F17</sup>by each Primary Care Trust and] by each Health Authority of one or more lists of—
- (a) medical practitioners who may perform personal medical services in accordance with section 28C arrangements,



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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

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- (b) dental practitioners who may perform personal dental services in accordance with section 28C arrangements.
- (2) Such a list is referred to in this section as a “services list”.
- (3) The regulations may, in particular, include provision as to—
- (a) the [<sup>F18</sup>Primary Care Trust or] Health Authority to which an application for inclusion in a services list is to be made,
  - (b) the procedure for applying for inclusion, including any information to be supplied to the [<sup>F18</sup>Primary Care Trust or] Health Authority (whether by the applicant or by arrangement with him),
  - (c) grounds on which the [<sup>F18</sup>Primary Care Trust or] Health Authority may, or must, refuse a person’s application for inclusion in a services list (including his unsuitability for inclusion in such a list), or on which they may defer their decision on the application,
  - (d) requirements with which a person included in a services list must comply (including the declaration of financial interests and of gifts and other benefits),
  - (e) grounds on which a [<sup>F18</sup>Primary Care Trust or] Health Authority may, or must, suspend or remove a person from a services list, the procedure for doing so, and the consequences of doing so,
  - (f) payments to or in respect of persons who are suspended from a services list (including provision for the amount of the payments, or the method of calculating the amount, to be determined by the Secretary of State or by another person appointed for the purpose by the Secretary of State),
  - (g) the supply to the [<sup>F18</sup>Primary Care Trust or] Health Authority by an applicant for inclusion in a services list, or by a person included in one, of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act,
  - (h) circumstances in which a person included in a services list may not withdraw from it,
  - (i) criteria to be applied in making decisions under the regulations,
  - (j) appeals against decisions of [<sup>F19</sup>Primary Care Trusts and] Health Authorities under the regulations,
  - (k) the disclosure by a [<sup>F18</sup>Primary Care Trust or] Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in a services list, refusals of such applications, and suspensions and removals from that list.
- (4) The regulations may, in particular, also provide for—
- (a) a person’s inclusion in a services list to be subject to conditions determined by the [<sup>F20</sup>Primary Care Trust or] Health Authority,
  - (b) the [<sup>F20</sup>Primary Care Trust or] Health Authority to vary the conditions or impose different ones,
  - (c) the consequences of failing to comply with a condition (including removal from the list), and

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

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- (d) the review by the [<sup>F20</sup>Primary Care Trust or] Health Authority of their decisions made by virtue of regulations under this subsection.
- (5) The imposition of such conditions must be with a view to—
  - (a) preventing any prejudice to the efficiency of the services to which the services list relates; or
  - (b) preventing any acts or omissions of the type described in section 49F(3)(a) below.
- (6) Regulations may provide—
  - (a) that no person may perform personal medical services in accordance with section 28C arrangements unless he is included in a medical list, a supplementary list under section 43D or a services list,
  - (b) that no person may perform personal dental services in accordance with section 28C arrangements unless he is included in a list referred to in section 36(1)(a), a supplementary list under section 43D or a services list.
- (7) Regulations made by virtue of subsection (3)(e) may (but need not) make provision corresponding to anything in sections 49F to 49N below.
- (8) If the regulations provide under subsection (3)(e) or (4) that a [<sup>F21</sup>Primary Care Trust or] Health Authority may suspend or remove a person from a services list, they must include provision—
  - (a) requiring him to be given notice of any allegation against him;
  - (b) giving him the opportunity of putting his case at a hearing before the [<sup>F21</sup>Primary Care Trust or] Health Authority make any decision as to his suspension or removal; and
  - (c) requiring him to be given notice of the [<sup>F22</sup>decision of the Primary Care Trust or of the Health Authority] and the reasons for it and of any right of appeal under subsection (9) or (10).
- (9) If the regulations provide under subsection (3)(c) or (e) that a [<sup>F23</sup>Primary Care Trust or] Health Authority may refuse a person's application for inclusion in a services list, or remove a person from one, the regulations must provide for an appeal (by way of redetermination) to the FHSAA against the [<sup>F24</sup>decision of the Primary Care Trust or of the Health Authority] .
- (10) If the regulations make provision under subsection (4), they must provide for an appeal (by way of redetermination) by the person in question to the FHSAA against the [<sup>F25</sup>decision of the Primary Care Trust or of the Health Authority]—
  - (a) to impose conditions, or any particular condition,
  - (b) to vary a condition,
  - (c) to remove him from the services list for breach of condition,
  - (d) on any review of an earlier such decision of theirs.”
- (2) After section 8 of the National Health Service (Primary Care) Act 1997 (c. 46) there shall be inserted—

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

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*“ Services Lists*

**Lists of persons who may perform personal medical services or personal dental services**

- (1) The Secretary of State may make regulations providing for the preparation and publication by each Health Authority of one or more lists of—
  - (a) medical practitioners who may perform personal medical services in connection with the provision of such services under a pilot scheme,
  - (b) dental practitioners who may perform personal dental services in connection with the provision of such services under a pilot scheme.
- (2) Such a list is referred to in this section as a “services list”.
- (3) The regulations may, in particular, include provision as to—
  - (a) the Health Authority to which an application for inclusion in a services list is to be made,
  - (b) the procedure for applying for inclusion, including any information to be supplied to the Health Authority (whether by the applicant or by arrangement with him),
  - (c) grounds on which the Health Authority may, or must, refuse a person’s application for inclusion in a services list (including his unsuitability for inclusion in such a list), or on which they may defer their decision on the application,
  - (d) requirements with which a person included in a services list must comply (including the declaration of financial interests and of gifts and other benefits),
  - (e) grounds on which a Health Authority may, or must, suspend or remove a person from a services list, the procedure for doing so, and the consequences of doing so,
  - (f) payments to or in respect of persons who are suspended from a services list (including provision for the amount of the payments, or the method of calculating the amount, to be determined by the Secretary of State or by another person appointed for the purpose by the Secretary of State),
  - (g) the supply to the Health Authority by an applicant for inclusion in a services list, or by a person included in one, of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act,
  - (h) circumstances in which a person included in a services list may not withdraw from it,
  - (i) criteria to be applied in making decisions under the regulations,
  - (j) appeals against decisions of Health Authorities under the regulations,
  - (k) the disclosure by a Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in a services list, refusals of such applications, and suspensions and removals from that list.
- (4) The regulations may, in particular, also provide for—

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

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- (a) a person's inclusion in a services list to be subject to conditions determined by the Health Authority,
  - (b) the Health Authority to vary the conditions or impose different ones,
  - (c) the consequences of failing to comply with a condition (including removal from the list), and
  - (d) the review by the Health Authority of their decisions made by virtue of regulations under this subsection.
- (5) The imposition of such conditions must be with a view to—
- (a) preventing any prejudice to the efficiency of the services to which the services list relates; or
  - (b) preventing any acts or omissions of the type described in section 49F(3)(a) of the 1977 Act.
- (6) Regulations may provide—
- (a) that no person may perform personal medical services unless he is included in a medical list, a supplementary list under section 43D of the 1977 Act or a services list,
  - (b) that no person may perform personal dental services unless he is included in a list referred to in section 36(1)(a) of the 1977 Act, a supplementary list under section 43D of that Act or a services list.
- (7) Regulations made by virtue of subsection (3)(e) may (but need not) make provision corresponding to anything in sections 49F to 49N of the 1977 Act.
- (8) If the regulations provide under subsection (3)(e) or (4) that a Health Authority may suspend or remove a person from a services list, they must include provision—
- (a) requiring him to be given notice of any allegation against him;
  - (b) giving him the opportunity of putting his case at a hearing before the Health Authority make any decision as to his suspension or removal; and
  - (c) requiring him to be given notice of the Health Authority's decision and the reasons for it and of any right of appeal under subsection (9) or (10).
- (9) If the regulations provide under subsection (3)(c) or (e) that a Health Authority may refuse a person's application for inclusion in a services list, or remove a person from one, the regulations must provide for an appeal (by way of redetermination) to the Family Health Services Appeal Authority ("FHSAA") against the Health Authority's decision.
- (10) If the regulations make provision under subsection (4), they must provide for an appeal (by way of redetermination) by the person in question to the FHSAA against the Health Authority's decision—
- (a) to impose conditions, or any particular condition,
  - (b) to vary a condition,
  - (c) to remove him from the services list for breach of condition,
  - (d) on any review of an earlier such decision of theirs."
- (3) In section 40(3) of the National Health Service (Primary Care) Act 1997 (c. 46) (interpretation) after "sections 28C" there shall be inserted " , 28DA ".]

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1. (See end of Document for details)*

### Textual Amendments

- F16** S. 26 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 14 Pt. 4](#); [S.I. 2005/2925, art. 11](#); [S.I. 2006/345, art. 7\(2\)\(1\)](#)
- F17** Words in s. 26(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(a\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F18** Words in s. 26(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(b\)\(i\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F19** Words in s. 26(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(b\)\(ii\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F20** Words in s. 26(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(c\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F21** Words in s. 26(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(d\)\(i\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F22** Words in s. 26(1) substituted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(d\)\(ii\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F23** Words in s. 26(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(e\)\(i\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F24** Words in s. 26(1) substituted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(e\)\(ii\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F25** Words in s. 26(1) substituted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 4\(3\), 42\(3\), Sch. 3 Pt. 2 para. 16\(2\)\(f\)](#); [S.I. 2002/2478, art. 3\(1\)](#) (subject to [art. 3\(3\)](#))

### Commencement Information

- I6** S. 26 partly in force; s. 26 not in force at Royal Assent, see s. 70(2); s. 26(2) in force for E. at 31.5.2002 by [S.I. 2002/1095, art. 2\(7\)](#) (with transitional provisions in [arts. 3, 4](#)) (as amended (26.3.2002) by [S.I. 2002/1170, art. 3](#)); s. 26 in force for W. at 1.7.2002 by [S.I. 2002/1475, art. 2\(1\), Sch. Pt. 1](#)

## *The Family Health Services Appeal Authority*

### **F26** **27** The Family Health Services Appeal Authority **E+W**

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### Textual Amendments

- F26** S. 27 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with [Sch. 2 Pt. 1, Sch. 3 Pt. 1](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 1.