



# Health and Social Care Act 2001

## 2001 CHAPTER 15

### PART 5

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Patient information*

#### <sup>F1</sup>60 Control of patient information

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##### Textual Amendments

- F1** S. 60 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))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>61 Patient Information Advisory Group

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##### Textual Amendments

- F2** S. 61 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

##### *Services for disabled people*

#### 62 Reports to Parliament on services for disabled people

- (1) Section 11 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33) shall be amended as follows.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 5. (See end of Document for details)*

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(2) Before subsection (1) there shall be inserted—

“(1ZA) In this section, subsection (1ZB) extends to England and Wales only and subsection (1) extends to Scotland only.

(1ZB) The Secretary of State shall annually lay before Parliament—

- (a) a report containing such information as he considers appropriate with respect to the development of health and social services for persons with mental illness; and
- (b) a report containing such information as he considers appropriate with respect to the development of health and social services for persons with learning disability;

and each of those reports may contain such other information as the Secretary of State considers appropriate.”

(3) For subsection (2) there shall be substituted—

“(2) In this section—

“health service hospital” has the same meaning as in the 1978 Act, except that it does not include a State hospital;

“learning disability” means a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning.”

#### **Commencement Information**

- II** S. 62 partly in force; s. 62 not in force at Royal Assent, see s. 70(2); s. 62 in force for E. and S. at 15.4.2002 by [S.I. 2002/1312](#), [art. 2](#)

### *Prescribing rights*

#### **63 Extension of prescribing rights**

(1) The Medicines Act 1968 (c. 67) shall be amended as provided by subsections (2) to (7).

(2) In subsection (1) of section 58 (medicinal products on prescription), after paragraph (d) there shall be inserted “, and

- (e) other persons who are of such a description and comply with such conditions as may be specified in the order”.

(3) After subsection (1) of that section there shall be inserted—

“(1A) The descriptions of persons which may be specified in an order by virtue of subsection (1)(e) are the following, or any sub-category of such a description—

- (a) persons who are registered by any board established under the Professions Supplementary to Medicine Act 1960 (c. 66);
- (b) persons who are pharmacists;
- (c) persons whose names are entered in a roll or record established by the General Dental Council by virtue of section 45 of the Dentists Act 1984 (c. 24) (dental auxiliaries);

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- (d) persons who are registered in either of the registers of ophthalmic opticians kept under section 7(a) of the Opticians Act 1989 (c. 44);
  - (e) persons who are registered osteopaths within the meaning of the Osteopaths Act 1993 (c. 21);
  - (f) persons who are registered chiropractors within the meaning of the Chiropractors Act 1994 (c. 17);
  - (g) persons who are registered in any register established, continued or maintained under an Order in Council under section 60(1) of the Health Act 1999 (c. 8);
  - (h) any other description of persons which appears to the appropriate Ministers to be a description of persons whose profession is regulated by or under a provision of, or made under, an Act of the Scottish Parliament or Northern Ireland legislation and which the appropriate Ministers consider it appropriate to specify.
- (1B) Where an order under this section includes provision by virtue of subsection (1)(e), the order shall specify such conditions as are necessary to secure that any person who is an appropriate practitioner by virtue of the provision may prescribe, give directions or administer only in respect of human use.”
- (4) In subsection (4)(a) of that section, after “health visitor,” there shall be inserted “ or is an appropriate practitioner by virtue of provision made under subsection (1)(e) of this section, ”.
- (5) After subsection (4) of that section there shall be inserted—
- “(4A) An order under this section may provide, in relation to a person who is an appropriate practitioner by virtue of subsection (1)(d) or (e), that such a person may—
- (a) give a prescription for a medicinal product falling within a description or class specified in the order;
  - (b) administer any such medicinal product; or
  - (c) give directions for the administration of any such medicinal product, only where he complies with such conditions as may be specified in the order in respect of the cases or circumstances in which he may do so.
- (4B) An order under this section may provide, in relation to a condition specified by virtue of subsection (4A), for the condition to have effect subject to such exemptions as may be specified in the order.
- (4C) Where a condition is specified by virtue of subsection (4A), any prescription or direction given by a person in contravention of the condition is not (subject to such exemptions or modifications as may be specified in the order by virtue of subsection (4)(a) of this section) given by an appropriate practitioner for the purposes of subsection (2)(a) or (b) of this section.”
- (6) In subsection (5) of that section, after “subsection (4)(a)” there shall be inserted “ or (4B) ”.
- (7) In section 67 (offences under Part 2 of the Act)—
- (a) after subsection (1) there shall be inserted—

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“(1A) Any person who gives a prescription or directions or administers a medicinal product in contravention of a condition imposed by an order under section 58 of this Act by virtue of subsection (4A) of that section shall be guilty of an offence.

(1B) Any person who—

(a) is an appropriate practitioner by virtue of provision made under section 58(1) of this Act; and

(b) gives a prescription or directions in respect of a medicinal product of a description or class in relation to which he is not an appropriate practitioner,

shall be guilty of an offence.”;

(b) in subsection (4), after “under”, there shall be inserted “ subsection (1A), (1B), ”.

(8) Each of the powers to establish a committee conferred by subsection (2) or (3) of section 4 of the Medicines Act 1968 (c. 67) may, before the commencement of subsections (1) to (6) of this section, be exercised in relation to section 58 of that Act as if those subsections were in force.

#### **Commencement Information**

**I2** S. 63 wholly in force at 1.4.2002; s. 63 not in force at Royal Assent, see s. 70(2); s. 63 in force for certain purposes at 6.3.2002 and wholly in force at 1.4.2002 by [S.I. 2002/1095](#), **art. 2(1)** (with transitional provisions in [arts. 3, 4](#)) (as amended (26.3.2002) by [S.I. 2002/1170](#), **art. 3**)

### *Supplementary*

#### **64 Regulations and orders**

(1) Any power under this Act to make any order or regulations shall (except in the case of regulations under section 65(3)(c)) be exercisable by statutory instrument.

(2) A statutory instrument containing any order or regulations made by the Secretary of State under this Act other than—

(a) an order under section 70(2), or

(b) any regulations to which subsection (3) applies,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F3</sup>(3) .....

(4) A statutory instrument containing any regulations made by the Scottish Ministers shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

[<sup>F4</sup>(4A) A statutory instrument containing—

(a) regulations made by the Welsh Ministers under section 57, or

(b) regulations made by the Welsh Ministers under section 65 that make provision for the purposes of, in consequence of or for giving full effect to section 57,

is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

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- (5) Any regulations made by virtue of section 65(3)(c) shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).
- (6) Any power under this Act to make any order or regulations may be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
    - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act;
    - (iii) any such provision either unconditionally or subject to any specified condition.
- (7) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.
- (8) Any such power includes power—
- (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments) as the authority making the order or regulations considers to be expedient; and
  - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (9) Nothing in this Act shall be read as affecting the generality of subsection (8).

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#### **Subordinate Legislation Made**

- P1** S. 64(6)(8) power partly exercised: 1.10.2001 and 1.12.2001 appointed for specified provisions by [S.I. 2001/3294](#), [arts. 1\(3\), 2-4](#), [Sch.](#)  
S. 64(6)(8) power partly exercised: different dates appointed for E. for specified provisions by [S.I. 2001/3738](#), [arts. 1\(3\), 2](#), [Schs. 1, 2](#)
- P2** S. 64(6) power partly exercised: 22.10.2001 appointed for specified provisions by [S.I. 2001/3619](#), [arts. 1\(3\), 2, 3](#)  
S. 64(6) power partly exercised: different dates appointed for specified provisions by [S.I. 2001/3752](#), [arts. 1, 2, 3](#)  
S. 64(6) power partly exercised: 3.12.2001 and 19.12.2001 appointed for W. for specified provisions by [S.I. 2001/3807](#), [arts. 1\(3\), 2, 3](#)  
S. 64(6) power partly exercised: 19.12.2001 appointed for E. for specified provisions by [S.I. 2001/4149](#), [arts. 1\(3\), 2](#)

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#### **Textual Amendments**

- F3** S. 64(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](#))
- F4** [S. 64\(4A\)](#) inserted (21.7.2008 for specified purposes, 29.3.2011 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 146\(8\), 170](#); [S.I. 2011/986](#), [art. 2\(1\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 5. (See end of Document for details)*

## 65 Supplementary and consequential provision etc

- (1) The Secretary of State may by regulations make—
- (a) such supplementary, incidental or consequential provision, or
  - (b) such transitory, transitional or saving provision,
- as he considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.
- (2) The provision which may be made under subsection (1) includes provision amending or repealing any enactment, instrument or document.
- (3) The power to make regulations under this section is also exercisable—
- (a) by the National Assembly for Wales, in relation to provision dealing with matters with respect to which functions are exercisable by the Assembly;
  - (b) by the Scottish Ministers, in relation to provision that would be within the legislative competence of the Scottish Parliament;
  - (c) by the First Minister and deputy First Minister acting jointly, in relation to provision dealing with transferred matters (within the meaning of section 4(1) of the Northern Ireland Act 1998 (c. 47)).
- (4) Nothing in this Act shall be read as affecting the generality of subsection (1).

### Modifications etc. (not altering text)

- C1** S. 65 modified (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 2 para. 1\(6\)\(c\)](#) (with [Sch. 3 Pt. 1](#))

## 66 Interpretation

In this Act (unless the context otherwise requires)—

- <sup>F5</sup> ...  
 “the 1990 Act” means the National Health Service and Community Care Act 1990 (c. 19);
- <sup>F5</sup> ...  
 “regulations” means regulations made by the relevant authority;  
 “the relevant authority” means—
- (a) in relation to England, the Secretary of State,
  - (b) in relation to Wales, the National Assembly for Wales, and
  - (c) in relation to Scotland (in connection with regulations under section 50), the Scottish Ministers.

### Textual Amendments

- F5** Words in s. 66 omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 217](#) (with [Sch. 3 Pt. 1](#))

## 67 Minor and consequential amendments and repeals

- (1) The minor and consequential amendments specified in Schedule 5 shall have effect.

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 5. (See end of Document for details)*

(2) The enactments specified in Schedule 6 are repealed to the extent specified.

#### Commencement Information

- I3** S. 67 partly in force; s. 67 not in force at Royal Assent, see s. 70(2); s. 67(1) in force for E. for certain purposes at 1.10.2001 and 1.12.2001 by [S.I. 2001/3294](#), [art. 4\(1\)](#), [Sch.](#) (subject to [art. 4\(2\)](#)); s. 67(1) in force for E. for certain purposes at 22.10.2001 by [S.I. 2001/3619](#), [art. 3](#); s. 67 in force for E. for certain purposes at 22.11.2001 and 14.12.2001 by [S.I. 2001/3738](#), [art. 2\(2\)-\(4\)](#), [Sch. 1 Pts. II, III](#), [Sch. 2](#) (subject to [art. 2\(5\)\(6\)](#)); s. 67 in force for certain purposes at 1.4.2002 by [S.I. 2002/1095](#), [art. 2\(3\)](#), [Sch.](#) (with transitional provisions in [arts. 3, 4](#)) (as amended (26.3.2002) by [S.I. 2002/1170](#), [art. 3](#)); s. 67(2) in force for certain purposes at 15.4.2002 by [S.I. 2002/1312](#), [art. 3](#); s. 67 in force for W. for certain purposes at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#); s. 67 in force for W. for certain purposes at 26.8.2002 by [S.I. 2002/1919](#), [art. 2\(1\)](#), [Sch. Pt. I](#) (subject to [art. 2\(2\)\(3\)](#)); s. 67(1) in force for W. for certain purposes at 26.8.2002 by [S.I. 2002/1919](#), [art. 3\(1\)](#), [Sch. Pt. II](#) (subject to [art. 3\(2\)](#), [Sch. Pt. III](#))
- I4** S. 67(1) in force at 1.1.2003 for specified purposes for E. by [S.I. 2003/53](#), [art. 3\(c\)](#)
- I5** S. 67(1) in force at 1.1.2003 for specified purposes for E. by [S.I. 2003/53](#), [art. 2\(b\)](#)
- I6** S. 67(1) in force at 1.2.2003 for specified purposes for E. by [S.I. 2003/53](#), [art. 4\(d\)](#)
- I7** S. 67(1) in force at 1.9.2003 for specified purposes for E. by [S.I. 2003/2245](#), [art. 2\(b\)](#)
- I8** S. 67(1) in force at 8.4.2004 for specified purposes for E. by [S.I. 2003/850](#), [art. 3\(2\)\(c\)](#)
- I9** S. 67(1) in force at 8.4.2004 for specified purposes for E. by [S.I. 2003/850](#), [art. 3\(2\)\(b\)](#)
- I10** S. 67(1) in force at 1.11.2004 for specified purposes for W. by [S.I. 2004/1754](#), [art. 2\(2\)\(d\)](#)
- I11** S. 67(1) in force at 1.4.2006 for specified purposes for E. by [S.I. 2006/481](#), [art. 2\(2\)\(c\)](#)
- I12** S. 67(2) in force at 1.2.2003 for specified purposes for E. by [S.I. 2003/53](#), [art. 4\(c\)](#)
- I13** S. 67(2) in force at 8.4.2004 for specified purposes for E. by [S.I. 2003/850](#), [art. 3\(2\)\(d\)](#)
- I14** S. 67(2) in force at 1.11.2004 for specified purposes for W. by [S.I. 2004/1754](#), [art. 2\(2\)\(e\)](#)
- I15** S. 67(2) in force at 1.4.2006 for specified purposes for E. by [S.I. 2006/481](#), [art. 3](#)

## 68 Powers of National Assembly for Wales under amended Acts

(1) In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), any reference to an Act which is amended by this Act shall (as from the time when the Act is so amended) be treated as referring to the Act as so amended.

<sup>F6</sup>(2) .....

<sup>F7</sup>(3) .....

(4) [<sup>F8</sup>Subsection (1) does not affect] the power to make further Orders varying or omitting any such reference as is mentioned in that subsection.

#### Textual Amendments

- F6** S. 68(2) 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](#))
- F7** S. 68(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](#))
- F8** Words in s. 68(4) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), [s. 8\(2\)](#), [Sch. 1 para. 218](#) (with [Sch. 3 Pt. 1](#))

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 5. (See end of Document for details)*

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## **69 Financial provisions**

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State in consequence of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.

## **70 Short title, commencement and extent**

- (1) This Act may be cited as the Health and Social Care Act 2001.
- (2) With the exception of—
  - (a) sections 59, 60, 61, 64 to 66, 68 and 69 and this section,
  - (b) Part 3 of Schedule 5, and
  - (c) any other provision of this Act so far as it confers any power to make an order or regulations under this Act which is exercisable by the Secretary of State,this Act does not come into force until such day as the relevant authority may by order appoint; and different days may be so appointed for different purposes.
- (3) In subsection (2), in its application in relation to—
  - (a) sections 14 to 17 and 27,
  - (b) sections 50(1), 51 and 52,
  - (c) sections 62 (except so far as extending to Wales) and 63, and
  - (d) any repeals consequential on any provisions falling within paragraph (a) or (b),the reference to the relevant authority shall be read as a reference to the Secretary of State.
- (4) In subsection (2), in its application in relation to—
  - (a) section 44, and
  - (b) the provisions of section 50(2) to (10) so far as relating to Scotland (and not within subsection (2)(c)),the reference to the relevant authority shall be read as a reference to the Scottish Ministers.
- (5) Subject to subsections (6) to (8), this Act extends to England and Wales only.
- (6) The following provisions, namely—
  - (a) sections 50 to 52 and 59,
  - (b) sections 63 to 66, and
  - (c) this section,also extend to Scotland.
- (7) The following provisions, namely—
  - (a) sections 63 to 65, and
  - (b) this section,also extend to Northern Ireland.
- (8) The extent of any amendment or repeal made by this Act is the same as that of the enactment amended or repealed.



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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 5. (See end of Document for details)*

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- (9) Subsection (8) does not apply in relation to any amendment or repeal relating to section 115 of the Police Act 1997, and any such amendment or repeal extends to England and Wales only.
- (10) The Secretary of State may by order provide that so much of this Act as extends to England and Wales is to apply to the Isles of Scilly with such modifications (if any) as are specified in the order; but otherwise this Act does not extend there.

### **Subordinate Legislation Made**

- P3** S. 70(2) power partly exercised: 1.8.2001 appointed for E. for specified provisions by [S.I. 2001/2804](#), [arts. 1\(3\), 2](#)
- S. 70(2) power partly exercised: 1.10.2001 appointed for E. for specified provisions by [S.I. 2001/3167](#), [arts. 1\(3\), 2](#), [Sch.](#)
- S. 70(2) power partly exercised: 1.10.2001 and 1.12.2001 appointed for E. for specified provisions by [S.I. 2001/3294](#), [arts. 1\(3\), 2-4](#), [Sch.](#)
- S. 70(2) power partly exercised: 22.10.2001 appointed for E. for specified provisions by [S.I. 2001/3619](#), [arts. 1\(3\), 2, 3](#)
- S. 70(2) power partly exercised: different dates appointed for E. for specified provisions by [S.I. 2001/3738](#), [arts. 1\(3\), 2](#), [Schs. 1, 2](#)
- S. 70(2) power partly exercised: different dates appointed for specified provisions by [S.I. 2001/3752](#), [arts. 1, 2, 3](#)
- S. 70(2) power partly exercised: 3.12.2001 and 19.12.2001 appointed for W. for specified provisions by [S.I. 2001/3807](#), [arts. 1\(3\), 2, 3](#)
- S. 70(2) power partly exercised: 19.12.2001 appointed for E. for specified provisions by [S.I. 2001/4149](#), [arts. 1\(3\), 2](#)
- S. 70(2) power partly exercised: 1.4.2002 appointed for S. for specified provisions by [{S.S.I. 2002/75}](#), art. 2
- S. 70(2) power partly exercised: different dates appointed for specified provisions by [{S.I. 2002/1095}](#), art. 2 (with arts. 3, 4) (as amended by [{SI 2002/1170}](#), arts. 2, 3)
- S. 70(2) power partly exercised: 15.4.2002 appointed for specified provisions by [{S.I. 2002/1312}](#), arts. 2, 3
- S. 70(2) power partly exercised: different dates appointed for W. for specified provisions by [{S.I. 2002/1475}](#), art. 2, Sch.
- S. 70(2) power partly exercised: 26.8.2002 appointed for W. for specified provisions by [{S.I. 2002/1919}](#), arts. 2, 3, Sch. Pts. I-III
- S. 70(2) power partly exercised: different dates appointed for E. for specified provisions by [{S.I. 2002/2363}](#), arts. 2, 3

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2001, Part 5.