

*Status: Point in time view as at 15/04/2002.*

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## SCHEDULES

### SCHEDULE 1

Section 9

#### EXEMPT INFORMATION RELATING TO HEALTH SERVICES

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

- C1** Sch. 1 applied (E.) (1.1.2003) by [The Local Authority \(Overview and Scrutiny Committees Health Scrutiny Functions\) Regulations 2002 \(S.I. 2002/3048\)](#), **reg. 7(4)**

### PART 1

#### DESCRIPTIONS OF EXEMPT INFORMATION

- 1 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a relevant body.

##### Commencement Information

- I1** Sch. 1 para. 1 partly in force; Sch. 1 para. 1 in force for certain purposes at 11.5.2001, see s. 70(2)

- 2 Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of a relevant body.

##### Commencement Information

- I2** Sch. 1 para. 2 partly in force; Sch. 1 para. 2 in force for certain purposes at 11.5.2001, see s. 70(2)

- 3 Information relating to any particular applicant for, or recipient or former recipient of, any service provided by a relevant body.

##### Commencement Information

- I3** Sch. 1 para. 3 partly in force; Sch. 1 para. 3 in force for certain purposes at 11.5.2001, see s. 70(2)

- 4 Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by a relevant body.

##### Commencement Information

- I4** Sch. 1 para. 4 partly in force; Sch. 1 para. 4 in force for certain purposes at 11.5.2001, see s. 70(2)

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- 5 The amount of any expenditure proposed to be incurred by a relevant body under any particular contract for the acquisition of property or the supply of goods and services.

**Commencement Information**

**I5** Sch. 1 para. 5 partly in force; Sch. 1 para. 5 in force for certain purposes at 11.5.2001, see s. 70(2)

- 6 Any terms proposed or to be proposed by or to a relevant body in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

**Commencement Information**

**I6** Sch. 1 para. 6 partly in force; Sch. 1 para. 6 in force for certain purposes at 11.5.2001, see s. 70(2)

- 7 The identity of a relevant body (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

**Commencement Information**

**I7** Sch. 1 para. 7 partly in force; Sch. 1 para. 7 in force for certain purposes at 11.5.2001, see s. 70(2)

- 8 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between a relevant body or a Minister of the Crown and employees of, or office-holders under, a relevant body.

**Commencement Information**

**I8** Sch. 1 para. 8 partly in force; Sch. 1 para. 8 in force for certain purposes at 11.5.2001, see s. 70(2)

- 9 Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with—
- (a) any legal proceedings by or against a relevant body, or
  - (b) the determination of any matter affecting a relevant body,
- (whether, in either case, proceedings have been commenced or are in contemplation).

**Commencement Information**

**I9** Sch. 1 para. 9 partly in force; Sch. 1 para. 9 in force for certain purposes at 11.5.2001, see s. 70(2)

- 10 Information relating to a particular person who is or was formerly included in, or is an applicant for inclusion in, a list of persons undertaking to provide services under Part 2 of the 1977 Act prepared by a Health Authority.

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**Commencement Information**

**I10** Sch. 1 para. 10 partly in force; Sch. 1 para. 10 in force for certain purposes at 11.5.2001, see s. 70(2)

- 11 Information relating to a particular person who is or was providing services, or has made a request to a Health Authority to become a person providing services, under arrangements under section 28C of the 1977 Act.

**Commencement Information**

**I11** Sch. 1 para. 11 partly in force; Sch. 1 para. 11 in force for certain purposes at 11.5.2001, see s. 70(2)

- 12 Information relating to a particular person who is or was formerly performing personal medical services or personal dental services in accordance with arrangements under section 28C of the 1977 Act.

**Commencement Information**

**I12** Sch. 1 para. 12 partly in force; Sch. 1 para. 12 in force for certain purposes at 11.5.2001, see s. 70(2)

- 13 Information relating to any particular employee, former employee, or applicant to become an employee, of a person referred to in paragraph 10, 11 or 12.

**Commencement Information**

**I13** Sch. 1 para. 13 partly in force; Sch. 1 para. 13 in force for certain purposes at 11.5.2001, see s. 70(2)

- 14 Information relating to the physical or mental health of a particular individual.

**Commencement Information**

**I14** Sch. 1 para. 14 partly in force; Sch. 1 para. 14 in force for certain purposes at 11.5.2001, see s. 70(2)

## PART 2

### QUALIFICATIONS

- 15 Information relating to a person of a description specified in any of paragraphs 1 to 4 and 10 to 13 of Part 1 is not exempt information by virtue of that paragraph unless it relates to an individual of that description in the capacity indicated by the description.

**Commencement Information**

**I15** Sch. 1 para. 15 partly in force; Sch. 1 para. 15 in force for certain purposes at 11.5.2001, see s. 70(2)

- 16 Information falling within paragraph 5 of Part 1 is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to

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give an advantage to a person entering into, or seeking to enter into, a contract with a relevant body in respect of the property, goods or services, whether the advantage would arise as against that body or as against other such persons.

**Commencement Information**

**I16** Sch. 1 para. 16 partly in force; Sch. 1 para. 16 in force for certain purposes at 11.5.2001, see s. 70(2)

17 Information falling within paragraph 6 of Part 1 is exempt information if and so long as disclosure to the public of the terms would prejudice a relevant body in those or any other negotiations concerning the property or goods or services.

**Commencement Information**

**I17** Sch. 1 para. 17 partly in force; Sch. 1 para. 17 in force for certain purposes at 11.5.2001, see s. 70(2)

18 Information falling within paragraph 8 of Part 1 is exempt information if and so long as disclosure to the public of the information would prejudice a relevant body in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

**Commencement Information**

**I18** Sch. 1 para. 18 partly in force; Sch. 1 para. 18 in force for certain purposes at 11.5.2001, see s. 70(2)

### PART 3

#### INTERPRETATION

19 In this Schedule—

“disposal”, in relation to property, includes the granting of an interest in or right over it;

“employee” means a person employed under a contract of service;

“labour relations matter” means—

(a) any of the matters specified in paragraphs (a) to (g) of section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (matters which may be the subject of a collective agreement), or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under a relevant body as they apply in relation to employees of a relevant body;

“office-holder”, in relation to a relevant body, means the holder of any paid office appointments to which are or may be made or confirmed by the body or by any person who holds any such office or is an employee of the body.

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### Commencement Information

**I19** Sch. 1 para. 19 partly in force; Sch. 1 para. 19 in force for certain purposes at 11.5.2001, see s. 70(2)

## SCHEDULE 2

Section 29

### PILOT SCHEMES

#### *How pilot schemes may be initiated*

- 1 (1) A pilot scheme may be made—
  - (a) on the initiative of a Health Authority; or
  - (b) in response to a request made by a person wishing to participate in the scheme.
- (2) The request referred to in sub-paragraph (1)(b) must—
  - (a) be made in writing; and
  - (b) comply with such requirements (if any) as may be prescribed by regulations.

### Commencement Information

**I20** Sch. 2 para. 1 wholly in force at 1.7.2002; Sch. 2 para. 1 in force for certain purposes at 11.5.2001, see s. 70(2); Sch. 2 para. 1 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 2 para. 1 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### *Preliminary steps to be taken*

- 2 (1) Before making a pilot scheme, the Health Authority concerned must prepare proposals for the scheme and submit them to the relevant authority.
- (2) But proposals may be submitted by a Health Authority only with the agreement of the other proposed participants.
- (3) In preparing proposals for a pilot scheme, a Health Authority must comply with any directions given to them by the relevant authority as to—
  - (a) the matters to be dealt with, and information to be included, in the proposals; and
  - (b) the procedure to be followed by the Health Authority.
- (4) Before submitting proposals for a pilot scheme, a Health Authority must (in addition to complying with any requirements about consultation imposed by or under any other enactment) comply with any directions given to them by the relevant authority about the extent to which, and manner in which, they are to consult on the proposals.
- (5) The relevant authority may give directions—
  - (a) requiring a Health Authority to submit proposals to the relevant authority;

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- (b) as to the matters to which a Health Authority must have regard in making any recommendation to the relevant authority when submitting proposals for a pilot scheme;
  - (c) as to the form in which any such recommendation must be made;
  - (d) requiring Health Authorities to provide the relevant authority with summaries (prepared and presented in the manner specified in the directions) of all requests received by them during the period specified in the directions.
- (6) A direction under this paragraph may be given so as to apply—
- (a) generally in circumstances specified in the direction; or
  - (b) in relation to a particular case.

#### Commencement Information

**I21** Sch. 2 para. 2 wholly in force at 1.7.2002; Sch. 2 para. 2 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 2 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 2 para. 2 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Approval

- 3 (1) If proposals for a pilot scheme are submitted under paragraph 2, the relevant authority must—
- (a) approve them as submitted;
  - (b) make such modifications as that authority considers appropriate and approve them as modified; or
  - (c) reject them.
- (2) The relevant authority may not approve proposals for a pilot scheme unless satisfied that they include satisfactory provision for any participant other than the Health Authority to withdraw from the scheme if he wishes to do so.
- (3) When the relevant authority makes a decision under this paragraph—
- (a) the relevant authority must notify the Health Authority concerned of the decision; and
  - (b) the Health Authority must, without delay, notify the other participants in the proposed scheme.

#### Commencement Information

**I22** Sch. 2 para. 3 wholly in force at 1.7.2002; Sch. 2 para. 3 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 3 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 2 para. 3 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Preliminary approval

- 4 (1) This paragraph applies if a Health Authority propose to make a pilot scheme but have not determined who the participants, or who all of the participants, will be.

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- (2) The Health Authority may apply to the relevant authority for preliminary approval to be given to their proposals.
- (3) If such an application is made, the relevant authority must—
  - (a) give preliminary approval to the proposals as submitted;
  - (b) make such modifications as the relevant authority considers appropriate and give preliminary approval to them as modified; or
  - (c) reject them.
- (4) If a Health Authority are given preliminary approval, they must take such steps, with a view to obtaining final approval for the proposed pilot scheme, as the relevant authority may direct.
- (5) The fact that the relevant authority has given preliminary approval to proposals for a pilot scheme does not affect that authority's right to refuse to approve the completed proposals when they are submitted under paragraph 2.
- (6) Sub-paragraphs (3) to (6) of paragraph 2 apply in relation to an application for preliminary approval of proposals under this paragraph as they apply in relation to proposals under that paragraph.

#### Commencement Information

**I23** Sch. 2 para. 4 wholly in force at 1.7.2002; Sch. 2 para. 4 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 4 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 2 para. 4 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### *Effect of proposals on existing services*

- 5 (1) Proposals for a pilot scheme submitted under paragraph 2, or included in an application for preliminary approval of proposals under paragraph 4, must include—
  - (a) an assessment by the Health Authority of the likely effect of the implementation of the proposals in the Health Authority's area on the services mentioned in sub-paragraph (2);
  - (b) any assessment supplied to the Health Authority by another Health Authority under sub-paragraph (4).
- (2) The services are—
  - (a) pharmaceutical services (within the meaning of section 41 of the 1977 Act);
  - (b) local pharmaceutical services provided under existing pilot schemes or LPS schemes (within the meaning of Schedule 8A to the 1977 Act);
  - (c) general medical services provided under arrangements made under section 29(1) of the 1977 Act;
  - (d) personal medical services provided under arrangements made under section 28C of the 1977 Act or under pilot schemes made under section 1 of the National Health Service (Primary Care) Act 1997 (c. 46).
- (3) If it appears to a Health Authority that the proposals would, if implemented, affect any of the services mentioned in sub-paragraph (2) provided in the area of another Health Authority, they must consult that other Health Authority about the proposals

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before submitting them under paragraph 2 or including them in an application for preliminary approval under paragraph 4.

- (4) A Health Authority consulted under sub-paragraph (3) must prepare an assessment of the likely effect of the implementation of the proposals on those services and supply it to the Health Authority which consulted them.

#### Commencement Information

**I24** Sch. 2 para. 5 wholly in force at 1.7.2002; Sch. 2 para. 5 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 5 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 2 para. 5 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Guidance

- 6 The relevant authority may issue guidance about the criteria by reference to which, as a general rule, powers under paragraph 3 or 4 are likely to be exercised.

#### Commencement Information

**I25** Sch. 2 para. 6 wholly in force at 1.7.2002; Sch. 2 para. 6 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 6 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 2 para. 6 in force for W. at 1.7.2008 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Making a scheme

- 7 (1) If the relevant authority approves proposals for a pilot scheme under paragraph 3 and notifies the Health Authority concerned in accordance with that paragraph, the Health Authority must implement the proposals in accordance with directions given by the relevant authority.
- (2) A proposed participant in a pilot scheme (other than the Health Authority concerned) may withdraw at any time before the proposals relating to him are implemented.
- (3) A pilot scheme, as implemented, may differ from the proposals for the scheme approved by the relevant authority only if that authority agrees to the variation or—
- (a) directions given by that authority (either under sub-paragraph (1) or generally) authorise variations that satisfy specified requirements; and
  - (b) the variation satisfies those requirements.
- (4) As soon as is reasonably practicable after implementing proposals for a pilot scheme, the Health Authority concerned must (in accordance with any directions given to them by the relevant authority) publish details of the scheme.

#### Commencement Information

**I26** Sch. 2 para. 7 wholly in force at 1.7.2002; Sch. 2 para. 7 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 7 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3,



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4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); Sch. 2 para. 7 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

VALID FROM 01/07/2002

## SCHEDULE 3

Section 40

### LPS SCHEMES

#### Commencement Information

**I27** Sch. 3 partly in force; Sch. 3 not in force at Royal Assent, see s. 70(2); Sch. 3 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

## SCHEDULE 4

Section 48

### PARTNERSHIP ARRANGEMENTS: TRANSFER OF STAFF

#### Commencement Information

**I28** Sch. 4 partly in force; Sch. 4 not in force at Royal Assent see s. 70(2); Sch. 4 in force for E. at 1.8.2001 by S.I. 2001/2804, arts. 1(3), 2(1)(b) (subject to art. 2(2))

The following is the Schedule inserted in the Health Act 1999.

### “SCHEDULE 2A

#### SECTION 31 ARRANGEMENTS: TRANSFER OF STAFF

#### *Application of Schedule*

- 1 This Schedule applies where, under any arrangements under regulations under section 31, any functions of a body (“the transferor”) are to be exercised by another body (“the transferee”).

#### *Orders transferring staff*

- 2 (1) The Secretary of State may by order transfer to the transferee any specified description of employees of the transferor.  
(2) An order may be made under this paragraph only if any prescribed requirements about consultation have been complied with in relation to each of the employees to be transferred.

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- (3) In sub-paragraph (2) “prescribed requirements” means requirements prescribed for the purposes of that sub-paragraph by regulations made by the Secretary of State.

***Effect of order on contracts of employment***

- 3 (1) The contract of employment of an employee transferred by an order under paragraph 2—
- (a) is not terminated by the transfer, and
  - (b) has effect from the date of the transfer as if originally made between the employee and the transferee.
- (2) Without prejudice to sub-paragraph (1)—
- (a) all the rights, powers, duties and liabilities of the transferor under or in connection with the employee’s contract of employment shall by virtue of this sub-paragraph be transferred to the transferee, and
  - (b) anything done before the date of the transfer by or in relation to the transferor in respect of the employee or his contract of employment shall be deemed from that date to have been done by or in relation to the transferee.
- (3) Sub-paragraphs (1) and (2) do not transfer an employee’s contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the transferor or the transferee that he objects to the transfer.
- (4) Where an employee objects as mentioned in sub-paragraph (3), his contract of employment with the transferor shall be terminated immediately before the date on which the transfer would occur; but he shall not be treated, for any purpose, as having been dismissed by that body.
- (5) This paragraph is without prejudice to any right of an employee transferred by an order under paragraph 2 to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise by reason only that, under this paragraph, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.

***Effect of order on pension rights***

- 4 (1) An order under paragraph 2 may provide that, in the case of an employee of any specified description who is transferred by the order, paragraph 3 shall not apply in relation to—
- (a) so much of the employee’s contract of employment as relates to relevant pension provisions, or
  - (b) any rights, powers, duties or liabilities under or in connection with that contract, or otherwise arising in connection with the employee’s employment, and relating to such provisions.
- (2) If an order under paragraph 2 provides as mentioned in sub-paragraph (1), the order may in relation to any such employee make such provision (if any) as the Secretary of State considers appropriate with respect to all or any of the matters mentioned in paragraphs (a) and (b) of that sub-paragraph.
- (3) The provision which may be made by virtue of sub-paragraph (2) includes provision—

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- (a) for any such employee’s contract of employment with the transferee to have effect with any specified modifications;
  - (b) for relevant pension provisions of any specified description to have effect in the case of any such employee with any such modifications.
- (4) In this paragraph “relevant pension provisions” means the provisions of an occupational pension scheme within the meaning of the Pension Schemes Act 1993 (c. 48), with the exception (if the order under paragraph 2 so provides) of any provisions of such a scheme falling within a description specified in the order.

### ***Divided employments***

- 5 (1) Where an employee is to be transferred by an order under paragraph 2 but is to continue to be employed for certain purposes by the transferor, the order may provide that the contract of employment of the employee shall, on the date on which the employee is transferred, be divided so as to constitute two separate contracts of employment between the employee and the transferor and between the employee and the transferee.
- (2) Where an employee’s contract of employment is divided as provided under subparagraph (1)—
- (a) the order shall provide for paragraph 3 to have effect in the case of the employee and his contract of employment subject to appropriate modifications; and
  - (b) paragraph 4 shall similarly apply only so far as appropriate in connection with the employee’s employment by the transferee.”

## SCHEDULE 5

Section 67

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### NATIONAL HEALTH SERVICE

VALID FROM 01/07/2002

#### *Health Services and Public Health Act 1968 (c. 46)*

- 1 (1) The Health Services and Public Health Act 1968 shall be amended as follows.
- (2) In section 59 (extension of power of user by Crown of patented invention to user for certain health services)—
- (a) in subsection (1), after “pharmaceutical services,” insert “ local pharmaceutical services, ”; and
  - (b) after section 59(2A) insert—
- “(2B) In subsection (1) the reference to local pharmaceutical services is a reference to local pharmaceutical services provided under—

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- (a) a pilot scheme established under section 28 of the Health and Social Care Act 2001;
- (b) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49); or
- (c) any corresponding provision of the law in force in the Isle of Man.”
- (3) In section 63 (provision of instruction for certain persons employed in health or welfare activities), after subsection (2)(ba) insert—
- “(bb) the provision of a local pharmaceutical service under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established under Schedule 8A to the 1977 Act or under any corresponding provision of the law in force in the Isle of Man and an activity involved in or connected with the provision of such a service;”.

#### **Commencement Information**

**I29** Sch. 5 para. 1 partly in force; Sch. 5 para. 1 not in force at Royal Assent see s. 70(2); Sch. 5 para. 1 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 2 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (which lists bodies of which all members are disqualified for membership of the House of Commons), for the entry relating to a Medical Practices Committee substitute—

“The Medical Practices Committee constituted under section 3 of the National Health Service (Scotland) Act 1978.”

#### **Commencement Information**

**I30** Sch. 5 para. 2 wholly in force at 1.7.2002; Sch. 5 para. 2 not in force at Royal Assent, see s. 70(2); Sch. 5 para. 2 in force for E. 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](#)); Sch. 5 para. 2 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

- 3 In Part 3 of Schedule 1 to that Act (which lists other disqualifying offices), at the appropriate place insert—

“President and any Deputy President of the Family Health Services Appeal Authority constituted under section 49S of the National Health Service Act 1977 (c. 49).”

#### **Commencement Information**

**I31** Sch. 5 para. 3 wholly in force at 1.7.2002; Sch. 5 para. 3 not in force at Royal Assent see s. 70(2); Sch. 5 para. 3 in force for E. for certain purposes at 1.10.2001 and otherwise for E. at 1.12.2001 by [S.I. 2001/3294](#), [arts. 1\(3\), 4\(1\)](#), [Sch.](#) (subject to transitional provisions in [art. 4\(2\)](#)); Sch. 5 para. 3 in force

*Status: Point in time view as at 15/04/2002.*

*Changes to legislation: Health and Social Care Act 2001 is up to date with all changes known to be in force on or before 17 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1; Sch. 5 para. 3 expressed to be in force for W. at 26.8.2002 by S.I. 2002/1919, art. 3(1), Sch. Pt. II (subject to art. 3(2), Sch. Pt. III)

VALID FROM 01/07/2002

*Patents Act 1977 (c. 37)*

- 4 In section 56 of the Patents Act 1977 (interpretation, etc. of provisions about Crown use), after subsection (4)(a)(ii) insert “, or
- (iii) local pharmaceutical services provided under a pilot scheme established under section 28 of the Health and Social Care Act 2001 or an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49), or under any corresponding provision of the law in force in the Isle of Man”.

**Commencement Information**

- I32** Sch. 5 para. 4 partly in force; Sch. 5 para. 4 not in force at Royal Assent see s. 70(2); Sch. 5 para. 4 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

*National Health Service Act 1977 (c. 49)*

- 5 (1) The National Health Service Act 1977 shall be amended as follows.
- (2) Section 7 (Medical Practices Committee) is omitted.
- (3) In section 17 (Secretary of State’s directions: exercise of functions), for subsection (3) substitute—
- “(3) Nothing in any provision made by or under this or any other Act shall be read as affecting the generality of subsection (1) above.”
- (4) In section 29A (medical lists), in subsection (3), for paragraph (b) substitute—
- “(b) he is not disqualified from inclusion in all Health Authorities’ medical lists by virtue of a national disqualification imposed on him by the FHSAA.”
- (5) In section 33 (distribution of general medical services), in subsection (1B), the words from “including, in particular,” to the end of the subsection are omitted.
- (6) Section 34 (regulations for Medical Practices Committee) is omitted.
- (7) In section 44 (local representative committees)—
- (a) in subsection (3)(a), for “list” substitute “ medical list ”;
- (b) in subsection (3)(c), for “list” substitute “ list of dental practitioners and dental corporations undertaking to provide general dental services ”; and
- (c) subsection (5)(b) and the word “and” preceding it are omitted.
- (8) Sections 46 to 49E (which together provide for the constitution and powers of the National Health Service Tribunal and other connected matters) and the heading preceding section 46 are omitted.

*Status: Point in time view as at 15/04/2002.*

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- (9) In section 85 (default powers), in subsection (1), omit paragraph (d).
- (10) In section 100 (payments of expenses of certain bodies)—
- (a) in subsection (1), omit paragraph (c); and
  - (b) for paragraph (d) substitute—  
“(d) the FHSAA.”
- (11) In section 102 (allowances and remuneration for members of certain bodies), omit the following—
- (a) in subsection (1), paragraph (a)(ii), and
  - (b) in subsection (2), paragraph (a).
- (12) In section 103 (special arrangements as to payment of remuneration)—
- (a) in subsection (3), after “pharmaceutical services” insert “ or such local pharmaceutical services ”;
  - (b) in subsection (3)(a), after “of this Act” insert “ or by virtue of Schedule 8A to this Act ”; and
  - (c) after subsection (3) insert—  
“(4) In subsection (3), “local pharmaceutical services” has the meaning given by paragraph 1(3) of Schedule 8A to this Act.  
(5) In subsection (3)—  
(a) the reference to local pharmaceutical services includes a reference to local pharmaceutical services provided under pilot schemes established under section 28 of the Health and Social Care Act 2001 and, in that case, “local pharmaceutical services” has the meaning given by that section; and  
(b) in respect of local pharmaceutical services provided under such schemes, the reference to Schedule 8A is a reference to that section.”
- (13) In section 126 (orders and regulations, and directions)—
- (a) in subsection (1), after “orders” insert “ , rules ”;
  - (b) in subsection (4), after “orders,” in both places where it appears, insert “ rules, ”;
  - (c) after subsection (4) insert—  
“(4A) Subsection (4) above applies to directions given under—  
(a) paragraph 10(1) of Schedule 5 to this Act,  
(b) paragraph 8(3) of Schedule 5A to this Act, or  
(c) paragraph 16(5) of Schedule 2 to the National Health Service and Community Care Act 1990,  
as well as to directions given in accordance with section 18 above as mentioned in that subsection.”;
  - (d) in subsection (5), after “that subsection” insert “ (other than a power to make rules) ”.
- (14) In section 128 (interpretation), in the appropriate place, insert—

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““terms of service” means the terms upon which by virtue of regulations a person undertakes to provide general medical services, general dental services, general ophthalmic services or pharmaceutical services.”

(15) In Schedule 5A to that Act (Primary Care Trusts: remuneration and pensions etc), in the cross-heading preceding paragraph 11, “ *of members* ” shall be added at the end.

(16) Schedule 9 (tribunal for purposes of section 46) is omitted.

(17) In Schedule 12A (expenditure of Health Authorities and Primary Care Trusts)—

(a) in paragraph 7(1), after the definition of “pharmaceutical services” insert—

““local pharmaceutical services” has the meaning given by paragraph 1(3) of Schedule 8A to this Act;

“remuneration referable to the cost of drugs” includes (except in paragraph 1(2)(b) and subject to sub-paragraph (2)) remuneration payable to persons providing local pharmaceutical services”;

(b) in paragraph 7(2), after “pharmaceutical services” insert “ or local pharmaceutical services ”;

(c) after paragraph 7(3) insert—

“(4) In this paragraph references to local pharmaceutical services include references to local pharmaceutical services provided under pilot schemes established under section 28 of the Health and Social Care Act 2001, in which case that expression has the meaning given by that section.”

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

**C2** Sch. 5 para. 5(10)(b) amended (temp. from 22.7.2002) by [The Health and Social Care Act 2001 \(Commencement No. 3\) \(Wales\) Order 2002 \(S.I. 2002/1919\)](#), art. 3(2), **Sch. Pt. III**

#### Commencement Information

**I33** Sch. 5 para. 5 partly in force; Sch. 5 para. 5 not in force at Royal Assent, see s. 70(2); Sch. 5 para. 5(10)(b)(13)(a)(b)(d) in force for E. for certain purposes at 1.10.2001 and otherwise for E. at 1.12.2001 by [S.I. 2001/3294](#), art. 4(1), **Sch.** (subject to art. 4(2)); Sch. 5 para. 5(1)(3) in force for E. for certain purposes at 22.10.2001 by [S.I. 2001/3619](#), art. 3(2); Sch. 5 para. 5(4)(8)(14)(16) 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 Pt. II**, **Sch. 2** (subject to art. 2(5)(6)); Sch. 5 para. 5(2)(5)(6)(7)(c)(9)(10)(a) wholly in force and Sch. 5 para. 5(7)(a)(b) in force for E. 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); Sch. 5 para. 5(2)(7)(a)(b)(c)(8) in force for W. at 1.7.2002 by [S.I. 2002/1475](#), art. 2(1), **Sch. Pt. 1**; Sch. 5 para. 5(8)(16) in force for W. at 26.8.2002 by [S.I. 2002/1919](#), art. 2(1), **Sch. Pt. I** (subject to art. 2(2)(3)); Sch. 5 para. 5(10)(b)(13)(a)(b)(d) in force for W. at 26.8.2002 by [S.I. 2002/1919](#), art. 3(1), **Sch. Pt. II** (subject to art. 3(2), **Sch. Pt. III**)

VALID FROM 01/07/2002

#### *Mental Health Act 1983 (c. 20)*

6 (1) Section 134 of the Mental Health Act 1983 (correspondence of patients) shall be amended as follows.

*Status: Point in time view as at 15/04/2002.*

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(2) In subsection (3), after paragraph (e) insert—

- “(ea) a provider of a patient advocacy and liaison service for the assistance of patients at the hospital and their families and carers;
- (eb) a provider of independent advocacy services for the patient;”.

(3) After subsection (3) insert—

“(3A) In subsection (3) above—

- (a) “patient advocacy and liaison service” means a service of a description prescribed by regulations made by the Secretary of State, and
- (b) “independent advocacy services” means services provided under arrangements under section 19A of the National Health Service Act 1977.”

#### Commencement Information

**I34** Sch. 5 para. 6 partly in force; Sch. 5 para. 6 not in force at Royal Assent see s. 70(2); Sch. 5 para. 6(1)(2)(3) in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

VALID FROM 01/07/2002

#### *Copyright, Designs and Patents Act 1988 (c. 19)*

- 7 In section 240 of the Copyright, Designs and Patents Act 1988 (Crown use of designs), after subsection (4)(b) insert “or
- (c) local pharmaceutical services provided under—
    - (i) a pilot scheme established under section 28 of the Health and Social Care Act 2001; or
    - (ii) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49).”

#### Commencement Information

**I35** Sch. 5 para. 7 partly in force; Sch. 5 para. 7 not in force at Royal Assent see s. 70(2); Sch. 5 para. 7 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

VALID FROM 01/07/2002

#### *National Health Service and Community Care Act 1990 (c. 48)*

- 8 In section 4A of the National Health Service and Community Care Act 1990 (provision of certain services under NHS contracts), in subsection (3), in paragraph (a) of the definition of “ophthalmic services”, for “39(a)” substitute “39(1)(a)”.



*Status: Point in time view as at 15/04/2002.*

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#### Commencement Information

- I36** Sch. 5 para. 8 partly in force; Sch. 5 para. 8 not in force at Royal Assent see s. 70(2); Sch. 5 para. 8 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

VALID FROM 01/07/2002

#### *Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 9 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), after paragraph (b) insert “ or as a person providing local pharmaceutical services under a pilot scheme established by a Health Authority under section 28 of the Health and Social Care Act 2001 or under an LPS scheme established by a Health Authority under Schedule 8A to the National Health Service Act 1977 (c. 49) ; ”.

#### Commencement Information

- I37** Sch. 5 para. 9 partly in force; Sch. 5 para. 9 not in force at Royal Assent see s. 70(2); Sch. 5 para. 9 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### *Tribunals and Inquiries Act 1992 (c. 53)*

- 10 In the Tribunals and Inquiries Act 1992, in Schedule 1 (tribunals under the supervision of the Council on Tribunals), in paragraph 33, for sub-paragraph (b) substitute—  
“(b) the Family Health Services Appeal Authority constituted under section 49S of that Act;”.

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

- C3** Sch. 5 para. 10 amended (temp. from 22.7.2002) by The Health and Social Care Act 2001 (Commencement No. 3) (Wales) Order 2002 (S.I. 2002/1919), art. 3(2), Sch. Pt. III

#### Commencement Information

- I38** Sch. 5 para. 10 wholly in force at 1.7.2002; Sch. 5 para. 10 not in force at Royal Assent, see s. 70(2); Sch. 5 para. 10 in force for E. for certain purposes at 1.10.2001 and otherwise for E. at 1.12.2001 by S.I. 2001/3294, arts. 1(3), 4(1), Sch. (subject to transitional provisions in art. 4(2)); Sch. 5 para. 10 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1; Sch. 5 para. 10 expressed to be in force for W. at 26.8.2002 by S.I. 2002/1919, art. 3(1), Sch. Pt. II (subject to art. 3(2), Sch. Pt. III)

#### *National Health Service (Primary Care) Act 1997 (c. 46)*

- 11 (1) The National Health Service (Primary Care) Act 1997 shall be amended as follows.  
(2) In section 1 (pilot schemes)—  
(a) in subsection (2), after “dental services” insert “ , and may not combine arrangements for the provision of personal medical services or personal

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dental services with arrangements for the provision of local pharmaceutical services under LPS schemes (within the meaning of paragraph 1(3) of Schedule 8A to the National Health Service Act 1977 or under pilot schemes made under section 28 of the Health and Social Care Act 2001 ”; and

- (b) in subsection (8), in the definition of “personal dental services”, after “general dental practitioner” insert “ (or, in England and Wales, a dental corporation) ”.

- (3) In section 5 (approval of pilot schemes), for subsection (5) substitute—

“(5) In carrying out his functions under subsection (4) in relation to the distribution of general practitioners in Scotland, the Secretary of State must consult the Scottish Medical Practices Committee.”

- (4) In section 21 (provision of personal medical or dental services), in subsection (2)(a) of the section 28C to be inserted into the 1977 Act, after “dental services” insert “ , and may not combine arrangements for the provision of personal medical services or personal dental services with arrangements for the provision of local pharmaceutical services under LPS schemes (within the meaning of paragraph 1(3) of Schedule 8A to this Act) or under pilot schemes made under section 28 of the Health and Social Care Act 2001 ”.

#### Commencement Information

**I39** Sch. 5 para. 11 partly in force; Sch. 5 para. 11 not in force at Royal Assent, see s. 70(2); Sch. 5 para. 11(3) in force for E. 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](#)); Sch. 5 para. 11 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

#### *Health Act 1999 (c. 8)*

- 12 (1) The Health Act 1999 shall be amended as follows.
- (2) In section 10 (which supersedes the provision about remuneration for services under Part 2 of the 1977 Act made by section 7 of the Health and Social Security Act 1984 (c. 48)), in subsection (1), for “sections 29(4) and 35(2)” in subsection (6) of the new section 43B of the 1977 Act, substitute “ section 35(2) ”.
- (3) In section 66 (devolution), in subsection (5), omit the words “(ccc) sections 46 to 49E”.

#### Commencement Information

**I40** Sch. 5 para. 12 partly in force; Sch. 5 para. 12 not in force at Royal Assent see s. 70(2); Sch. 5 para. 12(1) (2) in force for E. for certain purposes at 14.12.2001 by [S.I. 2001/3738](#), [arts. 1\(3\), 2\(3\)](#), [Sch. 1 Pt. III](#)

VALID FROM 01/01/2003

#### *Local Government Act 2000 (c. 22)*

- 13 In section 32 of the Local Government Act 2000 (alternative arrangements), in subsection (3), after “Schedule 1” insert “ , any provision made under section 7

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of the Health and Social Care Act 2001 or any provisions of section 9 of, and Schedule 1 to, that Act”.

VALID FROM 01/07/2002

*Freedom of Information Act 2000 (c. 36)*

14 (1) In Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act) after paragraph 45 insert—

“45A Any person providing local pharmaceutical services under—  
(a) a pilot scheme established under section 28 of the Health and Social Care Act 2001; or  
(b) an LPS scheme established under Schedule 8A to the National Health Service Act 1977 (c. 49),  
in respect of information relating to the provision of those services.”

**Commencement Information**

**I41** Sch. 5 para. 14 partly in force; Sch. 5 para. 14 not in force at Royal Assent see s. 70(2); Sch. 5 para. 14 in force for W. at 1.7.2002 by [S.I. 2002/1475](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

**PART 2**

SOCIAL CARE

*Local Authority Social Services Act 1970 (c. 42)*

- 15 (1) The Local Authority Social Services Act 1970 shall be amended as follows.
- (2) In section 7B(2) (complaints procedure), for the words from “or if he is in receipt of payment” onwards there shall be substituted “or if he is in receipt of direct payments within the meaning of section 57 of the Health and Social Care Act 2001.”
- (3) In Schedule 1 (functions referred to social services committee of local authority), at the end insert—

“Health and Social Care Act 2001

Part 4 in so far as it confers functions on a local authority in England or Wales within the meaning of that Part.

Functions in relation to the provision of residential accommodation.

Making of direct payments to person in respect of his securing provision of community care services or services to carers.”

*Status: Point in time view as at 15/04/2002.*

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#### Commencement Information

- I42** Sch. 5 para. 15 partly in force; Sch. 5 para. 15 not in force at Royal Assent see s. 70(2); Sch. 5 para. 15(1)(3) in force for E. for certain purposes at 22.10.2001 by [S.I. 2001/3619](#), [arts. 1\(3\)](#), [3\(1\)](#)

PROSPECTIVE

#### *Carers and Disabled Children Act 2000 (c. 16)*

- 16 In section 7 of the Carers and Disabled Children Act 2000 (direct payments and vouchers), at the end of subsection (2) insert “ so far as relating to the inserted section 17B of that Act. ”

### PART 3

#### PATIENT INFORMATION

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 17 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (which lists bodies of which all members are disqualified for membership of the House of Commons), at the appropriate place insert—  
“The Patient Information Advisory Group”.

#### *Freedom of Information Act 2000 (c. 36)*

- 18 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public authorities for the purposes of the Act), at the appropriate place insert—  
“The Patient Information Advisory Group”.

### SCHEDULE 6

Section 67

#### REPEALS

### PART 1

#### NATIONAL HEALTH SERVICE

#### Commencement Information

- I43** Sch. 6 Pt. 1 partly in force; Sch. 6 Pt. 1 not in force at Royal Assent, see s. 70(2); Sch. 6 Pt. 1 in force for E. for certain purposes at 14.12.2001 by [S.I. 2001/3738](#), [art. 2\(3\)\(4\)](#), [Sch. 1 Pt. III](#), [Sch. 2](#) (subject to [art. 2\(5\)\(6\)](#)); Sch. 6 Pt. 1 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](#)); Sch. 6 Pt. 1 in

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force for W. for certain purposes at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1; Sch. 6 Pt. 1 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))

<b>Short title and chapter</b>	<b>Extent of repeal</b>
Parliamentary Commissioner Act 1967 (c. 13).	In Schedule 2, the entry relating to the Medical Practices Committee.
National Health Service Act 1977 (c. 49).	Section 7. Section 29(4). In section 33(1B), the words from “including, in particular,” to the end of the subsection. Section 34. In section 42(3), the “and” at the end of paragraph (d). In section 44(5), paragraph (b) and the “and” preceding it. Sections 46 to 49E. Section 85(1)(d). Section 100(1)(c). In section 102, subsections (1)(a)(ii) and (2)(a). In Schedule 5A, paragraph 11(2). Schedule 9.
National Health Service and Community Care Act 1990 (c. 19).	Section 22. In Schedule 2, in paragraph 16(1), paragraph (d) and the “and” preceding it.
Health Authorities Act 1995 (c. 17).	In Schedule 1, paragraph 23.
National Health Service (Amendment) Act 1995 (c. 31).	Section 2(1). Sections 4 to 6. Section 14(5).
National Health Service (Primary Care) Act 1997 (c. 46).	In Schedule 2, paragraphs 11 and 29.
Police Act 1997 (c. 50).	In section 115, the “or” at the end of subsection (2)(a).
Health Act 1999 (c. 8).	Section 12(2). Section 40. In section 66(5), “(ccc) sections 46 to 49E”. In Schedule 4, paragraphs 17 to 22 and 41.
Government Resources and Accounts Act 2000 (c. 20).	Section 12(2). Section 13(2).

*Status: Point in time view as at 15/04/2002.*

*Changes to legislation: Health and Social Care Act 2001 is up to date with all changes known to be in force on or before 17 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/07/2002

## PART 2

### PHARMACEUTICAL SERVICES

#### Commencement Information

**I44** Sch. 6 Pt. 2 partly in force; Sch. 6 Pt. 2 not in force at Royal Assent, see s. 70(2); Sch. 6 Pt. 2 in force for certain purposes for W. at 1.7.2002 by [S.I. 2002/1475](#), **art. 2(1)**, **Sch. Pt. 1**

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Health Services Act 1980 (c. 53).	Section 20(1).
National Health Service and Community Care Act 1990 (c. 19).	In Schedule 9, paragraph 18(1).
Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28).	Section 2.
Health Authorities Act 1995 (c. 17).	In Schedule 1, paragraph 29.
National Health Service (Primary Care) Act 1997 (c. 46).	In Schedule 2, paragraphs 13 and 76.

## PART 3

### SOCIAL CARE

#### Commencement Information

**I45** Sch. 6 Pt. 3 partly in force; Sch. 6 Pt. 3 not in force at Royal Assent, see s. 70(2); Sch. 6 Pt. 3 in force for certain purposes at 15.4.2002 by [S.I. 2002/1312](#), **art. 3**

<i>Short title and chapter</i>	<i>Extent of repeal</i>
National Assistance Act 1948 (c. 29).	Section 26A.
Social Work (Scotland) Act 1968 (c. 49).	Section 86A.
Local Authorities Social Services Act 1970 (c. 42).	In Schedule 1, the entry relating to the Community Care (Direct Payments) Act 1996.
National Health Service and Community Care Act 1990 (c. 19).	Section 43. Section 57.
Social Security Contributions and Benefits Act 1992 (c. 4).	Section 135(3) and (4).

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*Status: Point in time view as at 15/04/2002.*

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Community Care (Direct Payments) Act 1996 (c. 30).	Sections 1 to 3. Section 7(4).
Community Care (Residential Accommodation) Act 1998 (c. 19).	Section 1. Section 3(2).
Carers and Disabled Children Act 2000 (c. 16).	Section 5. In section 7, subsection (1) so far as relating to the inserted section 17A. Section 9(a).

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**Status:**

Point in time view as at 15/04/2002.

**Changes to legislation:**

Health and Social Care Act 2001 is up to date with all changes known to be in force on or before 17 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.