



Health and Social Care Act 2001

2001 CHAPTER 15

PART 1

NATIONAL HEALTH SERVICE

Terms of employment of health service employees

6 Terms and conditions of employment by health service bodies

- (1) In Schedule 5 to the 1977 Act (Health Authorities), in paragraph 10(1) (staff)—
 - (a) for “at such remuneration and on such conditions of service” there shall be substituted “and pay its officers such remuneration and allowances, and employ them on such other terms and conditions,”; and
 - (b) for “may contain provision—” there shall be substituted “may make provision with respect to any matter connected with the employment by an authority of its officers, including in particular provision—”.
- (2) In Schedule 5A to the 1977 Act (Primary Care Trusts)—
 - (a) for paragraph 8 there shall be substituted—
 - “8 (1) A Primary Care Trust may employ such officers as it thinks fit.
 - (2) Subject to sub-paragraph (3) below, a trust may—
 - (a) pay its officers such remuneration and allowances, and
 - (b) employ them on such other terms and conditions, as it thinks fit.
 - (3) A trust shall—
 - (a) in exercising its powers under sub-paragraph (2) above, and
 - (b) otherwise in connection with the employment of its officers,

Status: This is the original version (as it was originally enacted).

act in accordance with regulations and any directions given by the Secretary of State.

(4) Before making any regulations under sub-paragraph (3) above, the Secretary of State shall consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.”; and

(b) in paragraph 11 (remuneration and pensions etc), sub-paragraph (2) (remuneration and allowances payable to officers of a Primary Care Trust) shall accordingly be omitted.

(3) In paragraph 16 of Schedule 2 to the 1990 Act (general powers of National Health Service Trusts)—

(a) sub-paragraph (1)(d) (general power to employ staff) shall be omitted; and

(b) after sub-paragraph (2) there shall be inserted—

“(3) An NHS trust may employ such staff as it thinks fit.

(4) Subject to sub-paragraph (5) below, an NHS trust may—

(a) pay its staff such remuneration and allowances, and

(b) employ them on such other terms and conditions,

as it thinks fit.

(5) An NHS trust shall—

(a) in exercising its powers under sub-paragraph (4) above, and

(b) otherwise in connection with the employment of its staff,

act in accordance with regulations and any directions given by the Secretary of State.

(6) Before making any regulations under sub-paragraph (5) above, the Secretary of State shall consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.”