

SCHEDULES

SCHEDULE 2

REALLOCATION OF FUNCTIONS OF HEALTH AUTHORITIES TO PRIMARY CARE TRUSTS

PART 2

AMENDMENTS OF OTHER ACTS

The National Assistance Act 1948 (c. 29)

- 38 In section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C), after “consent of such” there is inserted “Primary Care Trust or”.

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 39 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (which makes provision about payments to make up civil remuneration), in paragraph 16, in the entry in the second column, before “Health Authority” there is inserted “Primary Care Trust,”.

The Health Services and Public Health Act 1968 (c. 46)

- 40 (1) The Health Services and Public Health Act 1968 is amended as provided in this paragraph.
- (2) In section 63 (provision of instruction for certain persons), in subsection (2)(b), before “Health Authority” there is inserted “Primary Care Trust or”.
- (3) In section 64 (financial assistance to certain voluntary organisations), in subsection (3)(b), before “Health Authority” there is inserted “Primary Care Trust or”.

The Health and Safety at Work etc Act 1974 (c. 37)

- 41 In section 60 of the Health and Safety at Work etc Act 1974 (which makes supplementary provision in relation to the employment medical advisory service), in subsection (1), after “that each” there is inserted “Primary Care Trust and”.

The Mental Health Act 1983 (c. 20)

- 42 The Mental Health Act 1983 is amended as follows.
- 43 In section 25A (applications for supervision), before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”.

Status: This is the original version (as it was originally enacted).

- 44 In section 25C (supervision applications: supplementary), in subsection (6), after “consent of the” there is inserted “Primary Care Trust or”.
- 45 In section 25F (reclassification of patient subject to after-care under supervision), in subsection (1), after “effect to the” there is inserted “Primary Care Trust or”.
- 46 In section 39 (information as to hospitals), in subsection (1), before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”.
- 47 In section 117 (after-care), in each of subsections (2), (2A) and (3), before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”.
- 48 In section 140 (notification of hospitals having arrangements for reception of urgent cases)—
- (a) after “duty of” there is inserted “every Primary Care Trust and of”,
 - (b) for “Health Authority’s area” there is substituted “area of the Primary Care Trust or Health Authority”, and
 - (c) after “available to the” there is inserted “Primary Care Trust or”.
- 49 In section 145 (interpretation), in paragraph (a) of the definition of “the managers”, before “Health Authority” there is inserted “Primary Care Trust,”.

The Public Health (Control of Disease) Act 1984 (c. 22)

- 50 (1) The Public Health (Control of Disease) Act 1984 is amended as provided in this paragraph.
- (2) In section 11 (cases of notifiable disease and food poisoning to be reported), before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”.
- (3) In section 12 (fees for certificates under section 11), in subsection (1), after “that a” there is inserted “Primary Care Trust or”.
- (4) In section 39 (keeper of common lodging-house to notify case of infectious disease), in subsection (3), after “to the” there is inserted “Primary Care Trust or”.

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 51 In section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (persons discharged from hospital), in subsection (9), for paragraph (a) of the definition of “health authority” there is substituted—
- “(a) in relation to England, means a Primary Care Trust,
 - (aa) in relation to Wales, means a Health Authority, and”.

The Children Act 1989 (c. 41)

- 52 In Schedule 2 to the Children Act 1989 (local authority support for children and families), in paragraph 1A(3)(a), for “and” there is substituted “or”.

The National Health Service and Community Care Act 1990 (c. 19)

- 53 The National Health Service and Community Care Act 1990 is amended as follows.

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

- 54 In section 4A (provision of certain services by persons on ophthalmic or pharmaceutical lists), in subsection (1), after “a Strategic Health Authority,” (inserted by paragraph 41 of Schedule 1 to this Act) there is inserted “a Primary Care Trust,”.
- 55 (1) In section 18 (indicative amounts for doctors' practices)—
- (a) in subsection (1)—
 - (i) after “financial year,” there is inserted “every Primary Care Trust and”, and
 - (ii) before “Health Authority”, in the second and third places it occurs, there is inserted “Primary Care Trust or”,
 - (b) before “Health Authority”, in each other place where it occurs except in subsection (7), there is inserted “Primary Care Trust or”, and
 - (c) in subsection (7), for “Health Authority” there is substituted “Primary Care Trust”.
- (2) This paragraph shall cease to have effect on the coming into force of paragraph 80 of Schedule 4 to the 1999 Act (which repeals section 18 of the National Health Service and Community Care Act 1990).
- 56 In section 47 (assessment of needs for community care services), in subsection (3)—
- (a) before “Health Authority”, where it first occurs, there is inserted “Primary Care Trust or”, and
 - (b) before “Health Authority”, in each other place where it occurs, there is inserted “Primary Care Trust,”.
- 57 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after “Strategic Health Authority,” (inserted by paragraph 44 of Schedule 1 to this Act) there is inserted “Primary Care Trust,”.
- 58 In Schedule 2 (which makes provision about NHS trusts), in paragraph 31, after “Strategic Health Authority” (inserted by paragraph 46 of Schedule 1 to this Act) there is inserted “Primary Care Trust,”.

The Access to Health Records Act 1990 (c. 23)

- 59 (1) The Access to Health Records Act 1990 is amended as provided in this paragraph.
- (2) In section 1 (definitions of certain terms), in subsection (2)(a)(ii), before “Health Authority” there is inserted “Primary Care Trust,”.
- (3) In section 7 (duty of health service bodies etc to take advice), before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust,”.

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

- 60 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), before “Health Authority” there is inserted “Primary Care Trust or”.

The Health Service Commissioners Act 1993 (c. 46)

- 61 (1) The Health Service Commissioners Act 1993 is amended as provided in this paragraph.
- (2) In section 2 (bodies subject to investigation)—

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

- (a) in subsection (1), in paragraph (da), “established for areas in England” is omitted, and
 - (b) in subsection (2), in paragraph (a), “whose areas are in Wales” is omitted.
- (3) In section 6 (which provides for certain action by Health Authorities, etc not to be investigated), in each of subsections (3) and (5), after “taken by a” there is inserted “Primary Care Trust or”.

The Health Authorities Act 1995 (c. 17)

- 62 In Schedule 2 to the Health Authorities Act 1995 (transitional provisions and savings), in paragraph 2, before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust”.

The Employment Rights Act 1996 (c. 18)

- 63 In section 43K of the Employment Rights Act 1996 (extended meaning of “worker” for Part 4A of that Act), in subsection (1)(c)(i), before “Health Authority” there is inserted “Primary Care Trust or”.

The Police Act 1997 (c. 50)

- 64 In section 115 of the Police Act 1997 (enhanced criminal record certificates), in subsection (6E), before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.

The School Standards and Framework Act 1998 (c. 31)

- 65 In Schedule 9 to the School Standards and Framework Act 1998 (which provides for the constitution of school governing bodies), in paragraph 10 (community special schools), in sub-paragraph (5)(a), after “by the” there is inserted “Primary Care Trust or”.

The Government of Wales Act 1998 (c. 38)

- 66 (1) The Government of Wales Act 1998 is amended as provided in this paragraph.
- (2) In Schedule 5 (bodies and offices covered by section 74), in paragraph 20, “for an area in, or consisting of, Wales” is omitted.
- (3) In Schedule 17 (audit, etc, of Welsh public bodies), in paragraph 12, “for an area in, or consisting of, Wales” is omitted.

The 1999 Act

- 67 The 1999 Act is amended as follows.
- 68 In section 10(1) (which substitutes new sections 43A and 43B in the 1977 Act), in the new section 43A (remuneration for Part 2 services), in subsection (2)(b), after “Health Authority” there is inserted “, Primary Care Trust”.
- 69 (1) Section 28 (plans for improving health care, etc) is amended as follows.
- (2) In each of subsections (1) and (2), after “Health Authority” there is inserted “and each Primary Care Trust”.

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

(3) In subsection (3), after “Health Authority” there is inserted “or Primary Care Trust”.

(4) For subsection (4) there is substituted—

“(4) Those bodies are—

- (a) any local authority whose area falls wholly or partly within the area of the Health Authority or Primary Care Trust, and
- (b) if the plan is a Health Authority's, any NHS trust which provides services at or from a hospital or other establishment or facility which falls within the area of the Health Authority.”

(5) In subsection (5), after “Health Authority” there is inserted “or Primary Care Trust”.

(6) In subsection (6)(h), after “Health Authorities” there is inserted “and Primary Care Trusts”.

(7) For subsection (7) there is substituted—

“(7) In exercising their respective functions—

- (a) Health Authorities and Primary Care Trusts must have regard to any plan prepared or reviewed by them under this section,
- (b) Strategic Health Authorities must have regard to any plan prepared or reviewed by a Primary Care Trust any part of whose area falls within their area, and
- (c) NHS trusts and local authorities must have regard to any plan under this section in relation to which they have participated, and Primary Care Trusts must also do so in relation to plans in which they have participated by virtue of subsection (5).”

(8) In subsection (8)—

- (a) after “Health Authority” there is inserted “or Primary Care Trust”, and
- (b) in each of paragraphs (a) and (b), for “Authority’s area” there is substituted “area of the Authority or Trust”.

The Care Standards Act 2000 (c. 14)

70 In section 20 of the Care Standards Act 2000 (urgent procedure for cancellation, etc of registration of establishment or agency), in subsection (6)(b), before “Health Authority” there is inserted “Primary Care Trust or”.

The Health and Social Care Act 2001 (c. 15)

71 The Health and Social Care Act 2001 is amended as follows.

72 In section 18 (out of hours medical services)—

(a) in subsection (2), for paragraph (b) there is substituted—

“(b) for approval to be given, as respects out of hours services provided for persons in the area of any Primary Care Trust or Health Authority, by—

- (i) that Primary Care Trust or Health Authority,
- (ii) another Primary Care Trust, or
- (iii) another Health Authority.”,

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

- (b) in each of paragraphs (c) and (e), before “Health Authority” there is inserted “Primary Care Trust or”, and
 - (c) in paragraph (i), after “of” there is inserted “Primary Care Trusts and of”.
- 73 (1) Section 28 (pilot schemes for local pharmaceutical services) is amended as provided in this paragraph.
- (2) In subsection (1), before “Health Authorities” there is inserted “Primary Care Trusts and”.
- (3) In subsection (2), before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.
- (4) In subsection (6)—
- (a) after “made by” there is inserted “Primary Care Trusts and”, and
 - (b) before “Health Authority” there is inserted “Primary Care Trust or”.
- (5) In subsection (7), “or a Primary Care Trust” is omitted.
- 74 In section 30 (designation of priority neighbourhoods or premises), before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.
- 75 In section 31 (reviews of pilot schemes), in subsection (3)(a), after “the” there is inserted “Primary Care Trust or”.
- 76 In section 32 (variation and termination of pilot schemes)—
- (a) in subsection (1), after “authorising” there is inserted “Primary Care Trusts or”, and
 - (b) in each of subsections (2) and (3), before “Health Authority” there is inserted “Primary Care Trust or”.
- 77 In section 34 (funding of preparatory work)—
- (a) in subsection (1), after “regulations for” there is inserted “Primary Care Trusts and”, and
 - (b) in subsection (3), before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.
- 78 In section 40(1) (which inserts a new section 28J into the 1977 Act), in that new section 28J (local pharmaceutical services schemes), after “made by” there is inserted “Primary Care Trusts and”.
- 79 In Schedule 1 (exempt information relating to health services), in paragraph 10, after “by a” there is inserted “Primary Care Trust or”.
- 80 In Schedule 2 (pilot schemes for local pharmaceutical services)—
- (a) before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”,
 - (b) in paragraph 2(5)(d), before “Health Authorities” there is inserted “Primary Care Trusts and”, and
 - (c) in paragraph 5(1)(a), for “Health Authority’s area” there is substituted “area of the Primary Care Trust or Health Authority”.
- 81 (1) Schedule 3 (which inserts a new Schedule 8A into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new Schedule 8A (local pharmaceutical services schemes)—

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

- (a) in paragraph 1(1), before “Health Authorities” there is inserted “Primary Care Trusts and”;
- (b) in paragraph 1(2)—
 - (i) in paragraph (a), after “by” there is inserted “a Primary Care Trust or”, and
 - (ii) in paragraph (c), after “other” there is inserted “Primary Care Trust or”;
- (c) in paragraph 1(7), after “a” there is inserted “Primary Care Trust or”;
- (d) in paragraph 1(8), “or a Primary Care Trust” is omitted;
- (e) in paragraph 2(1), after “allowing a” there is inserted “Primary Care Trust or”;
- (f) in paragraph 2(2)(b), after “a” there is inserted “Primary Care Trust or”;
- (g) in paragraph 3(2), after “than” there is inserted “Primary Care Trusts and”, and
- (h) in paragraph 3(3)(k), after “authorise” there is inserted “Primary Care Trusts and”.

82 In Schedule 5 (minor and consequential amendments), in paragraph 9, before “Health Authority”, in both places, there is inserted “Primary Care Trust or”.