

Status: Point in time view as at 20/10/2003.

Changes to legislation: There are currently no known outstanding effects for the National Health Service Reform and Health Care Professions Act 2002, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 6(2)

AMENDMENTS RELATING TO LOCAL HEALTH BOARDS

The Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 1 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph 1(gg) there is inserted—
“(gh) Local Health Boards;”.

Commencement Information

- I1** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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

- 2 (1) Section 63 of the Health Services and Public Health Act 1968 (provision of instruction for officers of hospital authorities etc) is amended as follows.
- (2) In subsection (1)(a), for “or Primary Care Trust” there is substituted “, Primary Care Trust or Local Health Board ”.
- (3) In subsection (5A), for “or Primary Care Trust”, in both places, there is substituted “, Primary Care Trust or Local Health Board ”.
- (4) In subsection (5B), the “and” at the end of paragraph (bb) is omitted, and after that paragraph there is inserted—
“(bbb) Local Health Boards; and”.

Commencement Information

- I2** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

- 3 In section 3 of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(a)—
- (a) for “1978 and” there is substituted “ 1978, ”, and
- (b) after “1977” there is inserted “ and a Local Health Board established under section 16BA of that Act ”.

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Commencement Information

- I3** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The 1977 Act

- 4 The 1977 Act is amended as follows.

Commencement Information

- I4** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

- 5 In section 16 (exercise of functions), in subsection (2)(c), after “Trusts” there is inserted “, Local Health Boards”.

Commencement Information

- I5** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

- 6 In section 16B (exercise of functions by Primary Care Trusts), in subsection (2)(c), after “NHS trusts” there is inserted “, Local Health Boards”.

Commencement Information

- I6** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

- 7 In section 16C (advice for Health Authorities and Primary Care Trusts), in subsection (2), after “Primary Care Trusts” there is inserted “ and Local Health Boards”.

Commencement Information

- I7** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

- 8 In section 22 (co-operation between health authorities and local authorities), in subsection (1A), the “or” at the end of paragraph (c) is omitted and after that paragraph there is inserted—
 “(cc) a Local Health Board; or”.

Commencement Information

- I8** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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- 9 In section 23 (voluntary organisations and other bodies), in subsection (2), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”.

Commencement Information

- I9** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 10 In section 26 (supply of goods and services by Secretary of State), in subsection (1) (b), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”.

Commencement Information

- I10** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 11 In section 27 (conditions of supply under section 26)—
(a) in subsection (1), for “or Primary Care Trust”, in both places, there is substituted “ , Primary Care Trust or Local Health Board ”, and
(b) in subsection (3), for “and Primary Care Trusts” there is substituted “ , Primary Care Trusts and Local Health Boards ”.

Commencement Information

- I11** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 12 In section 28 (supply of goods and services by local authorities)—
(a) in subsection (1), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”, and
(b) in subsection (3), after “Primary Care Trusts”, in both places, there is inserted “ , Local Health Boards ”.

Commencement Information

- I12** Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 13 In section 28A (power to make payments towards expenditure on community services)—
(a) in subsection (1)—
(i) the “and” at the end of paragraph (a) is omitted, and
(ii) at the end of paragraph (b) there is inserted “ ; and ”, and after that paragraph there is inserted—
“(c) a Local Health Board.”,

and

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- (b) in subsection (2B), after “Primary Care Trust” there is inserted “, Local Health Board”.

Commencement Information

I13 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 14 In section 28BB (power of local authorities to make payments to NHS bodies), in subsection (2), in the definition of “relevant NHS body”, after “Primary Care Trust” there is inserted “ or Local Health Board”.

Commencement Information

I14 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 15 In section 51 (university clinical teaching and research)—
- (a) in subsection (2), for “or Primary Care Trust”, in both places, there is substituted “, Primary Care Trust or Local Health Board”, and
- (b) in subsection (3), the “and” at the end of paragraph (bb) is omitted and after that paragraph there is inserted—
- “(bbb) Local Health Boards; and”.

Commencement Information

I15 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 16 In section 84A (intervention orders), in subsection (2), after paragraph (d) there is inserted—
- “(e) Local Health Boards.”

Commencement Information

I16 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 17 In section 84B (intervention orders: effect), in subsection (1), in each of paragraphs (a) and (b), for “or Primary Care Trust” there is substituted “, Primary Care Trust or Local Health Board”.

Commencement Information

I17 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 18 In section 85 (Secretary of State’s default powers), in subsection (1), after paragraph (bb) there is inserted—
- “(bbb) a Local Health Board;”.

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Commencement Information

I18 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 19 In section 92 (further transfers of trust property), in subsection (1A), after paragraph (c) there is inserted—
“(cc) a Local Health Board;”.

Commencement Information

I19 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 20 In section 96A (power of health authorities etc to raise money), in each of subsections (1), (3), (4), (7), (8) and (9), after “Special Health Authority”, in each place where it occurs, there is inserted “, Local Health Board”.

Commencement Information

I20 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 21 In section 98 (accounts and audit), in subsection (1), after paragraph (bb) there is inserted—
“(bbb) every Local Health Board;”.

Commencement Information

I21 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 22 In section 99 (regulation of financial arrangements), in subsection (1), after paragraph (ba) there is inserted—
“(bb) Local Health Boards;”.

Commencement Information

I22 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 23 In section 125 (protection of members and officers of authorities), the “and” at the end of paragraph (bb) is omitted and after that paragraph there is inserted—
“(bbb) a Local Health Board; and3”.

Commencement Information

I23 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

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- 24 [F1]In paragraph 2 of Schedule 7 (which makes additional provision in relation to Community Health Councils)—
- (a) in sub-paragraphs (d) and (e), after “Primary Care Trusts”, in each place where it occurs, there is inserted “, Local Health Boards ”, and
 - (b) in sub-paragraphs (f) and (g), for “and Primary Care Trusts” there is substituted “, Primary Care Trusts and Local Health Boards ”.]

Textual Amendments

F1 Sch. 5 para. 24 repealed (20.10.2003 for W., 1.12.2003 for E.) by [Health \(Wales\) Act 2003 \(c. 4\)](#), s. 10(2), [Sch. 4](#); [S.I. 2003/2660](#), art. 2(1)(iii)(2); [S.I. 2003/3064](#), art. 2(1)(iii)(2)

Commencement Information

I24 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Acquisition of Land Act 1981 (c. 67)

- 25 In section 16 of the Acquisition of Land Act 1981 (statutory undertakers’ land excluded from compulsory purchase), in subsection (3), the “and” at the end of paragraph (b) is omitted, and at the end of paragraph (c) there is inserted
- “and
- (d) a Local Health Board established under section 16BA of that Act;”.

Commencement Information

I25 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Hospital Complaints Procedure Act 1985 (c. 42)

- 26 In section 1 of the Hospital Complaints Procedure Act 1985 (hospital complaints procedure), in subsection (1B), after “Trust”, where it first occurs, there is inserted “and Local Health Board ”, and in the second place where it occurs there is inserted “or Local Health Board ”.

Commencement Information

I26 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Income and Corporation Taxes Act 1988 (c. 1)

- 27 In section 519A of the Income and Corporation Taxes Act 1988 (health service bodies), in subsection (2), after paragraph (ab) there is inserted—
- “(aba) a Local Health Board;”.

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Commencement Information

I27 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Housing Act 1988 (c. 50)

28 In Schedule 2 to the Housing Act 1988 (grounds for possession of dwelling-houses let on assured tenancies), in the second paragraph of Ground 16, after “1990,” there is inserted “ or by a Local Health Board, ”.

Commencement Information

I28 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Road Traffic Act 1988 (c. 52)

29 In section 144 of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), in subsection (2)(da), after “1977” there is inserted “ , by a Local Health Board established under section 16BA of that Act ”.

Commencement Information

I29 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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

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

Commencement Information

I30 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

31 In section 4 (NHS contracts), in subsection (2), after paragraph (bb) there is inserted—
“(bbb) a Local Health Board;”.

Commencement Information

I31 [Sch. 5](#) not in force at Royal Assent, see [s. 42\(3\)](#); [Sch. 5](#) in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

32 In section 8 (transfer of property, rights and liabilities to NHS trust)—
(a) in subsections (1), (2), (3) and (5), for “or Primary Care Trust” there is substituted “ , Primary Care Trust or Local Health Board ”, and
(b) in subsection (6)—

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- (i) in paragraph (a), after “Health Authority” there is inserted “, Local Health Board ”, and
- (ii) for “or Primary Care Trust” there is substituted “, Primary Care Trust or Local Health Board ”.

Commencement Information

I32 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 33 In section 21 (schemes for meeting losses and liabilities of certain health service bodies), in subsection (2), after paragraph (aaa) there is inserted—
 “(aab) Local Health Boards;”.

Commencement Information

I33 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 34 In section 49 (transfer of staff from health service to local authorities), in subsection (4)(b), after “Health Authority” there is inserted “, Local Health Board ”.

Commencement Information

I34 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 35 In section 61 (health service bodies: taxation), in subsection (3), after “Primary Care Trust” there is inserted “ or Local Health Board ”.

Commencement Information

I35 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

- 36 (1) Schedule 2 (National Health Service trusts) is amended as provided in this paragraph.
- (2) In paragraph 4, for “or Primary Care Trust”, in both places, there is substituted “, Primary Care Trust or Local Health Board ”.
- (3) In paragraph 13, after “Primary Care Trust” there is inserted “ or Local Health Board ”.
- (4) In paragraph 30(1), after paragraph (bbb) there is inserted—
 “(bbc) a Local Health Board, or”.

Commencement Information

I36 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

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The Welsh Language Act 1993 (c. 38)

- 37 In section 6 of the Welsh Language Act 1993 (meaning of “public body”), in subsection (1), after paragraph (f) there is inserted—
“(ff) a Local Health Board established under section 16BA of the National Health Service Act 1977;”.

Commencement Information

I37 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Health Service Commissioners Act 1993 (c. 46)

- 38 In the Health Service Commissioners Act 1993, in section 2 (bodies subject to investigation), in subsection (2), for paragraph (aa) there is substituted—
“(aa) Local Health Boards,”.

Commencement Information

I38 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Vehicle Excise and Registration Act 1994 (c. 22)

- 39 In Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt vehicles), in paragraph 7, at the end of sub-paragraph (d) there is inserted
“or
(e) a Local Health Board established under section 16BA of that Act.”

Commencement Information

I39 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Value Added Tax Act 1994 (c. 23)

- 40 In section 41 of the Value Added Tax Act 1994 (application to Crown), in subsection (7), after “Primary Care Trust” there is inserted “ and a Local Health Board ”.

Commencement Information

I40 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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The Data Protection Act 1998 (c. 29)

- 41 In section 69 of the Data Protection Act 1998 (meaning of “health professional”), in subsection (3), after paragraph (bb) there is inserted—
 “(bbb) a Local Health Board established under section 16BA of that Act.”.

Commencement Information

I41 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Government of Wales Act 1998 (c. 38)

- 42 (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), after paragraph 25 there is inserted—
 “25A A Local Health Board.”
 (3) In Schedule 17 (audit etc of Welsh public bodies), after paragraph 12 there is inserted—
 “12A A Local Health Board.”

Commencement Information

I42 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The 1999 Act

- 43 The 1999 Act is amended as follows.

Commencement Information

I43 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

- 44 In section 20 (functions of the Commission for Health Improvement), after subsection (7) there is inserted—
 “(8) If a Local Health Board has responsibility for any health care—
 (a) paragraphs (a), (b) and (c) of subsection (1) are to be read as if they included a reference to that Local Health Board as well as to the bodies which are mentioned there, and
 (b) the definition of “NHS body” in subsection (7) is to be read as if it included a reference to that Local Health Board.”

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Commencement Information

I44 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

45 In section 31 (arrangements between NHS bodies and local authorities), in subsection (8), in the definition of “NHS body”, after “Primary Care Trust” there is inserted “ , Local Health Board ”.

Commencement Information

I45 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Care Standards Act 2000 (c. 14)

46 In section 121 of the Care Standards Act 2000 (general interpretation), in subsection (1), in the definition of “National Health Service body”, for “or a Primary Care Trust” there is substituted “ , a Primary Care Trust or a Local Health Board ”.

Commencement Information

I46 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Learning and Skills Act 2000 (c. 21)

47 In section 138 of the Learning and Skills Act 2000 (Wales: provision of information by public bodies), in subsection (3), after paragraph (b) there is inserted—
“(ba) a Local Health Board.”.

Commencement Information

I47 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

The Freedom of Information Act 2000 (c. 36)

48 In Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of the Act), in Part 3 (National Health Service), after paragraph 39 there is inserted—

“39A A Local Health Board established under section 16BA of the National Health Service Act 1977.”

Commencement Information

I48 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by [S.I. 2002/2532](#), art. 2, [Sch.](#)

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

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

Commencement Information

I49 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

50 In section 7 (functions of overview and scrutiny committees), in subsection (4), after “Primary Care Trust” there is inserted “, Local Health Board”.

Commencement Information

I50 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

51 In section 46 (directed partnership arrangements), in subsection (5), in the definition of “NHS body”, after “Primary Care Trust” there is inserted “, Local Health Board”.

Commencement Information

I51 Sch. 5 not in force at Royal Assent, see s. 42(3); Sch. 5 in force for W. at 10.10.2002 by S.I. 2002/2532, art. 2, Sch.

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