



# National Health Service (Consequential Provisions) Act 2006

## 2006 CHAPTER 43

### **1 Meaning of “the consolidating Acts”**

In this Act “the consolidating Acts” means—

- (a) the National Health Service Act 2006 (c. 41),
- (b) the National Health Service (Wales) Act 2006 (c. 42), and
- (c) this Act, to the extent that it reproduces the effect of provisions repealed or revoked by this Act.

### **2 Consequential amendments**

Schedule 1 makes amendments consequential on the provisions of the consolidating Acts.

### **3 National Assembly for Wales (Transfer of Functions Order) 1999**

- (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 is a reference to the Act as amended.
- (2) For that purpose, and so far as the context requires, a reference in such an Act as amended by this Act to the National Health Service Act 2006 (c. 41) includes a reference to the National Health Service (Wales) Act 2006 (c. 42).
- (3) This section does not affect the power to make further Orders varying or omitting any reference in the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

### **4 Transitional and saving provision**

Schedule 2 makes transitional and saving provision.

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## **5 Transitory modifications**

Schedule 3 makes transitory modifications.

## **6 Repeals and revocations**

Schedule 4 makes repeals and revocations.

## **7 Extent and application**

- (1) Subject to this section, this Act extends to England and Wales only.
- (2) The amendment, repeal or revocation of any provision by this Act has the same extent as the provision being amended, repealed or revoked.
- (3) But the repeal of—
  - (a) section 57 of, and Schedule 11 to, the National Health Service Act 1977 (c. 49),
  - (b) sections 126 and 128 of that Act to the extent that they apply in relation to the provisions mentioned in paragraph (a), and
  - (c) section 1 of the National Health Service (Private Finance) Act 1997 (c. 56),extends to England and Wales only.
- (4) The Secretary of State may by order provide that this Act, in its application to the Isles of Scilly, has effect with such modifications as may be specified in the order.
- (5) An order under subsection (4) has effect as if made under the National Health Service Act 2006 (and accordingly, sections 272 and 273 of that Act apply to any such order).

## **8 Short title and commencement**

- (1) This Act may be cited as the National Health Service (Consequential Provisions) Act 2006.
- (2) Subject to this section, this Act comes into force on 1st March 2007.
- (3) In this section—

“the 1977 Act” means the National Health Service Act 1977, and  
“the 2006 Act” means the Health Act 2006.
- (4) Subsection (5) applies to—
  - (a) sections 33 and 35 to 38 of the Health Act 1999 (c. 8),
  - (b) subsections (1) and (2) of section 40 of the Health and Social Care Act 2001 (c. 15) and section 28J of, and Schedule 8A to, the 1977 Act as inserted by those subsections,
  - (c) subsection (7) of section 45 of the Nationality, Immigration and Asylum Act 2002 (c. 41) and paragraph 2(2B) of Schedule 8 to the 1977 Act as inserted by that subsection,
  - (d) section 21 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),
  - (e) paragraph 74 of Schedule 25 to the Criminal Justice Act 2003 (c. 44),
  - (f) paragraph 3 of the Schedule to the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and

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- Northern Ireland) Order 2006 (S.I. 2006/1056) and section 41B(2) and (6)(b) of the 1977 Act as amended by that paragraph,
- (g) sub-paragraphs (a) and (b) of paragraph 5 of that Schedule and section 4A(1) and (3) of the National Health Service and Community Care Act 1990 (c. 19) as amended by those sub-paragraphs,
  - (h) sub-paragraph (c) of paragraph 5 of that Schedule and section 4A(4) of the National Health Service and Community Care Act 1990 as added by that sub-paragraph,
  - (i) section 34 of the 2006 Act, and sections 42A and 42B of the 1977 Act as inserted by that section,
  - (j) section 35 of the 2006 Act, and subsections (2B) and (2C) of section 42 of the 1977 Act as inserted by that section,
  - (k) subsection (1) of section 36 of the 2006 Act, and section 43(2) of the 1977 Act as substituted by that subsection,
  - (l) sections 37 to 41 of, and paragraphs 7 to 9, 11, 12(a), 13(2), (5) and (6), 15, 16, 17, 21(b), 22, 29, 46 and 50 of Schedule 8 to, the 2006 Act, and—
    - (i) the 1977 Act,
    - (ii) section 4A of the National Health Service and Community Care Act 1990,
    - (iii) Schedule 1 to the Health and Social Care Act 2001, and
    - (iv) section 17(1) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),
- to the extent that a provision mentioned in any of sub-paragraphs (i) to (iv), as amended by any of those provisions of the 2006 Act, relates to primary ophthalmic services,
- (m) subsection (2) of section 42 of the 2006 Act, and paragraph 2A(1)(b) and (ba) of Schedule 12 to the 1977 Act as substituted by that subsection,
  - (n) subsection (3) of section 42 of the 2006 Act, and paragraph 2B of Schedule 12 to the 1977 Act as inserted by that subsection,
  - (o) sections 44 to 55 of the 2006 Act, and section 78(3) of that Act so far as relating to those sections,
  - (p) section 56 of, and paragraph 24(a) of Schedule 8 to, that Act and—
    - (i) section 98 of the 1977 Act as substituted by section 56 of that Act, and
    - (ii) Schedule 12B to the 1977 Act as inserted by that section, and
  - (q) paragraphs 10, 12(b), 13(3) and (4), 14, 18, 19, 21(a), 24(b) and 25 of Schedule 8 to the 2006 Act and the 1977 Act as amended by those paragraphs.
- (5) To the extent that—
- (a) this Act repeals or revokes a provision to which this subsection applies, and
  - (b) the provision has not come into force before the commencement of this Act,
- the repeal or revocation by this Act does not come into force until the provision which is repealed or revoked comes into force; and the repeal or revocation comes into force immediately after, and to the extent that, the provision which is repealed or revoked comes into force.
- (6) Accordingly, the repeal or revocation by this Act of the provision does not affect any power to bring the provision into force.

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- (7) The repeal by this Act of subsection (2) of section 62 of the Health Act 1999 (c. 8), to the extent that that subsection relates to section 38(1)(b) of that Act, does not come into force until the repeal of section 38(1)(b) comes into force.
- (8) The repeal by this Act of section 62(8) of that Act does not come into force until the repeal of section 37 of that Act comes into force.

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 182 omitted by [2018 anaw 2 Sch. 1 para. 6\(k\)](#)
- Sch. 1 para. 206 repealed by [2007 c. 28 Sch. 18 Pt. 6](#)
- Sch. 1 para. 145 repealed by [2012 c. 5 Sch. 14 Pt. 9](#)
- Sch. 3 para. 9 omitted by [2016 c. 19 Sch. 11 para. 43](#)