



Health and Social Care Act 2012

CHAPTER 7

HEALTH AND SOCIAL CARE ACT 2012

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PART 1 — THE HEALTH SERVICE IN ENGLAND

- 1 (1) For section 2 substitute— General power The Secretary of State, the Board or a clinical commissioning...
- 2 (1) Section 6 (performance of functions outside England) is amended...
- 3 (1) Section 6A (reimbursement of cost of services provided in...
- 4 (1) Section 6B (prior authorisation for the purposes of section...
- 5 (1) In section 8 (Secretary of State's directions to health...
- 6 (1) Section 9 (NHS contracts) is amended as follows.
- 7 In section 11 (arrangements to be treated as NHS contracts),...
- 8 (1) Section 12 (arrangements with other bodies) is amended as...
- 9 After section 12 insert— Commissioning arrangements by the Board or...
- 10 (1) Section 12A (direct payments for health care) is amended...
- 11 (1) Section 12B (regulations about direct payments) is amended as...
- 12 In section 12D (arrangements with other bodies relating to direct...

PART 2 — NHS BODIES

- 13 In section 28 (special health authorities), omit subsection (6).
- 14 In section 29 (exercise of Special Health Authority functions), in...
- 15 Omit Chapter 5B of Part 2 (trust special administrators: Primary...
- 16 In section 67 (effect of intervention orders), in subsection (1)—...
- 17 In section 70 (transfer of residual liabilities)—
- 18 (1) Section 71 (schemes for meeting losses and liabilities in...
- 19 In section 73 (directions and regulations), in subsection (1) omit...
- 20 Omit Schedule 2.
- 21 Omit Schedule 3.
- 22 (1) Schedule 4 (NHS trusts) is amended as follows.
- 23 (1) Schedule 6 (special health authorities established under section 28)...

PART 3 — LOCAL AUTHORITIES

- 24 In section 74 (supply of goods and services by local...
- 25 In section 76 (power of local authorities to make payments),...
- 26 In section 77 (Care Trusts), in each of subsections (1)(a),...

- 27 In section 78 (directed partnership agreements), in subsection (3)—
28 (1) Section 80 (supply of goods and services by the...
29 (1) Section 81 (conditions of supply under section 80) is...
PART 4 — MEDICAL SERVICES
30 (1) Section 83 (duty relating to primary medical services) is...
31 (1) Section 84 (general medical services contracts: introductory) is
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32 In section 86 (persons eligible to enter into general medical...
33 In section 87 (general medical services contracts: payments), in
subsection...
34 (1) In section 89 (general medical services contracts: required terms),...
35 (1) Section 91 (persons performing primary medical services) is
amended...
36 (1) Section 92 (arrangements by Strategic Health Authorities for the...
37 (1) Section 93 (participants in section 92 arrangements) is amended...
38 (1) Section 94 (regulations about section 92 arrangements) is amended...
39 Omit section 95 (transfer of liabilities relating to section 92...
40 (1) Section 96 (assistance and support) is amended as follows...
41 (1) Section 97 (Local Medical Committees) is amended as follows....
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42 (1) Section 99 (duty relating to primary dental services) is...
43 (1) Section 100 (general dental services contracts: introductory) is
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44 In section 102 (persons eligible to enter into general dental...
45 In section 103 (general dental services contracts: payments), in
subsection...
46 In section 104 (general dental services contracts: required terms), in...
47 (1) Section 106 (persons performing primary dental services) is
amended...
48 (1) Section 107 (arrangements by Strategic Health Authorities for the...
49 (1) Section 108 (participants in section 107 arrangements) is amended...
50 (1) Section 109 (regulations about section 107 arrangements) is
amended...
51 Omit section 110 (transfer of liabilities relating to section 107...
52 (1) Section 112 (assistance and support) is amended as follows....
53 (1) Section 113 (Local Dental Committees) is amended as follows....
PART 6 — OPHTHALMIC SERVICES
54 (1) Section 115 (duty relating to primary ophthalmic services) is...
55 (1) Section 117 (general ophthalmic services contracts: introductory) is
amended...
56 In section 118 (persons eligible to enter into general ophthalmic...
57 In section 119 (exclusion of contractors), for “a Primary Care...
58 In section 120 (general ophthalmic services contracts: payments), in
subsection...
59 In section 121 (general ophthalmic services contracts: other required
terms),...
60 (1) Section 123 (persons performing primary ophthalmic services) is
amended...
61 (1) Section 124 (primary ophthalmic services: assistance and support)
is...
62 (1) Section 125 (Local Optical Committees) is amended as follows....
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- 63 (1) Section 126 (arrangements for pharmaceutical services) is amended
as...
- 64 (1) Section 127 (arrangements for additional pharmaceutical services) is
amended...
- 65 (1) Section 128 (terms and conditions of arrangements under section...
- 66 (1) Section 129 (regulations as to pharmaceutical services) is amended...
- 67 In section 130 (regulations about appeals from decisions on
applications...
- 68 (1) Section 131 (power to charge fee to applicants) is...
- 69 (1) Section 132 (persons authorised to provide pharmaceutical services)
is...
- 70 (1) Section 133 (inadequate provision of pharmaceutical services) is
amended...
- 71 (1) Section 134 (pilot schemes) is amended as follows.
- 72 In section 136 (designation of priority neighbourhoods or premises),
in...
- 73 In section 137 (reviews of pilot schemes), in subsection (3)(a),...
- 74 (1) Section 138 (variation and termination of pilot schemes) is...
- 75 (1) Section 140 (funding of preparatory work) is amended as...
- 76 (1) In section 144 (local pharmaceutical services schemes)—
- 77 (1) Section 148 (conditional inclusion in pharmaceutical lists) is
amended...
- 78 (1) Section 150A (notices and penalties) is amended as follows....
- 79 (1) Section 151 (disqualification of practitioners) is amended as
follows....
- 80 (1) Section 152 (contingent removal) is amended as follows.
- 81 In section 154 (suspension), in subsections (1), (3), (4), (6)(b)...
- 82 (1) Section 155 (suspension pending removal) is amended as follows....
- 83 (1) Section 157 (review of decisions) is amended as follows....
- 84 (1) Section 158 (appeals) is amended as follows.
- 85 (1) Section 159 (national disqualification) is amended as follows.
- 86 In section 160 (notification of decisions), for “a Primary Care...
- 87 In section 161 (withdrawal from lists), in paragraphs (a) and...
- 88 (1) Section 162 (regulations about decisions under Chapter 6 of...
- 89 (1) Section 164 (remuneration for persons providing pharmaceutical
services) is...
- 90 (1) Section 166 (indemnity cover) is amended as follows.
- 91 (1) Section 167 (local pharmaceutical committees) is amended as
follows....
- 92 (1) Schedule 11 (pilot schemes) is amended as follows.
- 93 (1) Schedule 12 (LPS schemes) is amended as follows.
- PART 8 — CHARGING
- 94 In section 176 (dental charging)— (a) in subsection (3), for...
- 95 In section 177 (exemptions from dental charging), in subsection (4),...
- 96 (1) Section 180 (payments in respect of costs of optical...
- 97 (1) Section 181 (provision supplementary to section 180) is amended...
- 98 (1) Section 183 (payment of travelling expenses) is amended as...
- 99 In section 185 (charges for more expensive supplies), in subsection...
- 100 In section 186 (charges for repairs and replacements in certain...
- 101 In section 187 (charges for designated services or facilities) for...
- 102 In section 188 (sums otherwise payable to those providing services),...
- PART 9 — FRAUD ETC.
- 103 (1) Section 195 (compulsory disclosure of documents) is amended as...

- 104 (1) Section 196 (persons and bodies about which provision is...
105 (1) Section 197 (notice requiring production of documents) is
amended...
106 In section 201 (disclosure of information), in subsection (3)(a) for...
107 (1) Section 210 (interpretation of Part 10) is amended as...
PART 10 — PROPERTY AND FINANCE
108 (1) Section 211 (acquisition, use and maintenance of property) is...
109 In section 213 (transfers of trust property), in subsection (2)(c)—...
110 (1) Section 214 (transfer of functions and property to or...
111 (1) Section 215 (trustees and property under section 222) is...
112 In section 216 (application of trust property: further provisions), in...
113 In section 217 (trusts: supplementary provisions), in subsection (1)—...
114 In section 218 (private trusts for hospitals), in subsection (4)—...
115 In section 220 (trust property previously held for general hospital...
116 (1) Section 222 (power to raise money) is amended as...
117 (1) In section 223 (formation of companies), in each of...
118 Omit section 224 (means of meeting expenditure of Strategic Health...
119 (1) Section 226 (financial duties of Strategic Health Authorities and...
120 (1) Section 227 (resource limits for Strategic Health Authorities and...
121 Omit sections 228 to 231 (funding of Primary Care Trusts...
122 In section 234 (special arrangement as to payment of remuneration),...
123 (1) Section 236 (payment for medical examination before application
for...
124 Omit Schedule 14 (further provision about expenditure of Primary
Care...
125 (1) Schedule 15 (accounts and audits) is amended as follows....
PART 11 — PUBLIC INVOLVEMENT AND SCRUTINY
126 (1) Section 242 (public involvement and consultation) is amended as...
127 Omit sections 242A and 242B (duties of Strategic Health Authorities...
PART 12 — MISCELLANEOUS
128 After section 254 insert— Support functions of the Secretary of...
129 (1) Section 256 (power of Primary Care Trusts to make...
130 In section 257 (payments in respect of voluntary organisations under...
131 (1) Section 258 (university clinical teaching and research) is amended...
132 (1) Section 259 (sale of medical practices) is amended as...
133 Omit section 268 (persons displaced by health service development),
and...
134 In section 271 (territorial limit of exercise of functions), in...
135 After section 271 insert— Services to be treated as services...
136 (1) Section 272 (orders, regulations, rules and directions) is amended...
137 (1) Section 273 (further provision about orders and directions) is...
138 (1) Section 275 (interpretation) is amended as follows.
139 (1) Section 276 (index of defined expressions) is amended as...

SCHEDULE 5 — Part 1: amendments of other enactments

- 1 Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)
- 2 National Assistance Act 1948 (c. 29)
- 3 (1) Section 24 (local authority's liability for provision of
accommodation)...
- 4 In section 26 (provision of accommodation in premises maintained by...
- 5 Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951
(c. 65)
- 6 Public Records Act 1958 (c. 51)

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- 7 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
 - 8 Parliamentary Commissioner Act 1967 (c. 13)
 - 9 Abortion Act 1967 (c. 87)
 - 10 Leasehold Reform Act 1967 (c. 88)
 - 11 Health Services and Public Health Act 1968 (c. 46)
 - 12 (1) Section 63 (provision of instruction for officers of hospital...
 - 13 In section 64 (financial assistance to certain voluntary organisations),
in...
 - 14 Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)
 - 15 Local Authority Social Services Act 1970 (c. 42)
 - 16 Chronically Sick and Disabled Persons Act 1970 (c. 44)
 - 17 Local Government Act 1972 (c. 70)
 - 18 Local Government Act 1974 (c. 7)
 - 19 Health and Safety at Work etc. Act 1974 (c. 37)
 - 20 House of Commons Disqualification Act 1975 (c. 24)
 - 21 Acquisition of Land Act 1981 (c. 67)
 - 22 In section 16 (land excluded from compulsory purchase), in
subsection...
 - 23 In section 17 (special parliamentary procedure applying to compulsory
purchase...
 - 24 Mental Health Act 1983 (c. 20)
 - 25 In section 19 (regulations as to transfers of patients), in...
 - 26 In section 23 (discharge of patients), in subsection (5)(a)—
 - 27 In section 32 (regulations for purposes of Part 2 of...
 - 28 (1) Section 39 (power of court to request information from...
 - 29 In section 134 (patients' correspondence), in subsection (3)(e)—
 - 30 In section 139 (protection for acts done in pursuance of...
 - 31 (1) In section 145 (interpretation), in subsection (1)—
 - 32 Public Health (Control of Disease) Act 1984 (c. 22)
 - 33 Dentists Act 1984 (c. 24)
 - 34 In section 26B (guidance for dentists), in subsection (8) omit...
 - 35 In section 36M (guidance for dental care professionals), in subsection...
 - 36 In section 40 (definition of "business of dentistry"), in subsection...
 - 37 In section 50D (rules: consultation), in subsection (4) omit paragraph...
 - 38 Disabled Persons (Services, Consultation and Representation) Act 1986
(c. 33)
 - 39 In section 2 (rights of authorised representatives of disabled persons)
—...
 - 40 In section 7 (persons discharged from hospital), in subsection (9)—...
 - 41 In section 11 (reports to Parliament)— (a) in subsection (1ZA)...
 - 42 In section 16 (interpretation), in subsection (1)—
 - 43 Dartford-Thurrock Crossing Act 1988 (c. 20)
 - 44 Copyright, Designs and Patents Act 1988 (c. 48)
 - 45 Health and Medicines Act 1988 (c. 49)
 - 46 Road Traffic Act 1988 (c. 52)
 - 47 Children Act 1989 (c. 41)
 - 48 In section 21 (provision of accommodation for children in police...
 - 49 In section 24 (persons qualifying for advice and assistance), in...
 - 50 In section 24C (information), in subsection (2)—
 - 51 In section 27 (co-operation between authorities), in subsection (3)—
 - 52 In section 29 (recoupment of cost of providing services), in...
 - 53 In section 47 (local authority's duty to investigate), in subsection...
 - 54 In section 80 (inspection of children's homes)—

- 55 In section 85 (children accommodated by health authorities)—
- 56 (1) Section 105 (interpretation) is amended as follows.
- 57 Local Government and Housing Act 1989 (c. 42)
- 58 National Health Service and Community Care Act 1990 (c. 19)
- 59 In section 47 (assessment of needs for community care services),...
- 60 In section 49 (transfer of staff to local authorities), in...
- 61 In section 60 (removal of crown immunities), in subsection (7)—...
- 62 Access to Health Records Act 1990 (c. 23)
- 63 In section 1, in subsection (2) (meaning of “holder” in...
- 64 In section 11 (interpretation)— (a) in the definition of “health...
- 65 London Local Authorities Act 1991 (c. xiii)
- 66 Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
- 67 Health Service Commissioners Act 1993 (c. 46)
- 68 In section 2 (health service bodies subject to investigation), in...
- 69 In section 2A (health service providers subject to investigation), in...
- 70 (1) Section 14 (reports etc. by the Commissioner) is amended...
- 71 Health Authorities Act 1995 (c. 17)
- 72 Employment Rights Act 1996 (c. 18)
- 73 In section 43K (extension of meaning of “worker” etc for...
- 74 In section 50 (right to time off for public duties),...
- 75 In section 218 (change of employer), in subsection (10)—
- 76 Housing Grants, Construction and Regeneration Act 1996 (c. 53)
- 77 Education Act 1996 (c. 56)
- 78 (1) Section 322 (duty of certain bodies to help local...
- 79 (1) Section 332 (duty of certain NHS bodies to notify...
- 80 In section 579 (general interpretation), in subsection (1) in the...
- 81 Audit Commission Act 1998 (c. 18)
- 82 Data Protection Act 1998 (c. 29)
- 83 Crime and Disorder Act 1998 (c. 37)
- 84 In section 5 (authorities responsible for crime and disorder strategies),...
- 85 In section 38 (local provision of youth justice services), in...
- 86 In section 39 (Youth Offending Teams), in subsection (3)(b)—
- 87 In that section, in subsection (5)(d)— (a) after “nominated by”...
- 88 In section 41 (the Youth Justice Board), in subsection (10)—...
- 89 In section 42 (supplementary provisions), in subsection (3)—
- 90 In section 115, in subsection (2) (disclosure of information to...
- 91 Health Act 1999 (c. 8)
- 92 In section 61 (English and Scottish border provisions)—
- 93 In Schedule 4 (amendments relating to Primary Care Trusts)—
- 94 Greater London Authority Act 1999 (c. 29)
- 95 Care Standards Act 2000 (c. 14)
- 96 Government Resources and Accounts Act 2000 (c. 20)
- 97 Local Government Act 2000 (c. 22)
- 98 Regulation of Investigatory Powers Act 2000 (c. 23)
- 99 Freedom of Information Act 2000 (c. 36)
- 100 International Development Act 2002 (c. 1)
- 101 National Health Service Reform and Health Care Professions Act 2002
(c. 17)
- 102 Omit Schedule 1 (English health authorities: change of name to...
- 103 Omit Schedule 2 (consequential amendments concerning the
reallocation of functions...
- 104 Adoption and Children Act 2002 (c. 38)
- 105 In section 4 (assessments etc for adoption support services), in...

-
- 106 In section 8 (bodies which cannot be adoption support agencies),...
 - 107 Nationality, Immigration and Asylum Act 2002 (c. 41)
 - 108 Community Care (Delayed Discharges etc.) Act 2003 (c. 5)
 - 109 In section 1 (meaning of “NHS body” and “qualifying hospital”...
 - 110 In section 9 (dispute resolution)— (a) in subsection (1) omit...
 - 111 Licensing Act 2003 (c. 17)
 - 112 In section 5(3) (statement of licensing policy)—
 - 113 In section 13(4) (authorised persons, interested parties and responsible authorities)—...
 - 114 In section 16 (applicant for premises licence), in subsection (3),...
 - 115 In section 69(4) (authorised persons, interested parties and responsible authorities)—...
 - 116 In section 172B(4) (procedural requirements for early morning alcohol restriction...
 - 117 Sexual Offences Act 2003 (c. 42)
 - 118 Health and Social Care (Community Health and Standards) Act 2003 (c. 43)
 - 119 In section 71 (reporting to Secretary of State and regulator)—...
 - 120 In section 113 (complaints about health care), in subsection (1),...
 - 121 In section 148 (interpretation of Part 2), in the definition...
 - 122 In section 160 (provision of information)— (a) in subsection (1),...
 - 123 In section 165 (power to apply provisions about recovery of...
 - 124 Criminal Justice Act 2003 (c. 44)
 - 125 Carers (Equal Opportunities) Act 2004 (c. 15)
 - 126 Domestic Violence, Crime and Victims Act 2004 (c. 28)
 - 127 Children Act 2004 (c. 31)
 - 128 In section 10 (co-operation to improve wellbeing), in subsection (4)—...
 - 129 In section 11 (arrangements to safeguard and promote welfare), in...
 - 130 In section 12A (establishment of children’s trust boards), after subsection...
 - 131 In section 13 (establishment of Local Safeguarding Children Boards), in...
 - 132 Civil Contingencies Act 2004 (c. 36)
 - 133 Mental Capacity Act 2005 (c. 9)
 - 134 In section 35 (appointment of independent mental capacity advocates)—
 - 135 In section 64 (interpretation), in subsection (1) in the definition...
 - 136 (1) Schedule A1 (hospital and care home residents: deprivation of...
 - 137 Childcare Act 2006 (c. 21)
 - 138 Emergency Workers (Obstruction) Act 2006 (c. 39)
 - 139 National Health Service (Consequential Provisions) Act 2006 (c. 43)
 - 140 NHS Redress Act 2006 (c. 44)
 - 141 In section 1, in subsection (3)— (a) after paragraph (a)...
 - 142 In section 18 (interpretation), in subsection (1) omit the definition...
 - 143 Safeguarding Vulnerable Groups Act 2006 (c. 47)
 - 144 In section 6 (regulated activity providers)— (a) omit subsection (8D),...
 - 145 In section 17 (NHS employment) in subsection (3)—
 - 146 In section 22 (controlled activity relating to vulnerable adults), in...
 - 147 Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)
 - 148 Local Government and Public Involvement in Health Act 2007 (c. 28)
 - 149 (1) Section 222 (arrangements relating to local care services) is...
 - 150 In section 224 (duties of services-providers to respond to local...
 - 151 In section 225 (duties of services-providers to allow entry by...
 - 152 In section 227 (annual reports), in subsection (4)(b)—

- 153 Criminal Justice and Immigration Act 2008 (c. 4)
- 154 Health and Social Care Act 2008 (c. 14)
- 155 In section 30 (urgent procedure for cancellation), in subsection (3)—...
- 156 In section 39 (bodies required to be notified of certain...
- 157 In section 46 (reviews and investigations)— (a) omit subsection (1),...
- 158 In section 48 (special reviews and investigations)—
- 159 In section 49 (power to extend periodic review function), in...
- 160 In section 54 (studies as to economy, efficiency etc)—
- 161 In section 59 (additional functions) at the end insert—
- 162 In section 64 (power to require documents and information), in...
- 163 In section 70 (co-operation between the Care Quality Commission and...
- 164 In section 72 (provision of material to the Comptroller and...
- 165 In section 81 (publication of programme of reviews etc), in...
- 166 (1) Section 97 (general interpretation of Part 1) is amended...
- 167 In section 153 (directions to certain NHS bodies) in subsection...
- 168 Education and Skills Act 2008 (c. 25)
- 169 In section 16 (supply of information by public bodies), in...
- 170 In section 77 (supply of information by public bodies), in...
- 171 Autism Act 2009 (c. 15)
- 172 Local Democracy, Economic Development and Construction Act 2009
(c. 20)
- 173 Health Act 2009 (c. 21)
- 174 In each of the following provisions for “NHS services” substitute...
- 175 (1) Section 2 (duty to have regard to NHS constitution)...
- 176 (1) Section 3 (availability and review of NHS constitution) is...
- 177 (1) Section 8 (duty of providers to publish information) is...
- 178 In section 9 (supplementary provision about the duty to publish...
- 179 In section 36 (disclosure of information by Her Majesty’s Revenue...
- 180 Equality Act 2010 (c. 15)
- 181 In section 1 (public sector duty regarding socio-economic inequalities),
in...
- 182 In Part 1 of Schedule 19 (bodies subject to public...
- 183 Child Poverty Act 2010 (c. 9)
- 184 Charities Act 2011 (c. 25)

SCHEDULE 6 — Part 1: transitional provision

- 1 Interpretation
- 2 Modification of requirements as to consultation
- 3 Directions under section 7 of the 2006 Act
- 4 (1) This paragraph applies if section 21 is commenced before...
- 5 (1) Sub-paragraph (2) applies in relation to any direction given...
- 6 Any reference in paragraphs 3 to 5 to the commencement...
- 7 Exercise of Secretary of State’s functions in relation to Primary Care
Trusts
- 8 Conditional establishment of clinical commissioning groups
- 9 Exercise of functions of clinical commissioning groups during initial
period
- 10 Preparatory work by clinical commissioning groups
- 11 Arrangements between PCTs and clinical commissioning groups during
initial period
- 12 Power to make payments to the Board during initial period
- 13 Support for clinical commissioning groups during initial period

SCHEDULE 7 — Abolition of the Health Protection Agency: consequential amendments

- 1 Parliamentary Commissioner Act 1967 (c. 13)
- 2 Superannuation Act 1972 (c. 11)
- 3 Local Government Act 1972 (c. 70)
- 4 Health and Safety at Work etc. Act 1974 (c. 37)
- 5 In section 16 (approval of codes of practice), in subsection...
- 6 In section 50 (exercise of certain powers to make regulations),...
- 7 House of Commons Disqualification Act 1975 (c. 24)
- 8 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 9 Employment Rights Act 1996 (c. 18)
- 10 Freedom of Information Act 2000 (c. 36)
- 11 International Development Act 2002 (c. 1)
- 12 Nationality, Immigration and Asylum Act 2002 (c. 41)
- 13 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 14 In section 7 (matters which may be investigated: restrictions), omit...
- 15 In Part 2 of Schedule 2 (persons liable to investigation),...
- 16 Civil Contingencies Act 2004 (c. 36)
- 17 National Health Service Act 2006 (c. 41)
- 18 In section 9 (NHS contracts), in subsection (4) omit paragraph...
- 19 In section 71 (schemes for meeting losses and liabilities of...
- 20 National Health Service (Wales) Act 2006 (c. 42)
- 21 In section 7 (NHS contracts), in subsection (4) omit paragraph...
- 22 In section 30 (schemes for meeting losses and liabilities of...
- 23 National Health Service (Consequential Provisions) Act 2006 (c. 43)
- 24 Health and Social Care Act 2008 (c. 14)
- 25 Health and Personal Social Services (Northern Ireland) Order 1991 (No. 194 (N.I. 1))

SCHEDULE 8 — Monitor

- 1 Membership
- 2 The chief executive and other executive members: appointment and status
- 3 Non-executive members: tenure
- 4 Suspension from office
- 5 (1) Where a person is suspended from office as the...
- 6 Payment of non-executive members
- 7 Staff
- 8 Superannuation
- 9 Committees
- 10 Procedure
- 11 Exercise of functions
- 12 Assistance
- 13 Borrowing
- 14 Acquiring information
- 15 General power
- 16 Finance
- 17 Accounts of NHS foundation trusts
- 18 Accounts of Monitor
- 19 (1) Monitor must prepare annual accounts in respect of each...
- 20 (1) The Secretary of State may, with the approval of...
- 21 Reports and other information
- 22 Recommendations by Committees in Parliament

- 23 Seal and evidence
- 24 Status

SCHEDULE 9 — Requirements under section 77: undertakings

- 1 Procedure
- 2 (1) Where Monitor accepts a section 77 undertaking, Monitor must...
- 3 Variation of terms
- 4 Compliance certificates
- 5 (1) An appeal lies to the First-tier Tribunal against a...
- 6 Inaccurate, incomplete or misleading information

SCHEDULE 10 — References by Monitor to the Competition Commission

- 1 Variation of reference
- 2 Monitor's opinion of public interest etc.
- 3 Publication etc. of reference
- 4 Information
- 5 Time limits
- 6 Reports on references
- 7 Changes following report
- 8 Competition Commission's power to veto changes
- 9 Disclosure etc.
- 10 Powers of investigation

SCHEDULE 11 — Further provision about Monitor's enforcement powers

PART 1 — DISCRETIONARY REQUIREMENTS

- 1 Procedure
- 2 (1) After the end of the notice period Monitor must...
- 3 (1) A person may appeal to the First-tier Tribunal against...
- 4 Monitor may by notice to a person on whom a...
- 5 Non-compliance penalties
- 6 (1) A person may appeal to the First-tier Tribunal against...
- 7 Recovery of financial penalties
- 8 Payments of penalties etc. into Consolidated Fund

PART 2 — ENFORCEMENT UNDERTAKINGS

- 9 Procedure
- 10 (1) Where Monitor accepts an enforcement undertaking, Monitor must publish...
- 11 Variation of terms
- 12 Compliance certificates
- 13 (1) An appeal lies to the First-tier Tribunal against a...
- 14 Inaccurate, incomplete or misleading information

SCHEDULE 12 — Procedure on references under section 120

- 1 Contents etc. of reference
- 2 Representations by objectors
- 3 Functions of Commission in relation to reference
- 4 Timetable for determination on reference
- 5 Matters to be considered on determination
- 6 Production of documents
- 7 Oral hearings
- 8 Written statements
- 9 Defaults in relation to evidence
- 10 General provisions relating to evidence

- 11 Procedural rules
- 12 Costs
- 13 Power to modify time limits

SCHEDULE 13 — Part 3: minor and consequential amendments

- 1 General
- 2 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 3 Parliamentary Commissioner Act 1967 (c. 13)
- 4 Superannuation Act 1972 (c. 11)
- 5 House of Commons Disqualification Act 1975 (c. 24)
- 6 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 7 Freedom of Information Act 2000 (c. 36)
- 8 National Health Service Act 2006 (c. 41)
- 9 (1) Omit section 31 and Schedule 8 (continuation and constitution...
- 10 (1) Omit section 32 (general duty of regulator).
- 11 In section 275(1) (general interpretation), at the appropriate place, insert
—...
- 12 In section 276 (index of defined expressions), in the entry...
- 13 National Health Service (Wales) Act 2006 (c. 42)
- 14 Health and Social Care Act 2008 (c. 14)
- 15 In section 30(3) (urgent applications for cancellation of registration of...
- 16 In section 39(1) (notice requirements in relation to certain matters),...
- 17 In section 59 (power for Secretary of State to confer...
- 18 Health Act 2009 (c. 21)
- 19 Equality Act 2010 (c.15)

SCHEDULE 14 — Abolition of NHS trusts in England: consequential amendments

PART 1 — AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

- 1 The National Health Service Act 2006 is amended as follows...
- 2 In section 4(2) (definition of “high security psychiatric services”),
omit...
- 3 In section 8(2) (bodies to whom Secretary of State may...
- 4 In section 9 (NHS contracts), omit subsection (3).
- 5 In section 40 (power of Secretary of State to give...
- 6 In section 42 (public dividend capital), after subsection (1) insert—...
- 7 In section 51 (trust funds and trustees), omit subsection (4)....
- 8 In section 56 (mergers of NHS foundation trusts)—
- 9 In section 56A (acquisitions of NHS foundation trusts) (as inserted...
- 10 In section 57 (mergers, acquisitions and separation of NHS foundation...
- 11 In section 65(1) (interpretation for provisions about NHS foundation
trusts),...
- 12 In section 65A(1) (application of trust special administration regime),
omit...
- 13 (1) Omit section 65B (appointment of trust special administrator in...
- 14 Omit section 65C (suspension of directors of NHS trust).
- 15 (1) Section 65F (special administrator’s draft report) is amended as...
- 16 In section 65G (consultation plan), in subsection (4), omit “In...
- 17 (1) Section 65H (consultation on draft report) is amended as...
- 18 (1) Section 65I (administrator’s final report) is amended as follows....
- 19 (1) Section 65J (power to extend time limits) is amended...
- 20 (1) Omit section 65K (decision on action to take in...
- 21 (1) Section 65KA (regulator’s decision in case of NHS foundation...
- 22 (1) Section 65L (trusts coming out of administration) is amended...

- 23 (1) Section 65M (replacement of special administrator) is amended as...
- 24 (1) Section 65N (guidance) is amended as follows.
- 25 In section 66 (intervention orders) (as amended by paragraph 8(1)...
- 26 In section 68 (default powers) (as amended by paragraph 10(1)...
- 27 (1) In section 70(1) (transfer of residual liabilities of certain...
- 28 In section 71 (schemes for meeting losses etc. of certain...
- 29 In section 77 (Care Trusts) (as amended by section 200)—...
- 30 Omit sections 78 and 79 (directed partnership arrangements).
- 31 In section 185(2) (charges for more expensive supplies), omit “an...
- 32 In section 186(2) (charges for repairs and replacements in certain...
- 33 In section 196(3) (bodies to which provisions about protection from...
- 34 In section 217(1) (supplementary provisions about trusts), omit
paragraph (h)....
- 35 In section 242 (public involvement and consultation)—
- 36 In section 272 (orders, regulations, rules and directions)—
- 37 In section 275 (interpretation), in subsection (1), in the definition...
- 38 In section 276 (index of defined expressions), omit the entry...
- 39 (1) Schedule 15 (accounts and audit) is amended as follows....
- 40 In consequence of the repeal of section 56(6) by section...
- 41 PART 2 — AMENDMENTS OF OTHER ACTS
- 42 Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)
- 43 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 44 Abortion Act 1967 (c. 87)
- 45 Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)
- 46 Local Government Act 1972 (c. 70)
- 47 House of Commons Disqualification Act 1975 (c. 24)
- 48 Acquisition of Land Act 1981 (c. 67)
- 49 In section 16(3)(b) (NHS trusts’ land excluded from compulsory
purchase),...
- 50 In section 17(4) (special parliamentary procedure applying to
compulsory purchase...
- 51 Mental Health Act 1983 (c. 20)
- 52 Disabled Persons (Services, Consultation and Representation) Act 1986
(c. 33)
- 53 Copyright, Designs and Patents Act 1988 (c. 48)
- 54 Health and Medicines Act 1988 (c. 49)
- 55 Road Traffic Act 1988 (c. 52)
- 56 Access to Health Records Act 1990 (c. 23)
- 57 Water Industry Act 1991 (c. 56)
- 58 London Local Authorities Act 1991 (c. xiii)
- 59 Social Security Contributions and Benefits Act 1992 (c. 4)
- 60 In section 163(6) (interpretation of Part 11), omit “the National...
- 61 In section 171(3) (interpretation of Part 12), omit “the National...
- 62 In section 171ZJ(9)(a) (Part 12ZA: supplementary), omit “the National
Health...
- 63 In section 171ZS(9)(a) (Part 12ZB: supplementary), omit “the National
Health...
- 64 Health Service Commissioners Act 1993 (c. 46)
- 65 Vehicle Excise and Registration Act 1994 (c. 22)
- 66 Value Added Tax Act 1994 (c. 23)
- 67 In section 41(7) (definition of “government department”), for “Part I...
- 68 In Part 2 of Schedule 8 (zero-rated supply of goods...
- 69 Employment Rights Act 1996 (c. 18)

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- 69 In section 50(8)(a) (right of employees of NHS trusts to...
 - 70 In section 218(10)(c) (change of employer) omit “the National Health...
 - 71 Audit Commission Act 1998 (c. 18)
 - 72 Omit section 33(8)(c) (bodies not subject to certain Commission studies)....
 - 73 In section 53(1) (interpretation), in the definition of “health service...
 - 74 Data Protection Act 1998 (c. 29)
 - 75 Health Act 1999 (c. 8)
 - 76 Greater London Authority Act 1999 (c. 29)
 - 77 Care Standards Act 2000 (c. 14)
 - 78 In section 42(7) (power to extend application of Part 2),...
 - 79 In Schedule 2A (persons subject to review by the Children’s...
 - 80 In Schedule 2B (persons whose arrangements are subject to review...
 - 81 Freedom of Information Act 2000 (c. 36)
 - 82 International Development Act 2002 (c. 1)
 - 83 Nationality, Immigration and Asylum Act 2002 (c. 41)
 - 84 Community Care (Delayed Discharges etc.) Act 2003 (c. 5)
 - 85 Finance Act 2003 (c. 14)
 - 86 In section 61(3) (bodies that are public authorities for purpose...
 - 87 In section 66(4) (bodies that are public bodies for purpose...
 - 88 Licensing Act 2003 (c. 17)
 - 89 Health and Social Care (Community Health and Standards) Act 2003 (c. 43)
 - 90 In section 148 (interpretation of Part 2)—
 - 91 In section 160 (provision of information in personal injury cases),...
 - 92 In section 162 (payment of NHS charges to hospitals or...
 - 93 In section 165 (power to apply provisions about recovery of...
 - 94 Finance Act 2004 (c. 12)
 - 95 Domestic Violence, Crime and Victims Act 2004 (c. 28)
 - 96 Children Act 2004 (c. 31)
 - 97 In section 11(1) (NHS trusts’ duty to promote the safety...
 - 98 In section 13(3) (Local Safeguarding Children Boards), in paragraph (f)...
 - 99 In section 28(1) (arrangements to safeguard and promote welfare: Wales),...
 - 100 Civil Contingencies Act 2004 (c. 36)
 - 101 National Health Service (Wales) Act 2006 (c. 42)
 - 102 Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)
 - 103 Local Government and Public Involvement in Health Act 2007 (c. 28)
 - 104 In section 222 (arrangements regarding local involvement networks)—
 - 105 In section 224(2) (duties of service-providers to local involvement networks),...
 - 106 In section 225(7) (duty to allow entry to local involvement...
 - 107 Criminal Justice and Immigration Act 2008 (c. 4)
 - 108 Health and Social Care Act 2008 (c. 14)
 - 109 In section 97(1) (general interpretation of Part 1)—
 - 110 In section 153(1) (directing NHS bodies to exercise certain functions...
 - 111 Autism Act 2009 (c. 15)
 - 112 Health Act 2009 (c. 21)
 - 113 In section 2(2) (bodies with duty to have regard to...
 - 114 In section 8(2) (bodies with duty to publish information on...
 - 115 Corporation Tax Act 2010 (c. 4)
 - 116 Equality Act 2010 (c. 15)

- 117 Charities Act 2011 (c. 25)
- 118 In section 149 (audit or examination of English NHS charity...
- 119 In section 150 (audit or examination of Welsh NHS charity...

SCHEDULE 15 — Part 7: consequential amendments and savings

PART 1 — ABOLITION OF THE GENERAL SOCIAL CARE COUNCIL

- 1 Amendments to the Care Standards Act 2000 (c. 14)
- 2 In section 55(3)(g) (power to treat persons on certain social...
- 3 In section 56 (register of social care workers etc.)—
- 4 In section 57 (applications for registration), in subsection (1), for...
- 5 In section 58 (grant or refusal of registration), in subsection...
- 6 In section 58A (visiting social workers from relevant European States)
—...
- 7 In section 59 (removal etc. from register), in subsection (1),...
- 8 In section 60 (rules about registration), for “A Council” substitute...
- 9 In section 61 (offence relating to use of title “social...
- 10 In section 62 (codes of practice)— (a) in subsection (1),...
- 11 In section 63 (approval of courses etc.)—
- 12 In section 64 (qualifications gained outside Council’s area)—
- 13 In section 65(1) (power to make rules requiring registered persons...
- 14 In section 66 (visitors for certain social work courses)—
- 15 In section 67 (functions of the appropriate Minister)—
- 16 In section 68 (appeals to the Tribunal), in subsections (1)...
- 17 In section 69 (publication etc. of register), in subsection (1),...
- 18 Omit section 70 (abolition of the Central Council for Education...
- 19 In section 71 (rules), in subsections (1), (2), (3A) and...
- 20 In section 113 (default Ministerial powers), omit subsection (1).
- 21 In section 114 (schemes for the transfer of staff), in...
- 22 In section 118 (orders and regulations), in subsection (4), omit...
- 23 In section 121 (13) (index of defined expressions)—
- 24 In section 122 (commencement), omit “section 70(2) to (5) and”....
- 25 In section 123 (extent), omit subsection (3).
- 26 Schedule 1 (the Care Councils) is amended as follows.
- 27 Omit paragraph 1 (introductory).
- 28 In paragraph 2 (status)— (a) for “An authority” substitute “The...
- 29 In paragraph 3(1) (general powers), for “the Secretary of State,...
- 30 In paragraph 4 (general duty), for “an authority” substitute “the...
- 31 For paragraph 5 (membership)— (a) for “Each authority” substitute
“The...
- 32 In paragraph 6 (appointment, procedure etc.)— (a) for “The Secretary...
- 33 (1) Paragraph 7 (remuneration and allowances) is amended as follows....
- 34 (1) Paragraph 8 (chief officer) is amended as follows.
- 35 (1) Paragraph 12 (staff) is amended as follows.
- 36 (1) Paragraph 13 (delegation of functions) is amended as follows....
- 37 In paragraph 14 (arrangements for the use of staff)—
- 38 In paragraph 16 (payments to authorities)— (a) for “The Secretary...
- 39 (1) Paragraph 18 (accounts) is amended as follows.
- 40 (1) Paragraph 19 (reports etc.) is amended as follows.
- 41 In paragraph 20 (application of seal)— (a) for “an authority”...
- 42 In paragraph 21 (evidence), for “an authority” substitute “the Welsh...
- 43 For the title to Schedule 1 substitute “The Welsh Council”....
- 44 Amendments to the Health and Social Care Act 2008 (c. 14)
- 45 (1) In section 124 (regulation of social care workers)—

- 46 Section 125 (standard of proof in proceedings relating to registration...
 47 (1) Section 126 (education and training of approved mental health...
 48 In section 171(4) (provisions which Welsh Ministers have power to...
 49 (1) Schedule 9 (regulation of social care workers) is amended...
 50 Amendments to other Acts
 51 In section 343 of the Income Tax (Earning and Pensions)...
 52 In section 41 of the Safeguarding Vulnerable Groups Act 2006...
 PART 2 — THE HEALTH AND CARE PROFESSIONS COUNCIL
 53 (1) A reference in any instrument or document to the...
 54 In Part 2 of Schedule 1 to the House of...
 55 In Part 2 of Schedule 1 to the Northern Ireland...
 56 In the following provisions, for “the Health Professions Council”
 substitute...
 57 In section 257(3) of the Armed Forces Act 2006 (definition...
 58 After section 30A(5) of the Protection of Vulnerable Groups
 (Scotland)...
 PART 3 — THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND
 SOCIAL CARE
 59 General
 60 Health Act 1999 (c. 8)
 61 In paragraph 7(4) of Schedule 3 to that Act, for...
 62 National Health Service Reform and Health Care Professions Act 2002
 (c. 17)
 63 In sections 26(6), 27(3) and 29(6) of, and paragraphs 1...
 64 Omit section 26(12) of that Act.
 65 In section 26A(2) of, and paragraph 1 of Schedule 7...
 66 For the title to Schedule 7 substitute “The Professional Standards...
 67 Other Acts, etc.
 68 In each of the following provisions, for “the Council for...
 69 (1) In each of the following provisions, omit the entry...
 PART 4 — THE OFFICE OF THE HEALTH PROFESSIONS ADJUDICATOR
 70 Miscellaneous amendments
 71 (1) Omit the entry for the Office of the Health...
 72 Amendments to the Health Act 1999 (c. 8)
 73 Amendments to the National Health Service Reform and Health Care
 Professions Act 2002 (c. 17)
 74 Amendments to the Health Act 2006 (c. 28)
 75 Amendments to the Health and Social Care Act 2008 (c. 14)
 76 Savings
 77 A reference in any document to the OHPA is, so...
 78 In paragraphs 76 and 77— “abolition” means the commencement of...

SCHEDULE 16 — The National Institute for Health and Care Excellence

- 1 Membership, appointment, etc.
- 2 Tenure of non-executive office
- 3 Suspension from non-executive office
- 4 (1) This paragraph applies where a person is suspended from...
- 5 Remuneration etc. of non-executive members
- 6 Staff
- 7 Committees
- 8 Procedure
- 9 Exercise of functions
- 10 General powers

- 11 Finance
- 12 Reports
- 13 Accounts
- 14 (1) NICE must prepare annual accounts in respect of each...
- 15 (1) The Secretary of State may, with the approval of...
- 16 Seal and evidence
- 17 Status

SCHEDULE 17 — Part 8: consequential amendments

- 1 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 Local Government Act 1972 (c. 70)
- 4 House of Commons Disqualification Act 1975 (c. 24)
- 5 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 6 Employment Rights Act 1996 (c. 18)
- 7 Data Protection Act 1998 (c. 29)
- 8 Freedom of Information Act 2000 (c. 36)
- 9 International Development Act 2002 (c. 1)
- 10 National Health Service Act 2006 (c. 41)
- 11 National Health Service (Wales) Act 2006 (c. 42)
- 12 Health and Social Care Act 2008 (c. 14)
- 13 Health Act 2009 (c. 21)
- 14 Equality Act 2010 (c. 15)

SCHEDULE 18 — The Health and Social Care Information Centre

- 1 Membership, appointment, etc.
- 2 Tenure of non-executive office
- 3 Suspension from non-executive office
- 4 (1) This paragraph applies where a person is suspended from...
- 5 Remuneration etc. of non-executive members
- 6 Staff
- 7 Committees
- 8 Procedure
- 9 Exercise of functions
- 10 General powers
- 11 Finance
- 12 Reports
- 13 Accounts
- 14 (1) The Information Centre must prepare annual accounts in respect...
- 15 (1) The Secretary of State may, with the approval of...
- 16 Seal and evidence
- 17 Status

SCHEDULE 19 — Part 9: consequential amendments

- 1 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 House of Commons Disqualification Act 1975 (c. 24)
- 4 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 5 Access to Health Records Act 1990 (c. 23)
- 6 Employment Rights Act 1996 (c. 18)
- 7 Data Protection Act 1998 (c. 29)
- 8 Freedom of Information Act 2000 (c. 36)
- 9 National Health Service Act 2006 (c. 41)

- 10 National Health Service (Wales) Act 2006 (c. 42)
- 11 Health and Social Care Act 2008 (c. 14)
- 12 Health Act 2009 (c. 21)
- 13 Equality Act 2010 (c. 15)

SCHEDULE 20 — Part 10: consequential amendments and savings

PART 1 — THE ALCOHOL EDUCATION AND RESEARCH COUNCIL

- 1 Consequential amendments
- 2 Omit the entry in Part 3 of Schedule 1 to...
- 3 In consequence of the repeal made by section 278(2)—
- 4 Savings

PART 2 — THE APPOINTMENTS COMMISSION

- 5 Consequential amendments
- 6 Omit paragraph 1A(4) of Schedule 1 (membership of governing Council)...
- 7 In consequence of the repeal made by section 279(2)—
- 8 Savings

PART 3 — THE NATIONAL INFORMATION GOVERNANCE BOARD FOR HEALTH AND SOCIAL CARE

- 9 Consequential amendments
- 10 (1) In section 271 of the National Health Service Act...
- 11 In consequence of the repeal made by section 280(2), omit...
- 12 Savings

SCHEDULE 21 — Amendments relating to relationships between the health services

- 1 National Health Service (Scotland) Act 1978 (c. 29)
- 2 (1) Section 17A (NHS contracts) is amended as follows.
- 3 (1) Section 17C (personal medical or dental services) is amended...
- 4 In section 17D (persons with whom agreements under section 17C...
- 5 National Health Service Act 2006 (c. 41)
- 6 In section 9 (NHS contracts), in subsection (4)—
- 7 After section 10 (provision about NHS contracts entered into by...
- 8 (1) In section 66 (intervention orders), for subsection (1) substitute—...
- 9 (1) Section 67 (effect of intervention orders) is amended as...
- 10 (1) In section 68 (default powers), for subsection (1) substitute—...
- 11 In section 78 (directed partnership arrangements), in subsection (3)—
- 12 National Health Service (Wales) Act 2006 (c. 42)
- 13 In section 7 (NHS contracts), in subsection (4)—
- 14 After section 8 insert— Provision for bodies in Scotland (1) Subsection (2) applies where the Scottish Ministers are, or...
- 15 In section 10 (Welsh Ministers' arrangements with other bodies), in...
- 16 In section 13 (exercise of Local Health Board functions), in...
- 17 In section 17 (plans for improving health etc), in subsection...
- 18 In section 22 (special health authorities), omit subsection (6).
- 19 In section 26 (intervention orders), in subsection (1) after "other...
- 20 In section 27 (effect of intervention orders), in subsection (1)—...
- 21 In section 28 (default powers), in subsection (1) after "other...
- 22 In section 34 (power of local authorities to make payments),...
- 23 In section 36 (directed partnership arrangements), in subsection (3)—
- 24 (1) Section 38 (supply of goods and services by the...
- 25 In section 39 (conditions of supply under section 38), in...
- 26 In section 41 (duty to provide primary medical services), omit...
- 27 (1) Section 51 (persons with whom agreements for provision of...

- 28 In section 56 (primary dental services), omit subsection (4).
- 29 (1) Section 65 (persons with whom agreements for provision of...
- 30 In section 106 (provision about regulations under section 105), in...
- 31 (1) Section 115 (national disqualification) is amended as follows.
- 32 In section 131 (payment of travelling expenses), in paragraph (c)...
- 33 In section 144 (persons and bodies about which provision is...
- 34 In section 161 (transfers of trust property), in subsection (2)(c)—...
- 35 (1) Section 162 (transfer of functions and property to or...
- 36 In section 181 (payment for medical examination before application
for...
- 37 In section 197 (university clinical teaching and research), in
subsection...
- 38 (1) In section 206 (interpretation), in subsection (1)—
- 39 In Schedule 2 (Local Health Boards), in paragraph 9—
- 40 (1) Schedule 3 (NHS trusts) is amended as follows.
- 41 (1) Schedule 5 (Special Health Authorities) is amended as follows....
- 42 (1) Schedule 10 (further provision about Community Health Councils)
is...
- 43 Health and Personal Social Services (Northern Ireland) Order 1991
(No. 194 (N.I. 1))

SCHEDULE 22 — Property transfer schemes

SCHEDULE 23 — Staff transfer schemes