

2002 No. 1921

NATIONAL HEALTH SERVICE

**The Family Health Services Appeal Authority (Procedure)
(Amendment) Rules 2002**

Made - - - - - *23rd July 2002*

Laid before Parliament *1st August 2002*

Coming into force *26th August 2002*

The Lord Chancellor, in exercise of the powers conferred upon him by sections 126(4) of, and Schedule 9A to, the National Health Service Act 1977(a) and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(b) hereby makes the following Rules:

Citation, commencement, interpretation and extent

1.—(1) These Rules may be cited as the Family Health Services Appeal Authority (Procedure) (Amendment) Rules 2002 and shall come into force on 26th August 2002.

(2) In these Rules, the “principal Rules” means the Family Health Services Appeal Authority (Procedure) Rules 2001(c).

(3) These Rules apply to England and Wales.

Amendment of the principal Rules

2.—(1) For Rule 1(2) of the principal Rules, there shall be substituted “These Rules apply to England and Wales.”.

(2) In Rule 2(1) of the principal Rules, in the definition of “FHS Regulations”—

(a) at the end of paragraph (h), omit “or”,

(b) at the end of paragraph (i), insert “or,”, and

(c) after paragraph (i), insert “(j) section 18 of the Health and Social Care Act 2001 (regulations about out of hours medical services)(d);”.

23rd July 2002

Irvine of Lairg, C.

(a) 1977 c.49. Section 126(4) of the National Health Service Act 1977 (“the 1977 Act”) was amended by the National Health Service and Community Care Act 1990 (c.19), section 65(2) by the Health Act 1999 (c.8), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c.15), (“the 2001 Act”), Schedule 5, paragraph 5(13). Schedule 9A was inserted into the 1977 Act by the 2001 Act, section 27(4). The amendments to the 1977 Act made by the 2001 Act apply to England and Wales.

(b) 1992 c.53. A reference to the Family Health Services Appeal Authority was substituted in Schedule 1, paragraph 33, by the 2001 Act, Schedule 5, paragraph 10.

(c) S.I. 2001/3750.

(d) 2001 c.15.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Health Services Appeal Authority (Procedure) Rules 2001 (“the principal Rules”).

Rule 2(1) amends Rule 1(2) of the principal Rules so that the Rules apply to Wales, as well as to England, from 26th August 2002.

Rule 2(2) amends Rule 2(1) of the principal Rules. It amends the definition of “FHS Regulations” to include regulations made under section 18 of the Health and Social Care Act 2001 (“the Act”). Section 18 makes provision for regulations concerning out of hours medical services, including appeals against decisions of Health Authorities concerning such services.

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