

SCHEDULE 1

Regulation 4

AMENDMENTS CONSEQUENTIAL ON PART 1 OF THE NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002

PART 1

ACTS OF PARLIAMENT

Public Records Act 1958

1. In Schedule 1 to the Public Records Act 1958 (definition of public records)(1), in the table at the end of paragraph 3, in Part I, in the second column, in the final section of the list of exceptions relating to health service hospitals in England(2)—

- (a) for “Health Authority or Special Health Authority” there is substituted “Strategic Health Authority, Health Authority, Special Health Authority or Primary Care Trust”; and
- (b) after “or held by” there is inserted “a Strategic Health Authority or”.

Public Bodies (Admission to Meetings) Act 1960

2. In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which this Act applies)(3), in paragraph 1—

- (a) before sub-paragraph (f) there is inserted—
 - “(ea) Strategic Health Authorities;”; and
- (b) in sub-paragraph (gg), after “Primary Care Trusts” there is inserted “, except as regards the exercise of functions under the National Health Service (Service Committees and Tribunal) Regulations 1992 or any regulations amending or replacing those Regulations”.

Parliamentary Commissioner Act 1967

3. In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation)(4), in paragraph 8—

- (a) in sub-paragraph (1), before “a Health Authority” there is inserted “a Strategic Health Authority;”; and
- (b) in sub-paragraph (2), after “taken by a” there is inserted “Strategic Health Authority,”.

(1) 1958 c. 51.

(2) The final section of the list of exemptions relating to health service hospitals was inserted by paragraph 90 of Schedule 1 to the 1995 Act.

(3) 1960 c. 67. Paragraph 1(f) of the Schedule was substituted by paragraph 91 of Schedule 1 to the 1995 Act; paragraph 1(gg) of the Schedule was inserted by paragraph 1 of Schedule 4 to the 1999 Act.

(4) 1967 c. 13; paragraph 8 was amended by the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 109, the Parliamentary Commissioner Order 1981, S.I. 1981/736, the Parliamentary Commissioner Order 1986, S.I. 1986/1168, the Parliamentary Commissioner Order 1987, S.I. 1987/661, the Health Service Commissioners Act 1993 (c. 46), Schedule 2, paragraph 2, the 1995 Act, Schedule 1, paragraph 93 and Schedule 3 and by paragraph 5 of Schedule 1 to the 2000 Order.

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Leasehold Reform Act 1967

4. In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes)(5)—

- (a) in subsection (5)(d), before “any Health Authority,” there is inserted “any Strategic Health Authority,”; and
- (b) in subsection (6)(c), before “Health Authority,” there is inserted “Strategic Health Authority,”.

Health Services and Public Health Act 1968

5. In section 63 of the Health Services and Public Health Act 1968 (provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare)(6), in subsection (1)(a), after “servants of a” there is inserted “Strategic Health Authority,”.

Local Authority Social Services Act 1970

6. In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee)(7), in the entry relating to the Children Act 1989, in the second column, after “health authorities” there is inserted “, Primary Care Trusts,”.

Local Government Act 1972

7. In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of other local authorities)(8), in subsection (1A), before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority,”.

House of Commons Disqualification Act 1975

8. In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership)(9), in Part III, in the entry relating to the Chairman and members of Health Authorities and Special Health Authorities, before “Health Authority or Special Health Authority” there is inserted “Strategic Health Authority,”.

Race Relations Act 1976

9. In Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty)(10), in paragraph 5, before “Health Authority” there is inserted “Strategic Health Authority or a”.

(5) 1967 c. 88; section 28(5)(d) and (6)(c) were substituted by the National Health Service Reorganisation Act 1973 (c. 32) Schedule 4, paragraph 111 and amended by the 1977 Act, Schedule 15, paragraph 42, the 1990 Act, Schedule 9, paragraph 9, the 1995 Act, Schedule 1, paragraph 94 and paragraph 7 of Schedule 1 to the 2000 Order.

(6) 1968 c. 46; section 63(1)(a) was amended by the 1995 Act, Schedule 1, paragraph 95(2)(a), by the 1999 Act, Schedule 4, paragraph 3(a) and by the 2002 Act, Schedule 5, paragraph 2(2) (not yet in force).

(7) 1970 c. 42. The entry relating to the Children Act 1989 was inserted by the Children Act 1989 (c. 41), Schedule 13, paragraph 26(2) and amended by the 1990 Act, Schedule 9, paragraph 11(a) and by the Care Standards Act 2000

(8) 1972 c. 70; subsection (1A) was inserted by the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 151, and amended by the 1990 Act, Schedule 9, paragraph 13(a) and by the 2000 Order, Schedule 1, paragraph 10(a).

(9) 1975 c. 24.

(10) 1976 c. 74. Schedule 1A was inserted by the Race Relations (Amendment) Act 2000 (c. 34), Schedule 1.

Mental Health Act 1983

10.—(1) The Mental Health Act 1983(**11**) is amended as follows.

(2) In section 134 (correspondence of patients), in subsection (3)(e)(**12**), before “Health Authority” there is inserted “Strategic Health Authority,”.

(3) In section 139 (protection for acts done in pursuance of this Act)(**13**), in subsection (4), before “Health Authority” there is inserted “Strategic Health Authority,”.

(4) In section 145 (interpretation), in subsection (1)—

(a) in paragraph (a) of the definition of “the managers”(**14**), after “Primary Care Trust” there is inserted “Strategic Health Authority,”; and

(b) before the definition of “supervision application”(**15**) there is inserted—

““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”.

Public Health (Control of Disease) Act 1984

11.—(1) The Public Health (Control of Disease) Act 1984 (**16**) is amended as follows.

(2) In section 1 (authorities administering Act), in subsection (4)(b)(**17**), before “Health Authorities” there is inserted “Strategic Health Authorities,”.

(3) In section 13 (regulations for control of certain diseases), in subsection (4)(a)(**18**), after “port health authorities,” there is inserted “Strategic Health Authorities,”.

(4) In section 37 (removal to hospital of person with notifiable disease)(**19**)—

(a) in subsection (1), for “of the Health Authority in whose area lies the area, or the greater part of the area, of the local authority” there is substituted “mentioned in subsection (1A) below”, and

(b) after subsection (1) there is inserted—

“(1A) The consent referred to in subsection (1) above is that of a Primary Care Trust or Health Authority—

(a) any part of whose area falls within that of the local authority, and

(b) which appears to the local authority to be an appropriate Primary Care Trust or Health Authority from whom to obtain consent.”.

(5) In section 41 (removal to hospital of inmate of common lodging-house with notifiable disease)(**20**), in subsection (1), for “Health Authority in whose area lies the area, or the greater part

(11) 1983 c. 20.

(12) Section 134(3)(e) was amended by the 1995 Act, Schedule 1, paragraph 107(10), the 2000 Order, Schedule 1, paragraph 16(7), the Criminal Justice and Court Services Act 2000 (c. 43), Schedule 7, paragraph 74 and the 2002 Act, section 19(6) (not yet in force).

(13) Section 139(4) was amended by the 1990 Act, Schedule 9, paragraph 24(7), the 1995 Act, Schedule 1, paragraph 107(11), and the 2000 Order, Schedule 1, paragraph 16(8).

(14) Paragraph (a) was amended by the 1995 Act, Schedule 1, paragraph 107(14)(b), and by paragraph 49 of Schedule 2 to the 2002 Act.

(15) The definition of “supervision application” was inserted by the Mental Health (Patients in the Community) Act 1995

(16) 1984 c. 22.

(17) Paragraph (b) was substituted by the 1995 Act, Schedule 1, paragraph 108(2) and then amended by the 2000 Order, Schedule 1, paragraph 17(2).

(18) Section 13(4)(a) was amended by the Local Government (Wales) Act 1994 (c. 19), Schedule 9, paragraph 13(2), the 1995 Act, Schedule 1, paragraph 108(5), and by the 2000 Order, Schedule 1, paragraph 17(3).

(19) Section 37(1) was amended by the 1990 Act, Schedule 9, paragraph 26(2), Schedule 10, and the 1995 Act, Schedule 1, paragraph 108(6).

(20) Section 41(1) was amended by the 1990 Act, Schedule 9, paragraph 26(3), Schedule 10, and the 1995 Act, Schedule 1, paragraph 108(8).

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of the area, of the local authority” there is substituted “Primary Care Trust or Health Authority in whose area the common lodging-house is situated”.

Disabled Persons (Services, Consultation and Representation) Act 1986

12. In section 2 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (rights of authorised representatives of disabled persons)(**21**), in subsection (9), in the definition of “health authority”, for paragraph (a) there is substituted—

- “(a) in relation to England, means a Strategic Health Authority, a Special Health Authority or a Primary Care Trust,
- (aa) in relation to Wales, means a Health Authority or a Special Health Authority, and”.

AIDS (Control) Act 1987

13. In section 1 of the AIDS (Control) Act 1987 (periodical reports on matters relating to AIDS and HIV)(**22**)—

- (a) in subsection (1)(b)—
 - (i) before sub-paragraph (i), there is inserted—
 - “(zi) each Strategic Health Authority in England;”,
 - (ii) in sub-paragraph (i), “England and” is omitted;
- (b) in subsection (2)(b), after “published by the” there is inserted “Strategic Health Authority, ”; and
- (c) in subsection (9), for ““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977” there is substituted ““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977, “Health Authority” means a Health Authority established under section 8 of that Act”.

Income and Corporation Taxes Act 1988

14. In section 519A of the Income and Corporation Taxes Act 1988 (health service bodies)(**23**), in subsection (2)(a), before “Health Authority” there is inserted “Strategic Health Authority or a”.

Dartford-Thurrock Crossing Act 1988

15. In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls)(**24**), in paragraph (b), after “being used by a” insert “Strategic Health Authority or”.

Children Act 1989

16.—(1) The Children Act 1989(**25**) is amended as follows.

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- (21) 1986 c. 33; paragraph (a) of the definition of “health authority” in section 2(9) was amended by the 1995 Act, Schedule 1, paragraph 111(2), and by the 2000 Order, Schedule 1, paragraph 18(2)(b).
 - (22) 1987 c. 33; section 1(1)(b)(i) and section 1(2) were substituted by the 1995 Act, Schedule 1, paragraph 113(2); section 1(2) was amended by the 2000 Order, Schedule 1, paragraph 19(2)(b); section 1(9) was amended by the 1995 Act, Schedule 1, paragraph 113(2)(d) and by the 2000 Order, Schedule 1, paragraph 19(2)(c).
 - (23) 1988 c. 1; section 519A was inserted by the 1990 Act, section 61(1); section 519A(2)(a) was substituted by the 1995 Act, Schedule 1, paragraph 114.
 - (24) 1988 c. 20; paragraph (b) of section 19 was amended by the 1995 Act, Schedule 1, paragraph 115, and by the 2000 Order, Schedule 1, paragraph 20.
 - (25) 1989 c. 41.

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(2) In section 29 (recoupment of cost of providing services etc)(26), in subsection (8)(c), after “made by” there is inserted “a Strategic Health Authority.”

(3) In section 105 (interpretation), in subsection (1), after the definition of “specific issue order” there is inserted ““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”

Access to Health Records Act 1990

17. In section 11 of the Access to Health Records Act 1990 (interpretation)(27)—

(a) in paragraph (a) of the definition of “health service body”, for “a Health Authority” there is substituted “a Strategic Health Authority, Health Authority”; and

(b) after the definition of “Special Health Authority” there is inserted—

““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”

Water Industry Act 1991

18.—(1) The Water Industry Act 1991(28) is amended as follows.

(2) In section 87 (fluoridation of water supplies at request of health authorities)(29) before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority or”.

(3) In section 89 (publicity and consultation)(30), before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority or”.

(4) In Schedule 7 (pre-1985 fluoridation schemes)(31), before “Health Authority”, in each place where it occurs, there is inserted “Strategic Health Authority or”.

Tribunals and Inquiries Act 1992

19. In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of council)(32)—

(a) in paragraph 33(a), for “Health Authorities established under section 8 of the National Health Service Act 1977 (c. 49)” there is substituted “Primary Care Trusts established under section 16A of the National Health Service Act 1977 (c. 49) or Health Authorities established under section 8 of that Act”; and

(b) in paragraph 33(c), before “Health Authorities” there is inserted “Primary Care Trusts or”.

Health Authorities Act 1995

20. In Schedule 2 to the Health Authorities Act 1995(33) (transitional provisions and savings), in paragraph 2, after “Primary Care Trust,”, in each place where it occurs, there is inserted “Strategic Health Authority,”.

(26) Section 29(8)(c) was amended by the 1990 Act, Schedule 9, paragraph 36(3), the 1995 Act, Schedule 1, paragraph 118(6) and by the 2000 Order, Schedule 1, paragraph 24(6).

(27) 1990 c. 23; the 1995 Act, Schedule 1, paragraph 119(4) inserted the definition of “Special Health Authority” and substituted paragraph (a) of the definition of “health service body”; paragraph (a) of that definition was also amended by the 2000 Order, Schedule 1, paragraph 25.

(28) 1991 c. 56.

(29) Subsections (1), (3), (5), and (9) of section 87 were amended by the 1995 Act, Schedule 1, paragraph 120(2).

(30) Subsections (1) to (7) of section 89 were amended by the 1995 Act, Schedule 1, paragraph 120(3).

(31) Paragraphs 2 and 3 of Schedule 7 were amended by the 1995 Act, Schedule 1, paragraph 120(4).

(32) 1992 c. 53; paragraph 33 was substituted by the 1995 Act, Schedule 1, paragraph 123.

(33) 1995 c. 17; paragraph 2 of Schedule 2 was amended by Schedule 2, paragraph 62 of the 2002 Act.

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National Health Service (Residual Liabilities) Act 1996

21. In section 1 of the National Health Service (Residual Liabilities) Act 1996 (transfer of residual liabilities: England and Wales)(**34**)—

- (a) in subsection (1), before “a Health Authority” there is inserted “a Strategic Health Authority,”; and
- (b) in subsection (2), after paragraph (b) there is inserted—
“(ba) a Strategic Health Authority;”.

Employment Rights Act 1996

22.—(1) The Employment Rights Act 1996(**35**) is amended as follows.

(2) In section 50 (right to time off for public duties)(**36**), in subsection (8)(b), before “Health Authority” there is inserted “Strategic Health Authority or”.

(3) In section 218 (change of employer), in subsection (10)(a), before “Health Authorities” there is inserted “Strategic Health Authorities and”.

Housing Grants, Construction and Regeneration Act 1996

23.—(1) The Housing Grants, Construction and Regeneration Act 1996(**37**) is amended as follows.

(2) In section 3 (ineligible applicants)(**38**), in subsection (2)(f), before “health authority” there is inserted “Strategic Health Authority,”.

(3) In section 64 (persons eligible to participate in group repair scheme)(**39**), in subsection (7)(d), before “health authority” there is inserted “Strategic Health Authority,”.

Data Protection Act 1998

24. In section 69 of the Data Protection Act 1998(**40**), in subsection (3)(a) before “Health Authority” there is inserted “Strategic Health Authority or a”.

Crime and Disorder Act 1998

25.—(1) The Crime and Disorder Act 1998(**41**) is amended as follows.

(2) In section 38 (local provision of youth justice services)(**42**), in subsection (2)(b), after “local probation board,” there is inserted “Strategic Health Authority,”.

(3) In section 39 (youth offending teams)(**43**)—

(34) 1996 c. 15; subsection (1) was amended by the 1999 Act, Schedule 4, paragraph 87(a).

(35) 1996 c. 18.

(36) Section 50(8)(b) was amended by the 2000 Order, Schedule 1, paragraph 30(2).

(37) 1996 c. 53.

(38) Section 3(2)(f) was amended by the 2000 Order, Schedule 1, paragraph 31(2).

(39) Section 64(7)(d) was amended by the 2000 Order, Schedule 1, paragraph 31(3).

(40) 1998 c. 29.

(41) 1998 c. 37.

(42) Section 38(2)(b) was amended by the Criminal Justice and Court Services Act 2000 (c. 43) (“the 2000 Act”), Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(3).

(43) Section 39(3)(b) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(4).

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- (a) in subsection (3)(b), after “local probation board,” there is inserted “Strategic Health Authority,”; and
 - (b) in subsection (5)(d), after “nominated by” there is inserted “a Primary Care Trust or”.
- (4) In section 41 (the Youth Justice Board)(**44**), in subsection (10), after “local probation board,” there is inserted “a Strategic Health Authority,”.
- (5) In section 42 (supplementary provisions)(**45**), in subsection (3), after “local probation board,” there is inserted “a Strategic Health Authority,”.
- (6) In section 115 (disclosure of information)(**46**), in subsection (2), after paragraph (e), there is inserted—
- “(ea) a Strategic Health Authority,”.

Health Act 1999

26. In section 61 (English and Scottish border provisions) of the Health Act 1999(**47**), in subsection (5), for “Health Authority” there is substituted “Primary Care Trust”.

Care Standards Act 2000

27. In section 121 of the Care Standards Act 2000 (general interpretation etc)(**48**), in subsection (1), in the definition of “National Health Service body”, after “National Health Service trust,” there is inserted “a Strategic Health Authority,”.

Learning and Skills Act 2000

- 28.**—(1) The Learning and Skills Act 2000(**49**) is amended as follows.
- (2) In section 115 (consultation and coordination), in subsection (1), for paragraph (b) there is substituted—
- “(b) a Strategic Health Authority,”.
- (3) In section 120 (information: supply by public bodies), in subsection (2), for paragraph (b) there is substituted—
- “(b) a Strategic Health Authority,”.
- (4) In section 121 (supplementary), in subsection (1)—
- (a) the definition of “Health Authority” is omitted; and
 - (b) after the definition of “police authority” there is inserted—
““Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977,”.

(**44**) Section 41(10) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(5).

(**45**) Section 42(3) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151, and by the 2000 Order, Schedule 1, paragraph 35(6).

(**46**) Section 115(2)(e) was amended by the 2000 Act, Schedule 7, paragraphs 150 and 151.

(**47**) 1999 c. 8.

(**48**) 2000 c. 14; section 121 was amended by the 2002 Act, Schedule 5, paragraph 46 (not yet in force).

(**49**) 2000 c. 21.

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Freedom of Information Act 2000

29. In Schedule 1 to the Freedom of Information Act 2000 (public authorities)(**50**), in Part III, before paragraph 37 there is inserted—

“**36A** A Strategic Health Authority established under section 8 of the National Health Service Act 1977.”.

Health and Social Care Act 2001

30. In section 20 of the Health and Social Care Act 2001 (medical, dental, ophthalmic and pharmaceutical etc. lists)(**51**), in subsection (6)(b) (which inserts new paragraphs (f) to (k) into section 42(3) of the National Health Service Act 1977), before “Health Authority”, in each place where it occurs, there is inserted “Primary Care Trust or”.

International Development Act 2002

31. In Schedule 1 to the International Development Act 2002 (statutory bodies to which section 9 applies)(**52**) after the entry for “A Special Health Board” there is inserted—

“A Strategic Health Authority”.

PART 2

STATUTORY INSTRUMENTS

Public Trustee Rules 1912

32. In rule 30 of the Public Trustee Rules 1912 (corporate bodies as custodian trustees)(**53**), in paragraph (1)(e), for “Regional Health Authority, District Health Authority”(b) there is substituted “Strategic Health Authority, Health Authority”.

National Health Service (Venereal Diseases) Regulations 1974

33. In regulation 2 of the National Health Service (Venereal Diseases) Regulations 1974 (confidentiality of information)(**55**)—

- (a) for “Regional Health Authority and every District Health Authority” there is substituted “Strategic Health Authority, NHS Trust and Primary Care Trust”; and
- (b) after “Authority” there is inserted “or Trust”.

(50) 2000 c. 36.

(51) 2001 c. 15. See paragraphs 16(6) and 17(4) and (5) of Schedule 2 to the 2002 Act for amendment of the references to Health Authority in sections 42(4A) (as prospectively inserted by section 20(6)(c) of the 2001 Act) and 43 (2BA) and (2BB) of the 1977 Act (as prospectively inserted by section 20(7) of the 2001 Act).

(52) 2002 c. 1.

(53) S.I. 1912/348, amended by S.I. 1975/1189, 1981/358 and 1984/109.

(54) Regional and District Health Authorities were abolished by the 1995 Act, section 1. Under the Health Authorities Act 1995 (Amendment of Transitional Provisions and Modification of References) Order 1996 (S.I. 1996/971), article 3(2), references to Regional Health Authorities are to be construed, as appropriate, as references to the Secretary of State, a Health Authority or a Special Health Authority and references to District Health Authorities are to be construed as references to Health Authorities.

(55) S.I. 1974/29.

National Health Service (Speech Therapists) Regulations 1974

34. In regulation 4 of the National Health Service (Speech Therapists) Regulations 1974(**56**), for paragraphs (a) and (b) there is substituted—

- “(a) Health Authorities;
- (b) Primary Care Trusts;”.

Local Government Area Changes Regulations 1976

35.—(1) The Local Government Area Changes Regulations 1976(**57**) are amended as follows.

(2) In regulation 3(4) (interpretation), for “an area health authority” there is substituted “a health authority or Primary Care Trust”(**58**).

(3) In regulation 28 (family practitioner services)—

- (a) for “area health authority” there is substituted “health authority or Primary Care Trust”; and
- (b) after “such authority” there is inserted “or Trust”.

(4) In Schedule 2 (family practitioner services)—

- (a) in paragraph 1—
 - (i) for “area health authority” there is substituted “health authority or Primary Care Trust”,
 - (ii) after “such authority” there is inserted “or Trust”,
 - (iii) “and “the transferor committee” means the family practitioner committee established for that area” is omitted, and
 - (iv) “and “the transferee committee” means the family practitioner committee established for that area” is omitted;
- (b) in paragraph 2(a)—
 - (i) for “transferor committee” there is substituted “transferor authority”,
 - (ii) for “on behalf of the transferee authority by the transferee committee” there is substituted “by the transferee authority”;
- (c) in paragraph 3, for “committee”, in both places it occurs, there is substituted “authority”;
- (d) in paragraph 4, for “family practitioner committee” there is substituted “health authority or Primary Care Trust”;
- (e) in paragraphs 5 to 7, for “committee”, in each place it occurs, there is substituted “authority”;
- (f) in paragraph 8—
 - (i) in paragraph (b), for “committee” there is substituted “authority”,
 - (ii) for “an area health authority or family practitioner committee” there is substituted “a health authority or Primary Care Trust”; and
- (g) in paragraph 10, for “an area health authority or a family practitioner committee” there is substituted “a health authority or Primary Care Trust”.

(56) S.I. 1974/495, amended by S.I. 1982/288.

(57) S.I. 1976/246, to which there are amendments not relevant to these Regulations. A further amendment to the Local Government Area Changes Regulations 1976 is contained in Schedule 8.

(58) Area Health Authorities were replaced by District Health Authorities by the Health Services Act 1980 (c. 53), section 1.

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Land Drainage (Compensation) Regulations 1977

36. In regulation 2 of the Land Drainage (Compensation) Regulations 1977 (interpretation)(**59**)—

- (a) the definition of “Health Act” is omitted; and
- (b) for the definition of “health authority” there is substituted—
 - ““health authority” means—
 - (a) any Health Authority or Strategic Health Authority established under section 8 of the National Health Service Act 1977; and
 - (b) any Special Health Authority established under section 11 of that Act;”.

Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980

37. In regulation 1 of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980 (citation, commencement and interpretation)(**60**), in paragraph (2)(a), in the definition of “Health Authority”, for paragraph (a) there is substituted—

- “(a) in relation to England, means a Strategic Health Authority established under section 8 of the National Health Service Act 1977;
- (aa) in relation to Wales, means a Health Authority established under section 8 of that Act;”.

Medicines (Pharmacy and General Sale-Exemption) Order 1980

38. In article 1 of the Medicines (Pharmacy and General Sale-Exemption) Order 1980 (citation, commencement and interpretation)(**61**), in paragraph (2)(a), in the definition of “health authority”, for (i) there is substituted—

- “(ia) in relation to England, means a Strategic Health Authority established under section 8 of the National Health Service Act 1977,
- (ib) in relation to Wales, means a Health Authority established under section 8 of that Act;”.

National Health Service (Notification of Births and Deaths) Regulations 1982

39.—(1) The National Health Service (Notification of Births and Deaths) Regulations 1982(**62**) are amended as follows(**63**).

(2) In regulation 3 (person to whom particulars of births and deaths are to be furnished)—

- (a) after “occurring in the district of the Authority” there is inserted “or Trust”; and
- (b) for “District Health Authority”, in the last place where it occurs, there is substituted “Health Authority”.

(3) In regulation 4 (person to whom notification of birth is to be given) for “District Health Authority”, in the last place where it occurs, there is substituted “Health Authority”.

(59) [S.I. 1977/339](#).

(60) [S.I. 1980/1923](#), amended by [S.I. 2000/1918](#).

(61) [S.I. 1980/1924](#) to which there are amendments not relevant to these Regulations.

(62) [S.I. 1982/286](#).

(63) Further amendments to the references to District Health Authority in the National Health Service (Notification of Births and Deaths) Regulations 1982 are contained in Schedules 7 and 11.

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Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983

40. In regulation 7 of the Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983 (transfer from hospital to hospital or guardianship)(**64**), in paragraph (4)(b), for “Regional Health Authority, District Health Authority” there is substituted “Strategic Health Authority, Health Authority, Primary Care Trust”.

Mental Health Review Tribunal Rules 1983

41. In Schedule 1 to the Mental Health Review Tribunal Rules 1983 (statements by the responsible authority and the Secretary of State)(**65**), in paragraph 4, after “name of that authority” insert “or Trust”.

National Health Service (Transfer of Officers) (No 2) Regulations 1986

42. In regulation 1 of the National Health Service (Transfer of Officers) (No 2) Regulations 1986 (interpretation)(**66**), in paragraph (2), for the definition of “Authority” there is substituted—

““Authority” means a Strategic Health Authority or Health Authority.”.

Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986

43. In the Schedule to the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986(**67**) (exempted vehicles), in paragraph 2(3), in the definition of “health service body”, for paragraph (a) there is substituted—

“(a) in relation to England, means a Strategic Health Authority, a Special Health Authority, an NHS trust or a Primary Care Trust (each within the meaning of National Health Service Act 1977);

(aa) in relation to Wales, means a Health Authority, a Special Health Authority or an NHS trust (each within the meaning of the National Health Service Act 1977);”.

Social Security (Claims and Payments) Regulations 1987

44. In regulation 43 of the Social Security (Claims and Payments) Regulations 1987 (children)(**68**)—

(a) in paragraph (6), for “district health authority” there is substituted “health authority”; and

(b) in paragraph (7)—

(i) the definition of “district health authority” is omitted,

(ii) there is inserted, in the appropriate alphabetical position—

““health authority” means—

(a) in relation to England, a Primary Care Trust established under section 16A of the National Health Service Act 1977;

(b) in relation to Wales, a Health Authority established under section 8 of that Act; and

(64) S.I. 1983/893. Further amendments to regulation 7(4)(b) are contained in Schedule 5.

(65) S.I. 1983/942. Further amendments to the 1983 Rules are contained in Schedules 5 and 6.

(66) S.I. 1986/524.

(67) S.I. 1986/1456, amended by S.I. 1998/2006.

(68) S.I. 1987/1968, amended by S.I. 1991/2741.

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- (c) in relation to Scotland, a Health Board within the meaning of the National Health Service (Scotland) Act 1978;”.

National Health Service (Payment of Remuneration-Special Arrangement) Order 1988

45. In article 2 of the National Health Service (Payment of Remuneration-Special Arrangement) Order 1988 (functions conferred on District and Special Health Authorities)(**69**)—

- (a) for “District Health Authority” there is substituted “Health Authority, Primary Care Trust”; and
- (b) after “authority's” there is inserted “or Trust's”.

Public Health (Infectious Diseases) Regulations 1988

46.—(1) The Public Health (Infectious Diseases) Regulations 1988(**70**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) for the definition of “appropriate District Health Authority” there is substituted—
 - ““appropriate health authority” means—
 - (a) in Wales, the Health Authority within which a district of a local authority or a port health district is wholly or partly situated; and
 - (b) in England, the Primary Care Trust—
 - (i) any part of whose area falls within that of the local authority or port health district of the proper officer; and
 - (ii) which appears to the proper officer to be the relevant Primary Care Trust.”;
- (b) the definition of “District Health Authority” is omitted; and
- (c) there is inserted, in the appropriate alphabetical position—
 - ““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977;
 - “Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;”.

(3) In regulations 6 and 8, for “District Health Authority”, in each place where it occurs, there is substituted “health authority”.

Water Supply (Water Quality) Regulations 1989

47. In regulation 30 of the Water Supply (Water Quality) Regulations 1989 (provision of information)(**71**)—

- (a) in paragraph (5)—
 - (i) for “district health authority” there is substituted “Strategic Health Authority or Health Authority and a Primary Care Trust”, and
 - (ii) for “in the authority’s area” there is substituted “in the area of the authority or Trust”;
- (b) in paragraph (6), after “authority” there is inserted “or Trust”; and

(69) S.I. 1988/865.

(70) S.I. 1988/1546. Regulation 2(1) is further amended in Schedule 11.

(71) S.I. 1989/1147.

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- (c) in paragraph (7)—
- (i) in paragraph (c) of the definition of “local authority”, “and” is omitted, and
 - (ii) for the definition of “district health authority” there is substituted—
 - ““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977;
 - “Primary Care Trust” means a Primary Care Trust established under section 16A of that Act; and
 - “Strategic Health Authority” means a Strategic Health Authority established under section 8 of that Act.”.

Prescription Pricing Authority Constitution Order 1990

- 48.**—(1) The Prescription Pricing Authority Constitution Order 1990(**72**) is amended as follows.
- (2) In article 2 (interpretation), the definition of “Family Authority” is deleted.
- (3) In article 4 (functions of the Pricing Authority)—
- (a) in paragraph (1), for “Family Authorities” there is substituted “Primary Care Trusts”; and
 - (b) in paragraph (2), for “Family Authorities” there is substituted “Primary Care Trusts”.
- (4) In article 5(d) (constitution of the Pricing Authority), for “Family Authority” there is substituted “Primary Care Trust”.

National Health Service Trusts (Membership and Procedure) Regulations 1990

49. In regulation 1 of the National Health Service Trusts (Membership and Procedure) Regulations 1990 (citation, commencement and interpretation)(**73**), in paragraph (2), in the definition of “health service body”, before “a Health Authority” there is inserted “a Strategic Health Authority,”.

Statutory Sick Pay (National Health Service Employees) Regulations 1991

- 50.** In regulation 1 of the Statutory Sick Pay (National Health Service Employees) Regulations 1991 (citation, commencement and interpretation)(**74**)—
- (a) in paragraph (2), for “shall in relation to England and Wales have the same meaning it has in section 128(1)” there is substituted “shall in relation to Wales have the same meaning it has in section 8”; and
 - (b) after paragraph (3) there is inserted—
 - “(4) In these Regulations, “Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”(**75**).

Statutory Maternity Pay (National Health Service Employees) Regulations 1991

51. In regulation 1 of the Statutory Maternity Pay (National Health Service Employees) Regulations 1991 (citation, commencement and interpretation)(**76**)—

(72) S.I. 1990/1718. Article 6 of this Order is amended in Schedule 7.

(73) S.I. 1990/2024, amended by S.I. 1996/1755, 1998/646 and 2000/2434.

(74) S.I. 1991/589, amended by S.I. 2000/694.

(75) Strategic Health Authority is substituted in regulation 5(b)(i) by Schedule 3.

(76) S.I. 1991/590, amended by S.I. 2000/694.

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- (a) in paragraph (2), for “shall in relation to England and Wales have the same meaning it has in section 128(1)” there is substituted “shall in relation to Wales have the same meaning it has in section 8”; and
- (b) after paragraph (3) there is inserted—
 - “(4) In these Regulations, “Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977.”(77).

Arrangements for Placement of Children (General) Regulations 1991

52. In regulation 5 of the Arrangements for Placement of Children (General) Regulations 1991 (notification of arrangements)(78), in paragraph (1)(b), “if there is no Primary Care Trust,” is omitted.

Placement of Children with Parents etc Regulations 1991

53. In regulation 8 of the Placement of Children with Parents etc Regulations 1991 (notification of placements)(79), in paragraph (4)(a), “if there is no Primary Care Trust,” is omitted.

National Health Service (General Medical Services) Regulations 1992

54.—(1) The National Health Service (General Medical Services) Regulations 1992(80) are amended as follows.

(2) In regulation 17 (decision by health authority as to type of vacancy), in paragraphs (2)(a), (2)(b) and (6), after “the Authority” there is inserted “or Trust”.

(3) In regulation 18A (particular partnership vacancies), in paragraph (2), after “the Authority” there is inserted “or Trust”.

(4) In regulation 18F (entry on to medical list)—

- (a) in paragraph (1), after “the Authority” there is inserted “or Trust”;
- (b) in paragraph (2A), after “Authorities” there is inserted “or Trusts”; and
- (c) in paragraph (3), after “the Authority's” there is inserted “or Trust's”.

(5) In regulation 25 (temporary provision of services), in paragraph (17), after “the Authority's” there is inserted “or Trust's”.

(6) In Schedule 3, in Part I (information to be considered by a health authority when deciding whether or not to declare a vacancy), in paragraph 1, after “the Authority's” there is inserted “or Trust's”.

Dental Practice Board Regulations 1992

55. In regulation 8 of the Dental Practice Board Regulations 1992 (termination of tenure of office)(81), in paragraph (2)(b)(i), for “Family Health Services Authority” there is substituted “, Strategic Health Authority or Primary Care Trust”.

(77) Strategic Health Authority is substituted in regulation 5(b)(i) by Schedule 3.

(78) S.I. 1991/890, amended by S.I. 2002/546.

(79) S.I. 1991/893, amended by S.I. 2002/546.

(80) S.I. 1992/635, amended by S.I. 1998/2838, 2001/3742, and 2002/554 and 916. Further amendments to the National Health Service (General Medical Services) Regulations 1992 are contained in Schedules 5 and 7.

(81) S.I. 1992/655.

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National Health Service (General Dental Services) Regulations 1992

56. In regulation 4 of the National Health Service (General Dental Services) Regulations 1992 (dental list)(**82**), in paragraph (7)(a)—

- (a) head (iv) is omitted; and
- (b) for head (v) there is substituted—

“(v) a Strategic Health Authority any part of the district of which is in the locality of the Primary Care Trust;”.

National Health Service (Pharmaceutical Services) Regulations 1992

57. In regulation 2 of the National Health Service (Pharmaceutical Services) Regulations 1992 (interpretation)(**83**), in paragraph (1)—

- (a) the definition of “FHSA” is omitted;
- (b) the definition of “Family Health Services Authority” is omitted; and
- (c) for the definition of “pilot scheme provider” there is substituted—

““pilot scheme provider” means a person who provides personal medical services in connection with a pilot scheme;”.

National Health Service (Service Committees and Tribunal) Regulations 1992

58.—(1) The National Health Service (Service Committees and Tribunal) Regulations 1992(**84**) are amended as follows.

(2) In regulation 2 (interpretation), the definition of “FHSA” is omitted.

(3) In regulation 10 (procedure on appeal), in paragraph (2), after “that Authority” there is inserted “or Trust”.

(4) In regulation 15 (excessive prescribing by doctors), in paragraph (22), for sub-paragraph (b) there is substituted—

“(b) the other two shall be engaged in the provision of general medical services, of whom one shall be nominated by the body mentioned in paragraph (3)(a)(ii) and the other shall be nominated by the Secretary of State.”.

(5) In Schedule 7 (rules of procedure under regulation 18), in paragraph 2(1) for “either the FHSA” there is substituted “the Health Authority, Primary Care Trust”.

(6) In Schedule 8 (forms for use in proceedings before tribunal)—

(a) for “Family Health Services Authority” in both places where it occurs, there is substituted “(fa)”; and

(b) after paragraph (f) in the notes, in both places, there is inserted—

“(fa) whether Primary Care Trust (in England) or Health Authority (in Wales);”.

(82) S.I. 1992/661, amended by S.I. 2000/2421, 2706. Further amendments to the National Health Service (General Dental Services) Regulations 1992 are contained in Schedules 5 and 7.

(83) S.I. 1992/662, amended by S.I. 1998/681. Further amendments to the National Health Service (Pharmaceutical Services) Regulations 1992 are contained in Schedules 5, 7 and 10.

(84) S.I. 1992/664, amended by S.I. 1996/703 and 1998/674. Further amendments to the National Health Service (Service Committees and Tribunal) Regulations 1992 are contained in Schedules 5 and 10.

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Magistrates' Courts (Children and Young Persons) Rules 1992

59. In Schedule 2 to the Magistrates' Courts (Children and Young Persons) Rules 1992(**85**), in Forms 14 (warrant of commitment to local authority accommodation: remand for enquiries) and 15 (warrant of commitment to remand centre or prison: remand for enquiries) “by a local health authority” is omitted.

Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992

60. In regulation 7A of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992 (prescription for the purposes of Jurisdiction)(**86**), in paragraph (2), after subparagraph (d) there is inserted—

“(da) a Strategic Health Authority established under section 8 of the 1977 Act;”.

Redundancy Payments (National Health Service) (Modification) Order 1993

61. In Schedule 1 to the Redundancy Payments (National Health Service) (Modification) Order 1993 (employment to which this Order applies: employers immediately before the relevant event)(**87**), for paragraph 1 there is substituted—

“**1** a Strategic Health Authority or Health Authority established under section 8 of the National Health Service Act 1977 (“the 1977 Act”);

1A a Special Health Authority established under section 11 of the 1977 Act;”.

National Health Service Pension Scheme Regulations 1995

62.—(1) The National Health Service Pension Scheme Regulations 1995(**88**) are amended as follows.

(2) In regulation A2 (interpretation),—

(a) in the definition of “employing authority”, before paragraph (a) there is inserted—

“(za) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”;

(b) in the definition of “NHS dental employee”, before paragraph (a) there is inserted—

“(za) a Strategic Health Authority;”;

(c) in the definition of “practitioner”, in paragraph (b), after “Primary Care Trust” there is inserted “, a Strategic Health Authority”.

(3) In Schedule 2 (medical and dental practitioners)—

(a) in paragraph 1, in the definition of “locum practitioner”, in paragraph (b)(i), after “the Authority” there is inserted “or Trust”; and

(b) in paragraph 5(3)—

(i) after “that Authority” there is inserted “or Trust”, and

(ii) after “the Authority” there is inserted “or Trust”.

(85) S.I. 1992/2071.

(86) S.I. 1992/2645, amended by S.I. 2001/161.

(87) S.I. 1993/3167, amended by S.I. 2000/694.

(88) S.I. 1995/300. Further amendments to the National Health Service Pension Scheme Regulations 1995 are contained in Schedules 5, 6 and 11.

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Family Health Services Appeal Authority (Establishment and Constitution) Order 1995

63. In article 3 of the Family Health Services Appeal Authority (Establishment and Constitution) Order 1995 (functions of the authority)(**89**), for “Family Health Services Authorities”(90) there is substituted “Primary Care Trusts”.

Family Health Services Appeal Authority Regulations 1995

64.—(1) The Family Health Services Appeal Authority Regulations 1995(**91**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of “health service body”, after “Special Health Authority,” there is inserted “a Strategic Health Authority, a Health Authority,”.

(3) In regulation 7 (disqualification for appointment), in paragraph (1), for sub-paragraph (f), there is substituted—

“(f) he is the chairman or member of a Strategic Health Authority, a Special Health Authority, a Health Authority or a Primary Care Trust;”.

(4) In regulation 12 (arrangements for the exercise of functions), in paragraph (2) for “Family Health Services Authorities” there is substituted “Health Authorities or Primary Care Trusts”.

National Health Service (Injury Benefits) Regulations 1995

65. In regulation 2 of the National Health Service (Injury Benefits) Regulations 1995 (interpretation)(**92**), in paragraph (1)—

(a) in the definition of “employing authority”, before paragraph (a) there is inserted—

“(za) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;” and

(b) in the definition of “NHS dental employee”, before paragraph (b) there is inserted—

“(ab) a Strategic Health Authority;”.

National Health Service Litigation Authority Regulations 1995

66. In regulation 1 of the National Health Service Litigation Authority Regulations 1995 (citation, commencement and interpretation)(**93**), in paragraph (2), in the definition of “health service body”, before “a Regional Health Authority” there is inserted “a Strategic Health Authority, a Health Authority,”.

Medicines (Exemption from Licences) (Clinical Trial) Order 1995

67. In article 4 of the Medicines (Exemption from Licences) (Clinical Trial) Order 1995 (conditions)(**94**), in paragraph (1)(c)(iv), after “recognised by” there is inserted “the Secretary of State, by a Strategic Health Authority or”.

(89) [S.I. 1995/621](#).

(90) References to “Family Health Services Authorities” are to be construed as references to Health Authorities by virtue of article 3(2)(a) of the Health Authorities Act 1995 (Amendment of Transitional Provisions and Modification of References) Order 1996, [S.I. 1996/971](#).

(91) [S.I. 1995/622](#). There are no relevant amending instruments.

(92) [S.I. 1995/866](#), amended by [S.I. 2000/606](#). Further amendments to the National Health Service (Injury Benefits) Regulations 1995 are contained in Schedules 2 and 5.

(93) [S.I. 1995/2801](#), amended by [S.I. 1998/646](#) and [2000/696](#).

(94) [S.I. 1995/2808](#).

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National Health Service (Clinical Negligence Scheme) Regulations 1996

68.—(1) The National Health Service (Clinical Negligence Scheme) Regulations 1996⁽⁹⁵⁾ are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “an eligible body” there is added at the end “or a body which before 1 October 2002 was a Health Authority whose area was situated in England”.

(3) In regulation 3 (eligible bodies), in paragraph (1), for sub-paragraph (b) there is substituted—
“(b) a Strategic Health Authority.”.

Community Health Councils Regulations 1996

69.—(1) The Community Health Councils Regulations 1996⁽⁹⁶⁾ are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “relevant Primary Care Trust” there is inserted—

““relevant Strategic Health Authority” means, in relation to a Council, any Strategic Health Authority whose area, or any part of whose area, is included in the district of the Council.”.

(3) In regulation 7 (disqualification for membership)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) before (i) there is inserted—

“(zi) a Strategic Health Authority;”,

(ii) in sub-paragraph (aa) before (i) there is inserted—

“(zi) a relevant Strategic Health Authority;”, and

(iii) in sub-paragraph (b), before “the relevant Health Authority” there is inserted “a relevant Strategic Health Authority;” and

(b) in paragraph (2), before sub-paragraph (b), there is inserted—

“(aa) a Strategic Health Authority;”.

(4) In regulation 16 (reports),—

(a) in paragraph (1)(b), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority;” and

(b) in paragraph (2), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority or”.

(5) In regulation 17 (advising on operation of the health service), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority;”.

(6) In regulation 18 (consultation of councils by relevant health authorities), in paragraph (1)—

(a) before “relevant Health Authority” there is inserted “relevant Strategic Health Authority or”; and

(b) before “Authority's” there is inserted “Strategic Health”.

(7) In regulation 19 (information to be furnished by relevant Health Authorities), in paragraph (1), before “relevant Health Authority” there is inserted “relevant Strategic Health Authority;”.

⁽⁹⁵⁾ S.I. 1996/251, amended by S.I. 2000/2341.

⁽⁹⁶⁾ S.I. 1996/640, amended by S.I. 1997/2289, 1999/2906 and 2000/657. Further amendments to the Community Health Councils Regulations 1996 are contained in Schedules 2 and 9.

National Health Service (Existing Liabilities Scheme) Regulations 1996

70. In regulation 3 of the National Health Service (Existing Liabilities Scheme) Regulations 1996 (eligible bodies)(**97**), in paragraph (a)—

- (a) before sub-paragraph (i) there is inserted—
“(zi) a Strategic Health Authority,”; and
- (b) before sub-paragraph (iii) there is inserted—
“(iia) a Primary Care Trust,”.

National Health Service (Appointment of Consultants) Regulations 1996

71.—(1) The National Health Service (Appointment of Consultants) Regulations 1996(**98**) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
 - (a) in the definition of “Authority”, after “a Health Authority,” there is inserted “a Strategic Health Authority, a Primary Care Trust,”;
 - (b) for the definition of “relevant University” there is substituted—
““relevant University” means for an appointment to a Strategic Health Authority or Primary Care Trust, any University associated with the provision of health services to that Authority or Trust;”; and
 - (c) the definition of “Teaching Authority” is omitted.
- (3) In regulation 5 (exempt appointments), paragraph (1)(b) is omitted.
- (4) In Schedule 1 (constitution of an advisory appointments committee), in paragraph 2(b), for (i) there is substituted—
 - “(i) in the case of a Strategic Health Authority, a practitioner employed within the area of the Authority making the appointment,
 - (ia) in the case of a Primary Care Trust, a practitioner employed within the area of the Trust making the appointment, or”.

Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996

72. In article 1 of the Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996 (citation, commencement and interpretation)(**99**), in paragraph (2)(b), in the definition of “health service employers”, after sub-paragraph (iv) there is inserted—

- “(iva) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”.

Prescription Only Medicines (Human Use) Order 1997

73.—(1) The Prescription Only Medicines (Human Use) Order 1997(**100**) is amended as follows.

(97) [S.I. 1996/686](#).

(98) [S.I. 1996/701](#).

(99) [S.I. 1996/1023](#), amended by [S.I. 2000/694](#).

(100) [S.I. 1997/1830](#), amended by [S.I. 2000/1917](#). Further amendments to the Prescription Only Medicines (Human Use) Order 1997 are contained in Schedules 4 and 5.

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(2) In article 12A (exemptions for the supply and administration of prescription only medicines by national health service bodies)—

(a) in paragraph (1)(b), before “Health Authority or” there is inserted “Strategic Health Authority,”; and

(b) in paragraph (2)(b), before “Health Authority or” there is inserted “Strategic Health Authority,”.

(3) In article 12C (exemption for persons conducting a retail pharmacy business who supply or administer prescription only medicines under a Patient Group Direction), in paragraph (1)(a), before “a Health Authority” there is inserted “a Strategic Health Authority,”.

(4) In Part 2 of Schedule 7 (persons on whose behalf a Patient Group Direction must be signed), after the entry relating to the Common Services Agency, there is inserted—

“Strategic Health Authority

The Strategic Health Authority”

*National Health Service (Proposals for Pilot Schemes)
and (Miscellaneous Amendments) Regulations 1997*

74. In regulation 1 of the National Health Service (Proposals for Pilot Schemes) and (Miscellaneous Amendments) Regulations 1997 (citation, commencement and interpretation)(**101**), before the definition of “request” there is inserted—

““authority” means—

(a) in relation to England, a Strategic Health Authority or Primary Care Trust;

(b) in relation to Wales, a Health Authority; and

(c) in relation to Scotland, a Health Board;”.

National Health Service (Vocational Training for General Medical Practice) Regulations 1997

75.—(1) The National Health Service (Vocational Training for General Medical Practice) Regulations 1997(**102**) are amended as follows.

(2) In regulation 4 (experience and certificates required), in paragraph (2), after “Authority's” there is inserted “or Trust's”.

(3) In regulation 14 (appeal bodies), in paragraph (3)(d), before “or Special Health Authority” there is inserted “, Primary Care Trust”.

National Health Service (Pilot Schemes-Health Service Bodies) Regulations 1997

76.—(1) The National Health Service (Pilot Schemes-Health Service Bodies) Regulations 1997(**103**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “application” there is inserted—

““authority” means—

(a) in relation to England, a Primary Care Trust;

(101) S.I. 1997/2289. There are no relevant amending instruments.

(102) S.I. 1997/2817. Section 14 of the 2001 Act abolished the Medical Practices Committee and transferred its rights and liabilities to the Secretary of State. Further amendments to the National Health Service (Vocational Training for General Medical Practice) Regulations 1997 are contained in Schedule 5.

(103) S.I. 1997/2929, amended by S.I. 1998/1136.

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- (b) in relation to Wales, a Health Authority; and
 - (c) in relation to Scotland, a Health Board;”.
- (3) In regulation 2 (applications to become a pilot scheme health service body), paragraph (2) is omitted.
- (4) In regulation 3 (ceasing to be a pilot scheme health service body)—
- (a) in paragraph (2)(b), for “the Secretary of State” there is substituted “the Strategic Health Authority”; and
 - (b) in paragraph (2)(c), “the Secretary of State and” is omitted.

Local Education Authority (Behaviour Support Plans) Regulations 1998

77. In regulation 3 of the Local Education Authority (Behaviour Support Plans) Regulations 1998 (consultation)(**104**), in paragraph (2)(i), after “National Health Service Act 1977” there is inserted “or Primary Care Trust (within the meaning of section 16A of that Act),”.

National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998

78. In regulation 4 of the National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 (pilot patients for whom health authorities and health boards must make arrangements for the provision of general medical services)(**105**)—

- (a) in paragraph (1), after “authority” there is inserted “or, in England, a Primary Care Trust”; and
- (b) in paragraph (2)(b), after “authority” there is inserted “or, in England, the Primary Care Trust”.

National Health Service (Pilot Schemes: Part II Practitioners) Regulations 1998

79. In regulation 1 of the National Health Service (Pilot Schemes: Part II Practitioners) Regulations 1998 (citation, commencement and interpretation)(**106**), in paragraph (2), in subparagraph (a), before the definition of “normal hours” there is inserted—

““authority” means—

- (a) in relation to England, a Primary Care Trust;
- (b) in relation to Wales, a Health Authority; and
- (c) in relation to Scotland, a Health Board;”.

Education (Publication of Local Education Authority Inspection Reports) Regulations 1998

80. In regulation 4 of the Education (Publication of Local Education Authority Inspection Reports) Regulations 1998(**107**), in paragraph (1)(j), after “National Health Service Act 1977” there is inserted “or Primary Care Trust (within the meaning of section 16A of that Act),”.

(104) S.I. 1998/644.

(105) S.I. 1998/646. A further amendment to the National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 is contained in Schedule 2.

(106) S.I. 1998/665.

(107) S.I. 1998/880.

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Dental Practice Boards (Personal Dental Services) Regulations 1998

81. In regulation 2 of the Dental Practice Boards (Personal Dental Services) Regulations 1998 (functions exercisable in accordance with directions)(**108**), in paragraph (4), for “a Health Authority in England and Wales” there is substituted “a Primary Care Trust in England or a Health Authority in Wales”.

Control of Major Accident Hazards Regulations 1999

82. In regulation 2 of the Control of Major Accident Hazards Regulations 1999 (interpretation)(**109**), in paragraph (1), for the definition of “health authority”, there is substituted—

““health authority” means—

- (a) in relation to England, a Primary Care Trust established under section 16A of the National Health Service Act 1977;
- (b) in relation to Wales, a Health Authority established under section 8 of that Act; and
- (c) in relation to Scotland, a Health Board established under section 2 of the National Health Service (Scotland) Act 1978.”.

National Health Service (Liabilities to Third Parties Scheme) Regulations 1999

83.—(1) The National Health Service (Liabilities to Third Parties Scheme) Regulations 1999(**110**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “an eligible body” there is added at the end “or a body which before 1 October 2002 was a Health Authority whose area was situated in England”.

(3) In regulation 3 (eligible bodies), for paragraph (b) there is substituted—

“(b) a Strategic Health Authority,”.

National Health Service (Property Expenses Scheme) Regulations 1999

84.—(1) The National Health Service (Property Expenses Scheme) Regulations 1999(**111**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “an eligible body” there is added at the end “or a body which before 1 October 2002 was a Health Authority whose area is situated in England”.

(3) In regulation 3 (eligible bodies), for paragraph (b) there is substituted—

“(b) a Strategic Health Authority,”.

Education (Maintained Special Schools) (England) Regulations 1999

85. In regulation 7 of the Education (Maintained Special Schools) (England) Regulations 1999 (other bodies to whom proposals should be sent)(**112**), in paragraph (2)(g), for “Local Health Authority” there is substituted “Primary Care Trust”.

(108) [S.I. 1998/2223](#). Further amendments to the Dental Practice Boards (Personal Dental Services) Regulations 1998 are contained in Schedule 5.

(109) [S.I. 1999/743](#).

(110) [S.I. 1999/873](#), amended by [S.I. 2000/2385](#).

(111) [S.I. 1999/874](#), amended by [S.I. 2000/2342](#).

(112) [S.I. 1999/2212](#). A further amendment to the Education (Maintained Special Schools) (England) Regulations 1999 is contained in Schedule 8.

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Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999

86. In article 16 of the Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999 (recovery of misapplied sums)(**113**)—

- (a) in paragraph (1), after “Health Authority” there is inserted “or relevant Primary Care Trust”; and
- (b) after paragraph (2) there is added—

“(3) “Relevant Primary Care Trust” in paragraph (1) means a Primary Care Trust nominated for the purposes of paragraph (1) by the relevant Strategic Health Authority from Primary Care Trusts within its locality and “relevant Strategic Health Authority” in this paragraph means the Strategic Health Authority established under section 8 of the National Health Service Act 1977 that, on 1st October 2002 has the same locality as the Health Authority.”.

Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

87. In regulation 5 of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 (disqualification for appointment: chairman and non-officer members)(**114**), in paragraph (1)(e)(iii), before “a Health Authority” there is inserted “a Strategic Health Authority,”.

Data Protection (Subject Access Modification) (Social Work) Order 2000

88. In the Schedule to the Data Protection (Subject Access Modification) (Social Work) Order 2000 (personal data to which this Order applies)(**115**), in paragraph 1(1)—

- (a) before (i), there is inserted—

“(zi) a Strategic Health Authority established under section 8 of the National Health Service Act 1977;”;
- (b) in (ii), “or” is omitted; and
- (c) before (iii), there is inserted—

“(iia) a Primary Care Trust established under section 16A of the National Health Service Act 1977; or”.

National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000

89. In regulation 3 of the National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000 (prescribed NHS bodies and local authorities)(**116**), in paragraph (1), sub-paragraph (a) is omitted.

(113) *S.I. 1999/2541*. A further amendment to the Health Act (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) Order 1999 is contained in Schedule 5.

(114) *S.I. 2000/89*, amended by *S.I. 2001/3787*. A further amendment to the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 is contained in Schedule 2.

(115) *S.I. 2000/415*.

(116) *S.I. 2000/617*. Further amendments to the National Health Service Bodies and Local Authorities Partnership Arrangements Regulations 2000 are contained in Schedule 7.

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Commission for Health Improvement (Functions) Regulations 2000

90.—(1) The Commission for Health Improvement (Functions) Regulations 2000(**117**) are amended as follows.

- (2) In regulation 1 (citation, commencement, extent and interpretation), in paragraph (4)—
- (a) before the definition of “personal medical services”, there is inserted—
““relevant Primary Care Trust” means, in relation to a service provider, the Primary Care Trust in whose area that person provides services;”;
 - (b) for the definition of “relevant Health Authority” there is substituted—
““relevant Strategic Health Authority” means, in relation to a Primary Care Trust—
 - (a) where the area for which the Primary Care Trust is established falls wholly within the area of a Strategic Health Authority, that Strategic Health Authority; or
 - (b) where the area for which the Primary Care Trust is established falls within the areas of two or more Strategic Health Authorities, each of those Strategic Health Authorities;”;and
 - (c) the definition of “relevant service provider” is omitted.
- (3) In regulation 2 (additional functions)—
- (a) in paragraph (a), before “Health Authorities” there is inserted “Strategic Health Authorities,”;
 - (b) paragraph (b) is omitted;
 - (c) in paragraph (c), before “Health Authorities” there is inserted “Strategic Health Authorities,”; and
 - (d) paragraph (d) is omitted.
- (4) In regulation 12 (notice of investigation)—
- (a) in paragraph (b), “and” is omitted at the end; and
 - (b) for paragraph (c) there is substituted—
 - “(c) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
 - (d) in the case of an investigation concerning a service provider, the relevant Primary Care Trust, and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”.
- (5) In regulation 14 (investigation reports)—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), “and” is omitted at the end, and
 - (ii) for sub-paragraph (b) there is substituted—
 - “(b) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
 - (c) in the case of an investigation concerning a service provider, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”;

(117) S.I. 2000/662. Further amendments to the Commission for Health Improvement (Functions) Regulations are contained in Schedule 3.

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- (b) in paragraph (2)—
 - (i) in sub-paragraph (b), “and” is omitted at the end, and
 - (ii) for sub-paragraph (c) there is substituted—
 - “(c) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
 - (d) in the case of an investigation concerning a service provider, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”; and
- (c) in paragraph (3)—
 - (i) in sub-paragraph (a), “and” is omitted at the end, and
 - (ii) for sub-paragraph (b) there is substituted—
 - “(b) in the case of an investigation concerning a Primary Care Trust, the relevant Strategic Health Authority; and
 - (c) in the case of an investigation concerning a service provider, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”.
- (6) In regulation 15 (special interest reports)—
 - (a) in paragraph (2), for paragraph (c) there is substituted—
 - “(c) in a case where a Primary Care Trust is the subject of an investigation, the relevant Strategic Health Authority; and
 - (d) in a case where a service provider is the subject of an investigation, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority.”; and
 - (b) in paragraph (3), for paragraph (c) there is substituted—
 - “(c) in a case to which paragraph (2)(c) applies, the relevant Strategic Health Authority;
 - (ca) in a case to which paragraph (2)(d) applies, the relevant Primary Care Trust and the Strategic Health Authority which is, in relation to that Primary Care Trust, the relevant Strategic Health Authority; and”.

Water Supply (Water Quality) Regulations 2000

- 91.**—(1) The Water Supply (Water Quality) Regulations 2000(**118**) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of ““appropriate local authority” and “appropriate health authority””—
 - (i) for “and appropriate health authority” there is substituted “, “appropriate Strategic Health Authority” and “appropriate Primary Care Trust””; and
 - (ii) for “and the health authority” there is substituted “, Strategic Health Authority and Primary Care Trust””; and
 - (b) the definition of “health authority” is omitted.

(118) S.I. 2000/3184, amended by S.I. 2001/2885. Further amendments to the Water Supply (Water Quality) Regulations 2000 are contained in Schedules 4 and 8.

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- (3) In regulation 20 (authorisation of temporary supply of water that is not wholesome)—
 - (a) in paragraph (4)(b) for “health authority” there is substituted “Strategic Health Authority”;
 - (b) in paragraph (4)(b) “and” is omitted; and
 - (c) before paragraph (4)(c) there is inserted—
 - “(ba) every appropriate Primary Care Trust; and”.
- (4) In regulation 24 (revocation and modification of authorisations)—
 - (a) in paragraph (2)(c) for “health authority” there is substituted “Strategic Health Authority”;
 - (b) in paragraph (2)(c) “and” is omitted; and
 - (c) before paragraph (2)(d) there is inserted—
 - “(ca) the appropriate Primary Care Trust; and”.
- (5) In regulation 35 (provision of information), in paragraph (8)—
 - (a) for “or a health authority” there is substituted “, a Strategic Health Authority, or a Primary Care Trust”; and
 - (b) after “notify each such authority” there is inserted “or Trust”.

*Immigration and Asylum Act 1999 (Part V Exemption:
Educational Institutions and Health Sector Bodies) Order 2001*

92. In Schedule 3 to the Immigration and Asylum Act 1999 (Part V Exemption: Educational Institutions and Health Sector Bodies) Order 2001 (health sector bodies)(**119**), in paragraph 1, before sub-paragraph (a), there is inserted—

- “(za) a Strategic Health Authority established by order under section 8 of the National Health Service Act 1977;”.

*National Health Service (Functions of Health Authorities)
(General Dental Services Incentive Schemes) Regulations 2001*

93. In regulation 2 of the National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001 (prescribed function of Health Authorities)(**120**), in paragraph (1), for “Health Authorities and each such Authority” there is substituted “Primary Care Trusts and each such Trust”.

*Special Educational Needs (Provision of Information by
Local Education Authorities) (England) Regulations 2001*

94. In regulation 1 of the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (citation, commencement, interpretation and extent)(**121**), in paragraph (2), the definition of “health authority” is omitted.

(119) [S.I. 2001/1403](#).

(120) [S.I. 2001/1678](#). Further amendments to the National Health Service (Functions of Health Authorities) (General Dental Services Incentive Schemes) Regulations 2001 are contained in Schedule 7.

(121) [S.I. 2001/2218](#). Further amendments to the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 are contained in Schedules 7 and 8.

Radiation (Emergency Preparedness and Public Information) Regulations 2001

95. In regulation 2 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (interpretation)(**122**), in paragraph (1), for the definition of “health authority”, there is substituted—

““health authority” means—

- (a) in relation to England, a Primary Care Trust established under section 16A of the National Health Service Act 1977;
- (b) in relation to Wales, a Health Authority established under section 8 of that Act; and
- (c) in relation to Scotland, a Health Board established under section 2 of the National Health Service (Scotland) Act 1978.”.

Education (Special Educational Needs) (England) (Consolidation) Regulations 2001

96. In regulation 2 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (interpretation)(**123**), in paragraph (1), the definition of “health authority” is omitted.

Race Relations Act 1976 (Statutory Duties) Order 2001

97. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) Order 2001 (bodies and other persons required to publish race equality schemes)(**124**), before the entry relating to a Health Authority, there is inserted—

“A Strategic Health Authority established under section 8 of the National Health Service Act 1977.”.

Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001

98.—(1) The Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2001(**125**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “the applicant Health Authority” and in the definition of “a local disqualification decision”, after “Health Authority in England” in both places where it occurs, there is inserted “or, in a pharmacist case, the Primary Care Trust”.

(3) In regulation 3 (local disqualification decisions made before the relevant date), after “Health Authority's” there is inserted “or, in a pharmacist case, the Primary Care Trust's”.

(4) In regulation 6 (other cases under the 1977 Act not disposed of by the relevant date)—

- (a) in paragraph (3), after “Health Authority”, there is inserted “or, in a pharmacist case, the Primary Care Trust”; and
- (b) in paragraph (4)(a), after “Health Authority”, there is inserted “or, in a pharmacist case, the Primary Care Trust”(126).

(122) S.I. 2001/2975.

(123) S.I. 2001/3455. Further amendments to the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 are contained in Schedules 7 and 8.

(124) S.I. 2001/3458.

(125) S.I. 2001/3744.

(126) Regulation 6(1) and (2) is amended in Schedule 11.

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Family Health Services Appeal Authority (Procedure) Rules 2001

99. In rule 2 of the Family Health Services Appeal Authority (Procedure) Rules 2001 (interpretation)(**127**), in paragraph (2)(c), after “that Authority” there is inserted “or Trust”.

Nursing and Midwifery Order 2001

100.—(1) The Nursing and Midwifery Order 2001(**128**) is amended as follows.

(2) In Schedule 2 (transitional provisions), in paragraph 18(1), for “that Act to the UKCC or to a National Board were to the Council” there is substituted—

“(a) that Act—

(i) to the UKCC or to a National Board were to the Council, and

(ii) to local supervising authorities were, in relation to England, to a Strategic Health Authority established under section 8 of the National Health Service Act 1977 and, in relation to Wales, to a Health Authority established under section 8 of that Act; and

(b) that subordinate legislation to health authority were, in relation to England, to a Strategic Health Authority established under section 8 of the National Health Service Act 1977 and, in relation to Wales, to a Health Authority established under section 8 of that Act”.

(3) In Schedule 4 (interpretation), in the definition of “local supervising authority”, for paragraph (a) there is substituted—

“(a) in England, Strategic Health Authorities established under section 8 of the National Health Service Act 1977;

(aa) in Wales, Health Authorities established under section 8 of that Act;”.

Financing of Maintained Schools (England) Regulations 2002

101. In Schedule 1 to the Financing of Maintained Schools (England) Regulations 2002 (classes or descriptions of planned expenditure which may be deducted from the local schools budget of a local education authority)(**129**), in paragraph 16, “with a Health Authority, Primary Care Trust or NHS Trust” is omitted.

(127) [S.I. 2001/3750](#). Further amendments to the Family Health Services Appeal Authority (Procedure) Rules 2001 are contained in Schedule 5.

(128) [S.I. 2002/253](#).

(129) [S.I. 2002/377](#).