

SCHEDULE 1

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).

- (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”.

(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.