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STATUTORY INSTRUMENTS

1997 No. 2929

NATIONAL HEALTH SERVICE, ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Pilot Schemes —Health Service Bodies) Regulations 1997

Made - - - -	*9th December 1997*
Laid before Parliament	*10th December 1997*
Coming into force - -	*31st December 1997*

The Secretary of State, in exercise of powers conferred on him by section 16(3)(a), (7) and (9) and 39(2) of the National Health Service (Primary Care) Act 1997(**1**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Pilot Schemes—Health Service Bodies) Regulations 1997 and shall come into force on 31st December 1997.

(2) In these Regulations—

"the 1997 Act" means the National Health Service (Primary Care) Act 1997;

"applicant" means a person making an application;

"application" means an application under section 16 of the 1997 Act to become a pilot scheme health service body(**2**) in respect of a pilot scheme(**3**) under which personal medical services(**4**) are, or are to be, provided;

"member", in relation to a pilot scheme health service body—

(a) where the relevant pilot scheme has not yet been implemented, means a person proposing to provide piloted services(**5**) under that scheme, and

(**1**) 1997 c. 46. Section 16 of that Act ("the 1997 Act") came into force on 30th October 1997 in relation to pilot schemes under which personal medical services are provided.
(**2**) *See* section 16(6) of the 1997 Act.
(**3**) "Pilot scheme" is defined in section 1(1) of the 1997 Act.
(**4**) "Personal medical services" are defined in section 1(8) of the 1997 Act.
(**5**) "Piloted services" are defined in section 1(4) of the 1997 Act.

(b) where the relevant pilot scheme has been implemented, is to be construed in accordance with section 16(7) of the 1997 Act;

"relevant authority" means the authority(**6**) which is, or is to be, a party to the relevant pilot scheme; and

"relevant pilot scheme" means the pilot scheme under which—

(a) the applicants are to provide, or are providing, piloted services, or

(b) the members of the pilot scheme health service body are to provide, or are providing, piloted services,

as the case may be.

Applications to become a pilot scheme health service body

2.—(1) An application shall be made in writing, and shall include the name and address of each applicant.

(2) A copy of an application shall be sent to the relevant authority.

(3) The grant of an application does not affect the nature of, or any rights or liabilities arising under, any contract entered into by an applicant before the date on which the application comes into effect.

Ceasing to be a pilot scheme health service body

3.—(1) Subject to paragraphs (3) and (4), a pilot scheme health service body shall cease to be such a body if all the members of the pilot scheme health service body withdraw from the relevant pilot scheme before it has been implemented.

(2) Subject to paragraphs (3) and (4), where the relevant pilot scheme has been implemented, a pilot scheme health service body shall cease to be such a body if—

(a) the relevant pilot scheme comes to an end (in circumstances other than those specified in sub-paragraph (b));

(b) the Secretary of State gives directions under section 8(4) of the 1997 Act relating to the relevant pilot scheme; or

(c) all the members of the pilot scheme health service body agree in writing that that body is to cease to be such a body on a specified date, and they give notice in writing of their decision to the Secretary of State and the relevant authority.

(3) The date on which a pilot scheme health service body ceases to be such a body is—

(a) in a case falling within paragraph (1), the date on which the last member of the pilot scheme health service body withdraws from the relevant pilot scheme;

(b) in a case falling within paragraph (2)(a), the date on which the relevant pilot scheme comes to an end;

(c) in a case falling within paragraph (2)(b), the date on which the directions are given; and

(d) in a case falling within paragraph (2)(c), the date specified by the members of the pilot scheme health service body.

(4) Where a pilot scheme health service body ceases to be such a body under this regulation, it ceases to be such a body for all purposes except that of being a party to an NHS contract entered into on a date before that on which the pilot scheme health service body ceases to be such a body (for which purpose it ceases to be such a body on the determination of that NHS contract).

(**6**) "Authority" is defined in section 1(8) of the 1997 Act.

(5) Where, by virtue of paragraph (4), a pilot scheme health service body remains such a body for the purpose of being a party to an NHS contract—

(a) if (on the date the pilot scheme health service body ceases to be such a body for other purposes under this regulation) the relevant pilot scheme has been implemented, that body is to be treated as consisting of those who provided piloted services under that scheme on the date on which that body ceased (for all other purposes) to be a health service body, and

(b) if (on the date the pilot scheme health service body ceases to be such a body for other purposes under this regulation) the relevant pilot scheme has not been implemented, that body is to be treated as consisting of those who proposed to provide piloted services under that scheme on the date on which that NHS contract was entered into.

(6) In this regulation, "NHS contract" has the meaning assigned by section 4(1) of the National Health Service and Community Care Act 1990(**7**) and section 17A(3) of the National Health Service (Scotland) Act 1978(**8**).

Frank Dobson
One of Her Majesty's Principal Secretaries of State
Department of Health

9th December 1997

(**7**) 1990 c. 19 ("the 1990 Act"). Section 4 was amended by paragraph 68 of Schedule 1 to the Health Authorities Act 1995 (c. 17) ("the 1995 Act").

(**8**) 1978 c. 29. Section 17A was inserted by section 30 of the 1990 Act, and amended by paragraph 102(2) of Schedule 1 to the 1995 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 16 of the National Health Service (Primary Care) Act 1997 provides for the Secretary of State to grant applications made by those who are to provide (or who are providing) services under a pilot scheme to be given the status of a health service body. The effect of having that status is that contracts entered into with other health service bodies will be NHS contracts under section 4 of the National Health Service and Community Care Act 1990 and section 17A of the National Health Service (Scotland) Act 1978.

These Regulations make further provision in this connection, in relation to pilot schemes for the provision of personal medical services, specifying the procedure for applications to become a health service body, and stating the circumstances in which a health service body arising from an application is to cease to be such a body. They also make special provision in connection with contracts to clarify that the grant or loss of health service body status does not affect the status of pre-existing contracts.

These Regulations impose no costs on business.