



# Health and Medicines Act 1988

## 1988 CHAPTER 49

### *Remuneration of practitioners etc.*

#### **17 Arrangements for provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services.**

- (1) Without prejudice to the generality of [<sup>F1</sup>section 71, 72, 80 or 83 of the National Health Service (Wales) Act 2006, or section 126 or 129 of the National Health Service Act 2006] or of section [<sup>F2</sup>17P], 25(2), 26(2) or 27(2) of the <sup>M1</sup>National Health Service (Scotland) Act 1978, the powers to make regulations conferred by each of those sections include power—
- (a) to make provision as to the investigation (following a complaint or otherwise) of any matter relating to services under the section in question [<sup>F3</sup>or, in relation to section 17P of the National Health Service (Scotland) Act 1978, primary medical services];
  - (b) to specify—
    - (i) who is to conduct an investigation;
    - (ii) whether an inquiry may be held in connection with an investigation;
    - (iii) rights of appeal following a decision or recommendation on an investigation;
    - (iv) who is to conduct an appeal; and
    - (v) the procedure to be followed on any investigation, inquiry or appeal;
  - (c) to direct that in prescribed circumstances one or more of the sanctions specified in subsection (2) below shall be available;
  - (d) to make provision for any purposes (whether or not falling within paragraph (a), (b) or (c) above) that appear to the Secretary of State to correspond to the purposes of any provision contained in Part II of the <sup>M2</sup>National Health Service (Service Committees and Tribunal) Regulations 1974 or, as the case may be, Part II of the <sup>M3</sup>National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974.
- (2) The sanctions mentioned in subsection (1)(c) above are—
- (a) in the case of any person—

*Changes to legislation: Health and Medicines Act 1988, Section 17 is up to date with all changes known to be in force on or before 07 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (i) recovery of an amount by deduction from his remuneration or otherwise; and
  - (ii) a warning that he should comply more closely with his obligations under arrangements made in accordance with the relevant regulations [<sup>F4</sup>or in relation to section 17P of the National Health Service (Scotland) Act 1978, with any requirements placed on him by regulations made under that section]; and
- (b) in the case of a dental practitioner [<sup>F5</sup>or body corporate entitled, by virtue of section 43 of the Dentists Act 1984 (c. 24), to carry on the business of dentistry], a restriction on his [<sup>F6</sup>or its] carrying out treatment or a description of treatment without first obtaining from a body prescribed by the regulations approval of an estimate in relation to it.
- (3) Regulations made—
- (a) before the passing of this Act; or
  - (b) after it but before the coming into force of this section,
- shall be deemed to be validly made if they could have been validly made had this section been in force.

[<sup>F7</sup>(3A) This section applies also in relation to additional pharmaceutical services provided under arrangements made in accordance with directions under [<sup>F8</sup>section 127 of the National Health Service Act 2006 or section 81 of the National Health Service (Wales) Act 2006] or section 27A of the National Health Service (Scotland) Act 1978.]

#### Textual Amendments

- F1** Words in s. 17(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 119(a)** (with Sch. 3 Pt. 1)
- F2** Word in s. 17(1) substituted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 1, **sch. para. 2(a)(i)**
- F3** Words in s. 17(1)(a) inserted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 1, **Sch. para. 2(a)(ii)**
- F4** Words in s. 17(2)(a)(ii) inserted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 1, **Sch. para. 2(b)**
- F5** Words in s. 17(2)(b) inserted (2.7.2010) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), s. 43(3), **Sch. 2 para. 3(c)(i)**; S.S.I. 2010/185, art. 3(b), Sch. 2
- F6** Words in s. 17(2)(b) inserted (2.7.2010) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), s. 43(3), **Sch. 2 para. 3(c)(ii)**; S.S.I. 2010/185, art. 3(b), Sch. 2
- F7** S. 17(3A) inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I**, para. 64(4); S.I. 1998/631, art. 2(1), Sch. 1, **Sch. 2**
- F8** Words in s. 17(3A) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 119(b)** (with Sch. 3 Pt. 1)

#### Modifications etc. (not altering text)

- C1** S. 17(1)(d): transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1(2), 2, **Sch. 1**

#### Marginal Citations

- M1** 1978 c. 29.
- M2** S.I. 1974 No. 455.
- M3** S.I. 1974 No. 504.

**Changes to legislation:**

Health and Medicines Act 1988, Section 17 is up to date with all changes known to be in force on or before 07 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 17(1) words inserted by [2005 asp 13 sch. 2 para. 3\(a\)\(ii\)](#)
- s. 17(1) words substituted by [2005 asp 13 sch. 2 para. 3\(a\)\(i\)](#)
- s. 17(1) words substituted by [1997 c. 46 Sch. 2 para. 80](#)
- s. 17(1)(a) words substituted by [2005 asp 13 sch. 2 para. 3\(a\)\(iii\)](#)
- s. 17(2)(a)(ii) words substituted by [2005 asp 13 sch. 2 para. 3\(b\)](#)
- s. 17(3A) words repealed by [2005 asp 13 sch. 3](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 11 words repealed by [2005 asp 13 sch. 3](#)