



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### <sup>F2</sup>[<sup>F1</sup>]<sup>F2</sup>PART I

#### PILOT SCHEMES FOR PRIMARY CARE

#### <sup>F1</sup>[<sup>F2</sup> *Preparation and making of pilot schemes*

##### Textual Amendments

- F1** Pt. I ceases to have effect for specified purposes (S.) (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\), ss. 3, 9\(1\)](#); S.I. 2004/58, art. 2(3)
- F2** Pt. I repealed (E.W.) (1.4.2004 for specified purposes, 1.4.2006 in so far as not already in force) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), ss. 178, 199\(1\)\(4\), Sch. 14 Pt. 4](#) Note (with S.I. 2004/865, arts. 1(1), 58); S.I. 2004/288, arts. 4(3)(b), 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345), S.I. 2005/2925, arts. 6(2)(b), 11, S.I. 2006/345, art. 4(2)(b)

## 1 Pilot schemes.

- (1) In this Act “pilot scheme” means one or more agreements made by an authority with respect to their area and in accordance with this Part under which—
- personal medical services are provided (otherwise than by the authority);  
<sup>F3</sup>[or]
  - personal dental services are provided (otherwise than by the authority).
- (2) A pilot scheme may not combine arrangements for the provision of <sup>F4</sup>[personal medical services with arrangements for the provision of personal dental services <sup>F5</sup>], and may not combine arrangements for the provision of personal medical services or <sup>F5</sup>[personal dental services with arrangements for the provision of local pharmaceutical services under LPS schemes (within the meaning of paragraph 1(3) of Schedule 8A to the

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**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: Preparation and making of pilot schemes. (See end of Document for details)

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National Health Service Act 1997 or under pilot schemes made under section 28 of the Health and Social Care Act 2001] .

- (3) A pilot scheme may include arrangements for the provision of services—
- (a) which are not [<sup>F6</sup>personal medical services or] personal dental services; but
  - (b) which [<sup>F7</sup>(not being primary medical services)] may be provided under Part I of the <sup>M1</sup>National Health Service Act 1977 or (as the case may be) Part I or III of the <sup>M2</sup>National Health Service (Scotland) Act 1978.
- (4) In this Act “piloted services” means services provided in accordance with a pilot scheme (including any services to which the scheme applies by virtue of subsection (3)).
- (5) Except to such extent as may be prescribed—
- (a) [<sup>F8</sup>a patient for whom personal medical services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by the authority concerned under section 29 of the 1977 Act or section 19 of the 1978 Act;]
  - (b) a patient for whom personal dental services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by the authority concerned under section 35 of the 1977 Act or section 25 of the 1978 Act.
- (6) Regulations may provide—
- (a) for functions which are exercisable by a [<sup>F9</sup>Strategic Health Authority or a] Health Authority in relation to a pilot scheme to be exercisable on behalf of the Authority by a Health Board; and
  - (b) for functions which are exercisable by a [<sup>F9</sup>Strategic Health Authority or a] Health Board in relation to a pilot scheme to be exercisable on behalf of the Board by a Health Authority.
- (7) The functions of an NHS trust [<sup>F10</sup>and a Primary Care Trust] include power to provide piloted services, and to do so as a member of a qualifying body (within the meaning of section 2 or 3).
- (8) For the purposes of this Part—
- “authority” means—
- [<sup>F11</sup>(a) in relation to England, a Strategic Health Authority;
  - (aa) in relation to Wales, a Health Authority; and]
  - (b) in relation to Scotland, a Health Board;
- [<sup>F12</sup>“personal dental services” means dental services of a kind that may be provided by a general dental practitioner [<sup>F13</sup>(or, in England and Wales, a dental corporation)] in accordance with arrangements made under Part II of the 1977 Act or (as the case may be) Part II of the 1978 Act.]

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#### Textual Amendments

**F3** S. 1(1)(a) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(a)**; S.S.I. 2004/58, art. 2(3)

**F4** Words in s. 1(2) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(b)**; S.S.I. 2004/58, art. 2(3)

**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: Preparation and making of pilot schemes. (See end of Document for details)

- F5** Words in s. 1(2) inserted (1.7.2002 for W., 1.1.2003 for E.) by Health and Social Care Act 2001 (c. 15), s. 70(2), **Sch. 5 para. 11(2)(a)** (with ss. 64(9), 65(4)); S.I. 2002/1475, art. 2, **Sch. Pt. I**; S.I. 2003/53, art. 2(a)
- F6** Words in s. 1(3)(a) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(c)(i)**; S.S.I. 2004/58, art. 2(3)
- F7** Words in s. 1(3)(b) inserted (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(c)(ii)**; S.S.I. 2004/58, art. 2(3)
- F8** S. 1(5)(a) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(d)**; S.S.I. 2004/58, art. 2(3)
- F9** Words in s. 1(6)(a)(b) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), **Sch. 3 Pt. I para. 2(2)**; S.I. 2002/2478, **art. 3(1)(a)**
- F10** Words in s. 1(7) inserted (1.10.1999 for S., 4.1.2000 for E.) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 88(2)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**
- F11** S. 1(8): paras. (a)(aa) in the definition of “authority” substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 43(3), **Sch. 3 Pt. 1 para. 2(3)**; S.I. 2002/2478, **art. 3(1)(a)**
- F12** Words in s. 1(8) substituted (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(e)**; S.S.I. 2004/58, art. 2(3)
- F13** Words in s. 1(8) inserted (1.7.2002 for W.) by 2001 c. 15, ss. 67, 70(2), **Sch. 5 Pt. I para. 11(2)(b)** (with s. 64(a), 65(4)); S.I. 2002/1475, art. 2, **Sch. Pt. I**

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

- C1** S. 1: functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(b), **Sch. 2** (as amended (1.4.2002) by S.I. 2002/555, **reg. 3(2)**)

#### Marginal Citations

- M1** 1977 c. 49.  
**M2** 1978 c. 29.

## 2 Provision of personal medical services under a pilot scheme.

- (1) This section applies to any pilot scheme under which personal medical services are provided.
- (2) <sup>F14</sup>An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by an authority only with one or more of the following—
- (a) an NHS trust;
  - (b) a suitably experienced medical practitioner;
  - (c) an NHS employee or a pilot scheme employee;
  - (d) a qualifying body;
  - (e) an individual who is providing personal medical services under that or another pilot scheme.
- <sup>F15</sup>[(f) a Primary Care Trust]]
- (3) In this section—
- “NHS employee” means an individual who, in connection with the provision of services in the health service, is employed by—
- (a) an NHS trust;
  - (b) a medical practitioner whose name is included in a medical list; or
  - (c) a medical practitioner who is providing personal medical services in accordance with a pilot scheme;

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“pilot scheme employee” means an individual who, in connection with the provision of personal medical services in accordance with a pilot scheme, is employed by an individual providing those services;

“qualifying body” means a company which is limited by shares all of which are legally and beneficially owned by persons falling within paragraph (a), (b), (c) [<sup>F16</sup>(e) or (f)] of subsection (2).

- (4) For the purposes of this section, a medical practitioner is suitably experienced if he is suitably experienced for the purposes of section 11 of this Act, section 31 of the 1977 Act or section 21 of the 1978 Act.
- (5) In this Part, “medical list” means—
- (a) in relation to England and Wales, a list prepared in accordance with regulations made under section 29(2)(a) of the 1977 Act;
  - (b) in relation to Scotland, a list prepared in accordance with regulations made under section 19(2)(a) of the 1978 Act.

#### Textual Amendments

**F14** S. 2 repealed (S.) (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), s. 9(1), [sch. para. 2\(3\)](#); S.S.I. 2004/58, art. 2(3)

**F15** S. 2(2)(f) inserted (1.10.1999 for S., 4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1), [Sch. 4 para. 88\(3\)\(a\)](#); S.S.I. 1999/90, [art. 2\(b\)](#); S.I. 1999/2342, art. 2(3)(a), [Sch. 2](#)

**F16** Words in definition of “qualifying body” in s. 2(3) substituted (1.10.1999 for S., 4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1), [Sch. 4 para. 88\(3\)\(b\)](#); S.S.I. 1999/90, [art. 2\(b\)](#); S.I. 1999/2342, art. 2(3)(a), [Sch. 2](#)

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

**C2** S. 2: functions of local authority may be responsibility of an executive of the authority (1.4.2000) by S.I. 2000/695, [reg. 3\(2\)\(b\)](#), [Sch. 2](#) (as amended (1.4.2002) by S.I. 2002/555, [reg. 3\(2\)](#))

### 3 Provision of personal dental services under a pilot scheme.

- (1) This section applies to any pilot scheme under which personal dental services are provided.
- (2) An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by an authority only with one or more of the following—
- (a) an NHS trust;
  - (b) a dental practitioner whose name is included in a dental list;
  - (c) an NHS employee or a pilot scheme employee;
  - (d) a qualifying body;
  - (e) an individual who is providing personal dental services under that or another pilot scheme.
- <sup>F17</sup>[(f) a Primary Care Trust]

- (3) In this section—

“dental list” means—

- (a) in relation to England and Wales, a list prepared in accordance with regulations made under section 36(1)(a) of the 1977 Act;

**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: Preparation and making of pilot schemes. (See end of Document for details)

- (b) in relation to Scotland, a list prepared in accordance with regulations made under section 25(2)(a) of the 1978 Act;
- “NHS employee” means an individual who, in connection with the provision of services in the health service, is employed by—
- (a) an NHS trust;
- (b) a dental practitioner whose name is included in a dental list; or
- (c) a dental practitioner who is providing personal dental services in accordance with a pilot scheme;
- “pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual providing those services;
- “qualifying body” means—
- (a) a body corporate which, in accordance with the provisions of Part IV of the <sup>M3</sup>Dentists Act 1984, is entitled to carry on the business of dentistry; or
- (b) a company which is limited by shares all of which are legally and beneficially owned by persons falling within paragraph (a), (b), (c) [<sup>F18</sup>(e) or (f)] of subsection (2).

#### Textual Amendments

**F17** S. 3(2)(f) inserted (1.10.1999 for S., 4.1.2000 for E., and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 88(4)(a)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

**F18** Words in definition of “qualifying body” in s. 3(3)(b) substituted (1.10.1999 for S., 4.1.2000 for E., and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1)(2), **Sch. 4 para. 88(4)(b)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

#### Marginal Citations

**M3** 1984 c. 24.

## 4 Proposals for pilot schemes.

- (1) Before any pilot scheme may be made, the authority concerned must prepare proposals for the scheme and submit them to the Secretary of State.
- (2) An authority must prepare and submit such proposals if they are asked to do so by a person—
- (a) who wishes to provide piloted services, and
- (b) with whom an agreement which constitutes, or is part of, a pilot scheme may be made;
- but otherwise they may not do so.
- (3) A request to an authority under subsection (2) must—
- (a) be made in writing; and
- (b) comply with such requirements (if any) as may be prescribed.
- (4) In preparing proposals for a pilot scheme, an authority must comply with any directions given to them by the Secretary of State as to the matters to be dealt with, and information to be included, in the proposals.

**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: Preparation and making of pilot schemes. (See end of Document for details)

- (5) Before submitting proposals for a pilot scheme, an authority must (in addition to complying with any requirements about consultation imposed by or under any other enactment) comply with any directions given to them by the Secretary of State about the extent to which, and manner in which, they are to consult on the proposals.
- (6) The Secretary of State may give directions as to—
- (a) the matters to which an authority must have regard in making any recommendation to the Secretary of State when submitting proposals for a pilot scheme; and
  - (b) the form in which any such recommendation is to be made.

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

- C3** S. 4 modified as to exercise of functions of a Health Authority (1.4.2001) by [S.I. 2001/747](#), [reg. 6\(3\)](#) (c)

**Commencement Information**

- II** S. 4 wholly in force at 30.10.1997; s. 4 not in force at Royal Assent see s. 41; s. 4 in force for certain purposes at 22.8.1997 by [S.I. 1997/1780](#), [art. 2\(2\)](#); s. 4 in force at 30.10.1997 in so far as not already in force by [S.I. 1997/2620](#), [art. 2\(1\)\(a\)](#)

**5 Approval of pilot schemes.**

- (1) If proposals for a pilot scheme are submitted to the Secretary of State under section 4, he must—
- (a) approve them as submitted;
  - (b) make such modifications as he considers appropriate and approve them as modified; or
  - (c) reject them.
- (2) The Secretary of State may not approve proposals for a pilot scheme unless he is satisfied that they include satisfactory provision for any participant other than the authority to withdraw from the scheme if he wishes to do so.
- (3) Subsection (4) applies if—
- (a) the Secretary of State intends to approve proposals for a pilot scheme; and
  - (b) it appears to him that the effect of implementing the proposals would be to increase or reduce the number of general practitioners in the area of the authority concerned.
- (4) <sup>F19</sup>The Secretary of State must have regard to the effect that the proposals, as he intends to approve them, are likely to have on—
- (a) the distribution of general practitioners in England, in the case of proposals submitted by an authority in England;
  - (b) the distribution of general practitioners in Scotland, in the case of proposals submitted by an authority in Scotland;
  - (c) the distribution of general practitioners in Wales, in the case of proposals submitted by an authority in Wales.]

**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: Preparation and making of pilot schemes. (See end of Document for details)

- [<sup>F20</sup>(5) [<sup>F21</sup>In carrying out his functions under subsection (4) in relation to the distribution of general practitioners in Scotland, the Secretary of State must consult the Scottish Medical Practices Committee.]]
- (6) The Secretary of State must notify the authority concerned, in writing, of any decision made under this section.
- (7) [<sup>F22</sup>In this section “general practitioner” means any medical practitioner who is providing general medical services or performing personal medical services.]

#### Textual Amendments

- F19** S. 5(4) repealed (S.) (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), s. 9(1), [sch. para. 2\(4\)](#); S.S.I. 2004/58, art. 2(3)
- F20** S. 5(5) substituted (1.4.2002 for E. and 1.7.2002 for W. and otherwise *prosp.*) by [2001 c. 15, ss. 67, 70\(2\)](#), [Sch. 5 Pt. 1 para. 11\(3\)](#) (with ss. 64(9), 65(4)); S.I. 2002/1095 art. 2(3) (with transitional provisions in art. 3), Sch.; S.I. 2002/1475, [art. 2 Sch. Pt. 1](#)
- F21** S. 5(5) repealed (S.) (1.4.2004) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [sch. 4 para. 14\(a\)](#); S.S.I. 2004/148, art. 2(c)
- F22** S. 5(7) repealed (S.) (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), s. 9(1), [sch. para. 2\(4\)](#); S.S.I. 2004/58, art. 2(3)

#### Commencement Information

- I2** S. 5 wholly in force at 1.4.1998; s. 5 not in force at Royal Assent see s. 41; s. 5 in force for certain purposes at 28.11.1997 by [S.I. 1997/2620](#), [art. 2\(2\)\(b\)](#); s. 5 in force at 1.4.1998 in so far as not already in force by [S.I. 1998/631](#), art. 2(a), [Sch. 1](#)

## 6 Making of pilot schemes.

- (1) If the Secretary of State approves proposals for a pilot scheme and notifies the authority concerned in accordance with section 5, the authority must implement the proposals in accordance with directions given by the Secretary of State.
- (2) A proposed participant in a pilot scheme (other than the authority concerned) may withdraw at any time before the proposals relating to him are implemented.
- (3) A pilot scheme, as implemented, may differ from the proposals for the scheme approved by the Secretary of State only if the Secretary of State agrees to the variation or—
- directions given by the Secretary of State (either under subsection (1) or generally) authorise variations that satisfy specified requirements; and
  - the variation satisfies those requirements.
- (4) As soon as is reasonably practicable after implementing proposals for a pilot scheme, the authority concerned must (in accordance with any directions given to them by the Secretary of State) publish details of the scheme.]]

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

- C4** S. 6: functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of [S.I. 2000/695](#), reg. 3(2)(b), [Sch. 2](#) (as amended (1.4.2002) by [S.I. 2002/555](#), [reg. 3\(2\)](#))

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**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: Preparation and making of pilot schemes. (See end of Document for details)

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S. 6 modified as to exercise of functions of a Health Authority (1.4.2001) by [S.I. 2001/747](#), [reg. 6\(3\)\(c\)](#)

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#### **Commencement Information**

- I3** S. 6 wholly in force at 1.4.1998; s. 6 not in force at Royal Assent see s. 41; s. 6 in force for specified purposes at 28.11.1997 by [S.I. 1997/2620](#), [art. 2\(2\)\(b\)](#); s. 6 in force at 1.4.1998 in so far as not already in force by [S.I. 1998/631](#), [art. 2\(a\)](#), [Sch. 1](#)



**Changes to legislation:**

There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: Preparation and making of pilot schemes.