



# 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

##### *Preparation and making of pilot schemes*

#### <sup>F1</sup>[<sup>F2</sup>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—
  - (a) personal medical services are provided (otherwise than by the authority);  
<sup>F3</sup>[or]
  - (b) 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] 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 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.

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- (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 medical services” means medical services of a kind that may be provided by a general medical practitioner in accordance with arrangements made under Part II of the 1977 Act or (as the case may be) Part II of the 1978 Act; and]
- [<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.]]]

#### 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.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)
- 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)

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- 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)
- 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. I 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.

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

- s. 1(3)(b) words inserted by [2005 asp 13 sch. 2 para. 4\(2\)\(a\)](#)
- s. 1(7) repealed by [2004 asp 7 sch. 2](#)
- s. 1(8) words inserted by [2005 asp 13 sch. 2 para. 4\(2\)\(b\)](#)
- s. 1(8) words repealed by [2005 asp 13 sch. 3](#)