



National Health Service (Primary Care) Act 1997

1997 CHAPTER 46

^{F2}[^{F1}]^{F2}PART I

PILOT SCHEMES FOR PRIMARY CARE

General

^{F1}[^{F2}]^{F3}**NHS contracts.**

- (1) In the case of a pilot scheme entered into, or to be entered into, by a single individual or body corporate, that individual or body may make an application under this section to become a health service body.
- (2) In the case of any other pilot scheme, all of those providing, or proposing to provide, piloted services under the scheme may together make an application under this section to become a single health service body.
- (3) An application must—
 - (a) be made to the Secretary of State in accordance with such provisions as may be prescribed; and
 - (b) specify the pilot scheme in relation to which it is made.
- (4) Except in such cases as may be prescribed, the Secretary of State may grant an application.
- (5) If an application is granted, the Secretary of State must specify when it is to come into effect and, as from that time—
 - (a) in the case of an application under subsection (1), the applicant is, and
 - (b) in the case of an application under subsection (2), the applicants together are, a health service body for the purposes of section 4 of the ^{M1}National Health Service and Community Care Act 1990 and section 17A of the 1978 Act (NHS contracts).

Changes to legislation: There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Section 16. (See end of Document for details)

- (6) Those sections have effect in relation to such a health service body (“a pilot scheme health service body”), acting as acquirer, as if the functions referred to in subsection (1) of those sections were the provision of piloted services.
- (7) Except in such circumstances as may be prescribed, a pilot scheme health service body resulting from an application under subsection (2) is to be treated, at any time, as consisting of those providing piloted services under the scheme.
- (8) A direction as to payment made under section 4(7) of the Act of 1990 or section 17A(8) of the 1978 Act against, or in favour of, a pilot scheme health service body is enforceable—
- (a) in England and Wales, in a county court (if the court so orders) as if it were a judgment or order of that court; and
 - (b) in Scotland, in like manner as an extract registered decree arbitral bearing warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (9) Regulations may provide for a pilot scheme health service body to cease to be such a body in prescribed circumstances.
- (10) The Secretary of State must—
- (a) maintain and publish a list of pilot scheme health service bodies;
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.
- (11) The list is to be published in such manner as the Secretary of State considers appropriate.]]]

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** Ss. 11-13 repealed (S.) (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), **s. 9(1)**, **sch. para. 2(5)**; S.S.I. 2004/58, **art. 2(3)**

Commencement Information

- I1** S. 16 wholly in force at 11.5.1998; s. 16 not in force at Royal Assent see s. 41; s. 16 in force for specified purposes at 30.10.1997 by S.I. 1997/2620, **art. 2(1)(b)**; s. 16(2) in force at 11.5.1998 in so far as not already in force by S.I. 1998/631, **art. 2(2)**

Marginal Citations

- M1** 1990 c. 19.

Changes to legislation:

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