



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### PART II

#### PRIMARY CARE

##### *Personal medical or dental services*

#### **23 Right to choose medical practitioner**

(1) In the 1977 Act, after section 28E, insert—

##### **“28F Right to choose medical practitioner**

- (1) Provision shall be made in regulations for conferring a right on any person to choose the medical practitioner from whom he is to receive primary medical services, subject to—
- (a) the consent of the practitioner concerned; and
  - (b) any limit on the number of patients to be accepted by any practitioner.
- (2) In particular, the regulations—
- (a) shall prescribe the procedure for choosing a practitioner;
  - (b) may prescribe a limit on the number of patients to be accepted by a medical practitioner who undertakes to provide general medical services under Part II; and
  - (c) shall provide for the distribution among medical practitioners of persons who have indicated a wish to obtain primary medical services but—
    - (i) have been refused by the medical practitioner of their choice; or
    - (ii) have not chosen a medical practitioner.

- (3) The Secretary of State may give directions imposing a limit on the number of patients to be accepted by a medical practitioner who performs personal medical services in accordance with section 28C arrangements.
  - (4) Any such directions may make different provision for different cases or descriptions of case.
  - (5) Regulations under this section may also provide that the right to choose a medical practitioner conferred by the regulations shall, in the case of such persons as may be specified in the regulations, be exercised on their behalf by other persons so specified.
  - (6) In this section “primary medical services” means medical services which are—
    - (a) provided, in accordance with section 28C arrangements, as personal medical services; or
    - (b) provided under Part II as general medical services.”
- (2) In the 1978 Act, after section 17E, insert—

**“17F Right to choose medical practitioner**

- (1) Provision shall be made in regulations for conferring a right on any person to choose the medical practitioner from whom he is to receive primary medical services, subject to—
  - (a) the consent of the practitioner concerned; and
  - (b) any limit on the number of patients to be accepted by any practitioner.
- (2) In particular, the regulations—
  - (a) shall prescribe the procedure for choosing a practitioner;
  - (b) may prescribe a limit on the number of patients to be accepted by a medical practitioner who undertakes to provide general medical services under Part II; and
  - (c) shall provide for the distribution among medical practitioners of persons who have indicated a wish to obtain primary medical services but—
    - (i) have been refused by the medical practitioner of their choice; or
    - (ii) have not chosen a medical practitioner.
- (3) The Secretary of State may give directions imposing a limit on the number of patients to be accepted by a medical practitioner who performs personal medical services in accordance with section 17C arrangements.
- (4) Any such directions may make different provision for different cases or descriptions of case.
- (5) Regulations under this section may also provide that the right to choose a medical practitioner conferred by the regulations shall, in the case of such persons as may be specified in the regulations, be exercised on their behalf by other persons so specified.

- (6) In this section “primary medical services” means medical services which are—
- (a) provided, in accordance with section 17C arrangements, as personal medical services; or
  - (b) provided under Part II as general medical services.”