



National Health Service (Primary Care) Act 1997

1997 CHAPTER 46

PART II

PRIMARY CARE

Medical practices

34 Sale of medical practices

(1) In the 1977 Act, for section 54 (sale of medical practices), substitute—

“54 Sale of medical practices

(1) It is unlawful to sell the goodwill of the medical practice of a person who has at any time—

(a) provided general medical services under arrangements made with any Council, Committee or Authority under the National Health Service Act 1946, the National Health Service Reorganisation Act 1973 or this Act, or

(b) provided or performed personal medical services in accordance with section 28C arrangements,

unless that person no longer provides or performs such services and has never carried on the practice in a relevant area.

(2) In this section—

“goodwill” includes any part of goodwill and, in relation to a person practising in partnership, means his share of the goodwill of the partnership practice;

“medical practice” includes any part of a medical practice; and

Status: This is the original version (as it was originally enacted).

“relevant area”, in relation to any Council, Committee or Authority by arrangement with whom a person has at any time—

- (a) provided general medical services, or
- (b) provided or performed personal medical services in accordance with section 28C arrangements,

means the area, district or locality of that Council, Committee or Authority (at that time).

(3) Schedule 10 supplements the provisions of this section.”

(2) In the 1978 Act, for section 35 (sale of medical practices), substitute—

“35 Sale of medical practices

(1) It is unlawful to sell the goodwill of the medical practice of a person who has at any time—

- (a) provided general medical services under arrangements made with any Executive Council or Health Board under the National Health Service (Scotland) Act 1947, the National Health Service (Scotland) Act 1972 or this Act, or
- (b) provided or performed personal medical services in accordance with section 17C arrangements,

unless that person no longer provides or performs such services and has never carried on the practice in a relevant area.

(2) In this section—

“goodwill” includes any part of goodwill and, in relation to a person practising in partnership, means his share of the goodwill of the partnership practice;

“medical practice” includes any part of a medical practice; and

“relevant area”, in relation to any Executive Council or Health Board by arrangement with whom a person has at any time—

- (a) provided general medical services, or
- (b) provided or performed personal medical services in accordance with section 17C arrangements,

means the area of that Council or Board (at that time).

(3) Schedule 9 supplements the provisions of this section.”