



# National Health Service Act 1977

## 1977 CHAPTER 49

### PART II

#### GENERAL MEDICAL, GENERAL DENTAL, GENERAL OPHTHALMIC, AND PHARMACEUTICAL SERVICES

##### *General medical services*

#### **29 Arrangements and regulations for general medical services.**

[<sup>F1</sup>(1) It is the duty [<sup>F2</sup>of every Primary Care Trust and] of every [<sup>F3</sup>Health Authority], in accordance with regulations [<sup>F4</sup>which shall be made for the purpose], to arrange as respects their [<sup>F5</sup>area] with medical practitioners to provide personal medical services for all persons in the [<sup>F5</sup>area] who wish to take advantage of the arrangements.

(1A) The services so provided are referred to in this Act as “general medical services”.]

(2) Regulations may provide for the definition of the personal medical services to be provided and for securing that the arrangements will be such that all persons availing themselves of those services will receive adequate personal care and attendance, and the regulations shall include provision—

[<sup>F6</sup>(a) for the preparation and publication by each Primary Care Trust and by each Health Authority of a list of medical practitioners who undertake to provide general medical services for persons in the area of the Primary Care Trust or Health Authority;]

<sup>F7</sup>(b) .....

<sup>F7</sup>(c) .....

(d) for the issue to patients or their personal representatives by medical practitioners providing those services of such certificates as may be prescribed being certificates reasonably required by them under or for the purposes of any enactment;

(e) for the removal from the list of medical practitioners undertaking to provide general medical services for persons in any [<sup>F8</sup>area] of the name of any one

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- in whose case it has been determined in such manner as may be prescribed that he has never provided, or has ceased to provide, such general medical services for persons in that [F<sup>8</sup>area].
- [F<sup>9</sup>(f) for the making of arrangements for the temporary provision of general medical services [F<sup>10</sup>in the area of a [F<sup>11</sup>Primary Care Trust or] Health Authority];
- (g) for the circumstances in which a name added to the list by virtue of subsection (6) below may be removed from it.]
- (3) Regulations under subsection (2) above may provide for the personal medical services there mentioned to include the provision of, and services connected with, any such advice, examination and treatment as are mentioned in paragraph (b) of section 5(1) above.
- [F<sup>12</sup>(4) The remuneration to be paid under the arrangements mentioned in subsection (1) above to a practitioner who provides general medical services shall not, except in special circumstances, consist wholly or mainly of a fixed salary which has no reference to the number of patients for whom he has undertaken to provide such services.]
- [F<sup>13</sup>(5) Regulations shall—
- (a) include provision for the making to a medical practitioner providing general medical services of payments in respect of qualifying services provided by a spouse or other relative of his; and
  - (b) provide that the rates and conditions of payment and the qualifying services in respect of which the payments may be made shall be such as may be determined by the Secretary of State after consultation with such bodies as he may recognise as representing such medical practitioners.]

[F<sup>14</sup>(5A) Regulations may include provision as to the making of declarations about—

    - (a) financial interests;
    - (b) gifts above a prescribed value; and
    - (c) other benefits received.

(5B) Before making regulations by virtue of subsection (5A), the Secretary of State must consult such organisations as he thinks fit appearing to him to represent medical practitioners providing general medical services.]

[F<sup>15</sup>(6) The persons with whom arrangements for the temporary provision of general medical services in [F<sup>16</sup>an area] may be made by virtue of regulations under subsection (2) above include medical practitioners who are not on the list of medical practitioners providing such services in [F<sup>17</sup>the area], and the power to prepare and publish lists of medical practitioners conferred by paragraph (a) of that subsection accordingly includes power to add the names of medical practitioners with whom such arrangements are made to the list.

(7) Regulations may provide that this Act and any regulations made under it shall apply in relation—

    - (a) to the making of arrangements for the temporary provision of general medical services; and
    - (b) to the provision of general medical services in pursuance of any such arrangements,

subject to such modifications as may be specified in the regulations.

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(8) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of the Health Committee of the General Medical Council under [F18]section 37(1) or (2) of the M1Medical Act 1983] (unfitness to practice by reason of physical or mental condition);
- (b) by an order of that Committee under [F18]section 38(1)] of that Act (order for immediate suspension); or
- (c) by an interim order [F19]under section 42]of that Act,

the suspension shall not terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services in person during the suspension.]

[F20](9) Where the registration of a medical practitioner in the register of medical practitioners is suspended by a direction of the Committee on Professional Performance of the General Medical Council—

- (a) under section 36A of the Medical Act 1983 (professional performance),
- (b) under section 38(1) of that Act (order for immediate suspension), or
- (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to that Act (procedure of committees),

the suspension shall not, except in so far as is provided by or determined in accordance with regulations under subsection (2) above, terminate any arrangements made with him for the provision of general medical services; but he shall not provide such services in person during the suspension.]

#### Textual Amendments

- F1** S. 29(1)(1A) substituted for s. 29(1) by S.I. 1985/39, **art. 7(3)(a)**
- F2** Words in s. 29(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 3(2)**; S.I. 2002/2478, **art. 3(1)(c)**
- F3** Words in s. 29(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 18(a)(i)** (with Sch. 2 para. 6)
- F4** Words in s. 29(1) inserted (*prosp.*) by 1997 c. 46, s. 41(3)(11), **Sch. 2 Pt. II para. 71(2)**
- F5** Words in s. 29(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 18(a)(ii)** (with Sch. 2 para. 6)
- F6** 29(2)(a) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 3(3)(a)**; S.I. 2002/2478, **art. 3(1)(c)**
- F7** S. 29(2)(b)(c) repealed (1.4.1998) by 1997 c. 46, 41(10)(12), Sch. 2 Pt. I para. 8, Sch. 3 Pt. I; S.I. 1998/631, art. 2(1)(a), **Sch. 1**
- F8** Words in s. 29(2)(e) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 18(b)(i)** (with Sch. 2 para. 6)
- F9** S. 29(2)(f)(g) added by Health and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 14, **Sch. 6 para. 2(1)**
- F10** Words in s. 29(2)(f) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 18(b)(ii)** (with Sch. 2 para. 6)
- F11** Words in s. 29(2)(f) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 3(3)(b)**; S.I. 2002/2478, **art. 3(1)(c)**
- F12** S. 29(4) ceased to have effect (*prosp.*) by virtue of National Health Service Act 1966 (c. 8, SIF 113:2), **s. 10(3)**, (as substituted (29.8.1977) by Sch. 15 para. 37(b) of this Act)  
S. 29(4) repealed (14.12.2001 for E. (except for certain purposes) and otherwise *prosp.*) by 2001 c. 15, ss. 17, 67(2), 70(2), **Sch. 6 Pt. 1** (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(3), **Sch. 1 Pt. III**
- F13** S. 29(5) added by Health Services Act 1980 (c. 53, SIF 113:2), s. 7

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- F14** S. 29(5A)(5B) inserted (1.7.2002 for W., otherwise *prosp.*) by 2001 c. 15, **ss. 23(2)**, 70(2) (with **ss. 64(9)**, 65(4)); S.I. 2002/1475, art. 2(1), **Sch. 1 Pt. 1**
- F15** S. 29(6)–(8) inserted by Health and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 14, **Sch. 6 para. 2(2)**
- F16** Words in s. 29(6) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, **ss. 2(1)(3)**, 8(1), **Sch. 1 Pt. I para. 18(c)(i)** (with Sch. 2 para. 6)
- F17** Words in s. 29(6) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, **ss. 2(1)(3)**, 8(1), **Sch. 1 Pt. I para. 18(c)(ii)** (with Sch. 2 para. 6)
- F18** Words substituted by Medical Act 1983 (c. 54, SIF 83:1), s. 56(1), **Sch. 5 para. 16(a)**
- F19** Words in s. 29(8)(c) substituted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 28(a)**; S.I. 1996/271, art. 2, **Sch.**
- F20** S. 29(9) added (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 28(b)**; S.I. 1997/1315, **art. 2**

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

- C1** S. 29 extended by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 17(1)**
- C2** S. 29 restricted (28.11.1997) by 1997 c. 46, **s. 1(5)(a)**; S.I. 1997/2620, **art. 2(2)(a)**
- C3** S. 29(1) modified (*prosp.*) by 1997 c. 46, s. 41(3)(11), **Sch. 2 Pt. II para. 79**
- C4** S. 29(4) modified by S.I. 1974/160, **reg. 19(16)(a)** (as substituted by S.I. 1985/1053, **reg. 3(5)**)
- C5** S. 29(4) continued (*prosp.*) by 1997 c. 46, s. 41(3)(11), **Sch. 2 Pt. II para. 71(4)**  
S. 29(4) continued (1.10.1999 for S. and otherwise *prosp.*) by 1999 c. 8, **ss. 65**, 67, **Sch. 4 para. 2**;  
S.S.I. 1999/90, **art. 2(b)**

#### Marginal Citations

- M1** 1983 c. 54(83:1).

### [<sup>F21</sup>29A Medical lists.

[<sup>F22</sup>(1) A Primary Care Trust or Health Authority may not, under section 29, arrange with a medical practitioner for him to provide general medical services for persons in the area of the Trust or Authority unless his name is included in the medical list of the Trust or Authority.]

(2) A medical practitioner is entitled to be included in [<sup>F23</sup>the medical list of a Primary Care Trust or Health Authority] only if—

- (a) he is eligible for inclusion in the list; and
- (b) he is nominated or approved, in accordance with regulations under section 29B, for appointment to fill a vacancy which relates (whether wholly or in part) to the area of the [<sup>F24</sup>Trust or] Authority.

(3) [<sup>F25</sup>Subject to any provision made under section 43C] a medical practitioner is eligible for inclusion in a medical list if—

- (a) he has not attained the age specified in regulations under section 8 of the <sup>M2</sup>Health and Medicines Act 1988 (retirement age for practitioners); and
- [ he is not disqualified from inclusion in [<sup>F27</sup>the medical lists of all Primary Care
- <sup>F26</sup>(b) Trusts and Health Authorities] by virtue of a national disqualification imposed on him by the FHSAA.]

(4) Regulations may make provision in relation to delaying a person's inclusion in a medical list in prescribed circumstances.

[ Regulations may make provision in relation to the supply to a [<sup>F29</sup>Primary Care Trust

<sup>F28</sup>(4A) or] Health Authority, by a medical practitioner who is included in their medical list (or, as respects paragraph (a), by arrangement with him), of—

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- (a) information of a prescribed description; and
  - (b) a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act.]
- (5) This section is subject to section 29(6) (temporary provision of general medical services) and any provision of, or made under, an enactment relating to the right of a medical practitioner to transfer to a medical list.
- (6) In this Act “medical list”, in relation to a [<sup>F30</sup>Primary Care Trust or] Health Authority, means the list of medical practitioners undertaking to provide general medical services for persons in their area, kept by the [<sup>F31</sup>Trust or] Authority under regulations made under section 29(2)(a).]

#### Textual Amendments

- F21** S. 29A inserted (10.12.1998) by 1997 c. 46, s. 32(1); S.I. 1998/2840, art. 2(3), **Sch.**
- F22** S. 29A(1) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 para. 4(2)**; S.I. 2002/2478, **art. 3(1)(d)**
- F23** Words in s. 29A(2) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 para. 4(3)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F24** Words in s. 29A(2)(b) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 para. 4(3)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F25** Words in s. 29A(3) inserted (1.4.2000) by 1999 c. 8, ss. 9(2), 67; S.I. 1999/2793, **art. 2 (3)(b)**; S.I. 2000/1041, **art. 2(a)**
- F26** S. 29A(3)(b) substituted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and otherwise *prosp.*) by 2001 c. 15, ss. 67(1), 70(2), **Sch. 5 Pt. 1 para. 5(4)** (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(2), **Sch. 1 Pt. II**
- F27** Words in s. 29A(3)(b) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 para. 4(4)**; S.I. 2002/2478, **art. 3(1)(d)**
- F28** S. 29A(4A) inserted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and otherwise *prosp.*) by 2001 c. 15, ss. 20(2), 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(2), **Sch. 1 Pt. II**
- F29** Words in s. 29A(4A) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 4(5)**; S.I. 2002/2478, **art. 3(1)(d)**
- F30** Words in s. 29A(6) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 4(6)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F31** Words in s. 29A(6) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 4(6)(b)**; S.I. 2002/2478, **art. 3(1)(d)**

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

- C6** S. 29A(2)(b) excluded (1.4.1998: subject to transitional provisions) by 1997 c. 46, s. 13(9), **Sch. 1 para. 2(2)**; S.I. 1998/631, art. 2(1)(a), **Sch. 1**

#### Marginal Citations

- M2** 1988 c. 49

#### [<sup>F32</sup>29B Vacancies for medical practitioners.

- (1) Regulations may make provision in relation to the filling of vacancies for medical practitioners to provide general medical services.

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(2) The regulations may, in particular, include provision for—

- [ the determination by a [<sup>F34</sup>Primary Care Trust or] Health Authority of whether
- <sup>F33</sup>(a) there is, or will be, a vacancy for a medical practitioner in a locality;
- (b) any consultation which a [<sup>F34</sup>Primary Care Trust or] Health Authority must undertake before doing so;]
- (c) the determination by [<sup>F35</sup>a [<sup>F34</sup>Primary Care Trust or] Health Authority] of conditions of practice to be imposed on any medical practitioner who fills a particular vacancy;
- (d) the determination by a [<sup>F34</sup>Primary Care Trust or] Health Authority of whether a vacancy is to be filled by a member of a partnership or by a sole practitioner;
- (e) the nomination by a [<sup>F34</sup>Primary Care Trust or] Health Authority of a medical practitioner for appointment to fill a vacancy as a sole practitioner;
- (f) the approval by a [<sup>F34</sup>Primary Care Trust or] Health Authority of a medical practitioner for appointment to fill a vacancy as a member of a partnership.

[ The regulations may also make provision in relation to—

- <sup>F36</sup>(2A) (a) grounds on which a [<sup>F34</sup>Primary Care Trust or] Health Authority may, or must, refuse to nominate or approve a medical practitioner for appointment to fill a vacancy (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H(2) below);
- (b) information which must be supplied to a [<sup>F34</sup>Primary Care Trust or] Health Authority by a medical practitioner seeking such nomination or approval (or by arrangement with him);
- (c) the supply to a [<sup>F34</sup>Primary Care Trust or] Health Authority by such a medical practitioner of a certificate of a kind referred to in section 29A(4A)(b) above; and
- (d) the disclosure by a [<sup>F34</sup>Primary Care Trust or] Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about such medical practitioners, and refusals by the [<sup>F34</sup>Primary Care Trust or] Health Authority to nominate or approve them.]

(3) The regulations may also make provision in relation to—

- (a) criteria to be applied in making decisions under the regulations,
- [ grounds on which a [<sup>F38</sup>Primary Care Trust or] Health Authority may defer
- <sup>F37</sup>(aa) a decision whether or not to nominate or approve a medical practitioner for appointment to fill a vacancy;]
- (b) the variation or revocation of such decisions (including appeals to the [<sup>F39</sup>FHSAA] on points of law), <sup>F40</sup> . . .
- [<sup>F41</sup>(c) vacancies relating to the area of one Primary Care Trust which also relate to the area of another Primary Care Trust, or of a Health Authority, or of a Health Board, or
- (d) vacancies relating to the area of one Health Authority which also relate to the area of another Health Authority or of a Primary Care Trust,]

and may contain such transitional provisions as the Secretary of State considers appropriate.

[<sup>F42</sup>(3A) If regulations made by virtue of subsection (2A)(a) provide that a [<sup>F43</sup>Primary Care Trust or] Health Authority may refuse to nominate or approve a medical practitioner for appointment to fill a vacancy, they must provide for an appeal (by way of

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redetermination) to the FHSAA against the <sup>F44</sup>decision of the Primary Care Trust or of the Health Authority] .]

(4) Regulations which make provision about vacancies which relate partly to the area of a Health Board may, in particular, provide that section 29A(2)(b) is to have effect in prescribed circumstances as if the reference to regulations under this section were a reference to regulations under section 19B of the <sup>M3</sup>National Health Service (Scotland) Act 1978.

(5) In this section—

“conditions of practice” means conditions—

- (a) specifying, by reference to one or more prescribed conditions relating to hours or the sharing of work, the provision of general medical services for which a person is entitled to be remunerated; and
- (b) specifying the locality in which a person is entitled to provide general medical services;

“Health Board” has the same meaning as in the National Health Service (Scotland) Act 1978;

<sup>F45</sup>“locality”, in relation to a Primary Care Trust or to a Health Authority, means the area of the Trust or of the Authority, or a particular part of their area;

“sole practitioner” means a medical practitioner providing general medical services otherwise than in partnership with one or more other medical practitioners.

(6) This section does not affect the power to make regulations under section 29.]

#### Textual Amendments

- F32** S. 29B inserted (10.12.1998) by 1997 c. 46, s. 32(1); S.I. 1998/2840, art. 2(3), **Sch.**
- F33** S. 29B(2)(a)(b) substituted (8.3.2002 for certain purposes and 1.4.2002 otherwise) by 2001 c. 15, ss. 15(2)(a), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(2)**
- F34** Words in s. 29B(2)(2A) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 5(2)**; S.I. 2002/2478, **art. 3(1)(d)**
- F35** Words in s. 29B(2)(c) substituted (8.3.2002 for certain purposes and 1.4.2002 otherwise) by 2001 c. 15, ss. 15(2)(b), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(2)**
- F36** S. 29B(2A) inserted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and otherwise *prosp.*) by 2001 c. 15, **ss. 20(3)(a)**, 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(2), **Sch. 1 Pt. II**
- F37** S. 29B(3)(aa) inserted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and otherwise *prosp.*) by 2001 c. 15, **ss. 20(3)(b)**, 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(2), **Sch. 1 Pt. II**
- F38** Words in s. 29B(3)(aa) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 5(3)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F39** Word in s. 29B(3)(b) substituted (8.3.2002 for certain purposes, 1.4.2002 for all other purposes for E. and otherwise *prosp.*) by 2001 c. 15, ss. 15(3), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(2)**
- F40** Word in s. 29B(3)(b) repealed (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 5(3)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F41** S. 29B(3)(c)(d) substituted (1.10.2002) for s. 29B(3)(c) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 5(3)(c)**; S.I. 2002/2478, **art. 3(1)(d)**

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- F42** S. 29B(3A) inserted (22.11.2001 for certain purposes for E., 14.12.2001 for all other purposes (except those relating to the provision of pharmaceutical services under the 1977 Act) for E. and otherwise *prosp.*) by 2001 c. 15, **ss. 20(3)(c), 70(2)** (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(2), **Sch. 1 Pt. II**
- F43** Words in s. 29B(3A) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 5(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F44** Words in s. 29B(3A) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 5(4)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F45** Definition in s. 29B(5) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 5(5)**; S.I. 2002/2478, **art. 3(1)(d)**

#### Marginal Citations

- M3** 1978 c. 29.

**F46**<sup>30</sup> .....

#### Textual Amendments

- F46** S. 30 repealed (10.12.1998) by 1997 c. 46, s. 32(2), 41(12), **Sch. 3 Pt. I**; S.I. 1998/2840, art. 2(3), **Sch.** (with art. 3)

### 31 Requirement of suitable experience.

- [<sup>F47</sup>(1) Regulations under section 29B must secure that a medical practitioner is not nominated or approved by a [<sup>F48</sup>Primary Care Trust or] Health Authority for appointment to fill a vacancy unless he is suitably experienced.]
- (2) For the purposes of this section a medical practitioner is “suitably experienced” if, but only if, he either—
- (a) has acquired the prescribed medical experience, or
  - (b) is by virtue of regulations made under section 32 below exempt from the need to have acquired that experience, and “medical experience” includes hospital experience in any specialty.

#### Textual Amendments

- F47** S. 31(1) substituted (10.12.1998) by 1997 c. 46, s. 32(3); S.I. 1998/2840, art. 2(3), **Sch.**
- F48** Words in s. 31(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 6**; S.I. 2002/2478, **art. 3(1)(d)**

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

- C7** S. 31 applied (28.11.1997) by 1997 c. 46, s. 2(4); S.I. 1997/2620, **art. 2(2)**
- C8** S. 31(2) applied (1.4.1998) by 1997 c. 46, s. 11(3); S.I. 1998/631, art. 2(1)(a), **Sch. 1**

### 32 Regulations as to s. 31.

- (1) Regulations may for the purposes of section 31 above provide—
- (a) for prescribing the medical experience needed to satisfy paragraph (a) of section 31(2);



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- (b) as to the documents which an applicant may or must produce as evidence that he is suitably experienced or has acquired medical experience of any particular kind;
- (c) for requiring an applicant who claims to have acquired the prescribed experience to submit particulars of his experience to a prescribed body, and for requiring that body, if satisfied that he has acquired the prescribed experience, to issue him a certificate (a “certificate of prescribed experience”) to that effect;
- (d) for enabling an applicant without the prescribed experience who considers that the medical experience which he has acquired is, or ought to be regarded as, equivalent to the prescribed experience to submit particulars of that experience to a prescribed body, and for requiring or enabling that body, if satisfied that the applicant’s medical experience is so equivalent, to issue him a certificate (a “certificate of equivalent experience”) to that effect;
- (e) for treating an applicant who holds a certificate of equivalent experience as satisfying paragraph (a) of section 31(2);
- (f) as to the circumstances or conditions in or subject to which a medical practitioner is exempt from the need to have acquired the prescribed experience;
- (g) for conferring on an applicant who is refused a certificate of prescribed experience or a certificate of equivalent experience a right of appeal to a body constituted by the Secretary of State, and for any matter for which it appears to the Secretary of State to be requisite or expedient to provide in consequence of the conferring of that right;
- (h) for anything authorised or required by section 31 to be prescribed or otherwise provided for by regulations.

In this section—

[<sup>F49</sup>“applicant” means a medical practitioner who is seeking to be nominated or approved by a [<sup>F50</sup>Primary Care Trust or] Health Authority in accordance with regulations under section 29B for appointment to fill a vacancy;

“the prescribed experience” means the medical experience for the time being prescribed for the purposes of paragraph (a) of section 31(2).

- (2) Regulations under this section shall be framed so as to allow the prescribed experience to be acquired without undertaking whole-time employment.
- (3) Any power under this section to make regulations—
  - (a) may be exercised so as to make different provision for different [<sup>F51</sup>areas] or different periods of time or in relation to different cases or different circumstances;
  - (b) includes power to make such incidental or supplemental provision in the regulations as the Secretary of State considers appropriate.]

#### Textual Amendments

**F49** Definition of “applicant” in s. 32(1) substituted (10.12.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 9**; S.I. 1998/2840, art. 2, **Sch.**

**F50** Words in s. 32(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 7**; S.I. 2002/2478, art. 3(1)(d)

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**F51** Word in s. 32(3)(a) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 para. 21** (with Sch. 2 para. 6)

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

**C9** S. 32 applied (1.4.1998) by 1997 c. 46, s. 11(3); S.I. 1998/631, art. 2(1)(a), **Sch. 1** (with arts. 3-5)  
S. 32 applied (with modifications) (1.4.1998) by 1997 c. 46, s. 11(3)(4); S.I. 1998/631, art. 2(1)(a), **Sch. 1** (with arts. 3-5)

**33 Distribution of general medical services.**

<sup>F52</sup>(1) . . . . .

[<sup>F53</sup>(1A) The Secretary of State may by order specify—

- (a) the maximum number of medical practitioners with whom, in any year, all the [<sup>F54</sup>Primary Care Trusts] , taken as a whole, may enter into arrangements under section 29 above for the provision of general medical services; and
- (b) the maximum number of medical practitioners with whom, in any year, all the [<sup>F55</sup>Health Authorities] [<sup>F56</sup>. . . , taken as a whole, may enter into such arrangements.

(1B) An order under subsection (1A) above may contain such incidental and consequential provisions (including provisions amending this Part of this Act [<sup>F57</sup>or any regulations made under this Part of this Act]) as appear to the Secretary of State to be appropriate [<sup>F58</sup>. . . .]

[<sup>F59</sup>(1C) An order under subsection (1A) may, in particular, make provision as to the extent to which account is to be taken under the order of medical practitioners whose ability to carry out remunerated work is limited by virtue of conditions of practice which relate to remuneration and are determined under regulations made under section 29B.]

<sup>F60</sup>(2) . . . . .

<sup>F60</sup>(2A) . . . . .

<sup>F60</sup>(3) . . . . .

<sup>F60</sup>(4) . . . . .

<sup>F60</sup>(5) . . . . .

<sup>F60</sup>(6) . . . . .

<sup>F61</sup>(7) . . . . .

<sup>F60</sup>(8) . . . . .

**Textual Amendments**

**F52** S. 33(1) repealed (10.12.1998) by 1997 c. 46, s. 41(10)(12), Sch. 2 Pt. I para. 10(2), **Sch. 3 Pt. I**; S.I. 1998/2840, arts. 2(3), **Sch.** (with art. 3)

**F53** S. 33(1A)(1B) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 23(1)

**F54** Words in s. 33(1A)(a) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 8(a)**; S.I. 2002/2478, **art. 3(1)(d)**

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- F55** Words in s. 33(1A)(b) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. I para. 22(b)** (with Sch. 2 para. 6)
- F56** Words in s. 33(1A)(b) repealed (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 8(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F57** Words in s. 33(1B) inserted (10.12.1998) by 1997 c. 46, **s. 41(10) Sch. 2 Pt. I para. 10(3)(a)**; S.I. 1998/2840, art. 2(3), **Sch.** (with art. 3)
- F58** Words in s. 33(1B) repealed (1.4.2002) by 2001 c. 15, ss. 67(1)(2), 70(2), Sch. 5 Pt. 1 para. 5(5), Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.
- F59** S. 33(1C) inserted (10.12.1998) by 1997 c. 46, **s. 41(10) Sch. 2 Pt. I para. 10(4)**; S.I. 1998/2840, art. 2(3), **Sch.** (with art. 3)
- F60** S. 33(2)-(6)(8) repealed (10.12.1998) by 1997 c. 46, s. 41(10)(12), Sch. 2 Pt. I para. 10(5), **Sch. 3 Pt. I**; S.I. 1998/2840, arts. 2(3), **Sch.** (with art. 3)
- F61** S. 33(7) repealed (subject to transitional provisions in S.I. 1990/2511, **art. 4(2)** ) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 23(5), 66(2), **Sch. 10**

### 34 Regulations for Medical Practices Committee.

F62 .....

#### Textual Amendments

- F62** S. 34 repealed (1.4.2002) by 2001 c. 15, ss. 67(1)(2), 70(2), Sch. 5 Pt. 1 para. 5(6), Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.

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