



Health and Medicines Act 1988

1988 CHAPTER 49

Remuneration of practitioners etc.

15 Remuneration in respect of training.

- (1) At the end of ^{F1}... section 28A of the ^{M1}National Health Service (Scotland) Act 1978 (which makes corresponding provision for Scotland) there shall be added the words “and may include provision for the remuneration of persons providing those services in respect of the instruction of any person in matters relating to those services”.
- ^{F2}(2) At the end of subsection (2)(d) of each of those sections there shall be added the words “or instruction”.]
- (3) Any determination in relation to remuneration in respect of services under ^{F3}... Part II of the National Health Service (Scotland) Act 1978 which was made after the passing of this Act but at a time before the coming into force of a provision inserted by section 7 of the ^{M2}Health and Social Security Act 1984 shall be deemed to be validly made if regulations authorising such a determination could have been made had that provision been in force at that time.

Textual Amendments

- F1** Words in s. 15(1) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)
- F2** S. 15(2) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) (to the extent that it amends s. 43A of the National Health Service Act 1977) by [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)
- F3** Words in s. 15(3) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by [The National Health Service \(Pre-consolidation Amendments\) Order 2006 \(S.I. 2006/1407\)](#), art. 1(1), [Sch. 2](#) (with art. 4)

Modifications etc. (not altering text)

- C1** S. 15 amended (*prosp.*) by [1999 c. 8, ss. 10\(3\), 67\(2\)](#)

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Marginal Citations

- M1** 1978 c. 29.
M2 1984 c. 48.

16 Limits on reimbursement of expenses.

^{F4}(1)

^{F4}(2)

(3) In section 85(2) of the National Health Service (Scotland) Act 1978 (restriction in relation to payments by Secretary of State in respect of expenditure attributable to performance by certain bodies of their functions), for the words “sums equal to the expenditure which he determines is attributable to the performance of those functions in that year” there shall be substituted the following paragraphs—

- “(a) such amounts as he may allot for any kind of expenditure attributable to reimbursement of expenses of persons providing services in pursuance of that Part; and
- (b) sums equal to any other expenditure attributable to remuneration of persons providing such services.”

(4) In section 85A of that Act (financial duties of certain bodies)—

- (a) in subsection (1)(a), after “85(1)” there shall be inserted the words “and, as the case may be, section 85(2)(a)”; and
- (b) in subsection (6)(c), after “85(1)” there shall be inserted the words “, or, as the case may be, section 85(2)(a)”.

Textual Amendments

- F4** S. 16(1)(2) repealed (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 5(1)(2), 8, Sch. 3 (with Sch. 2 paras. 6, 16)

17 Arrangements for provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services.

(1) Without prejudice to the generality of [^{F5}section 71, 72, 80 or 83 of the National Health Service (Wales) Act 2006, or section 126 or 129 of the National Health Service Act 2006] or of section [^{F6}17P], 25(2), 26(2) or 27(2) of the ^{M3}National Health Service (Scotland) Act 1978, the powers to make regulations conferred by each of those sections include power—

- (a) to make provision as to the investigation (following a complaint or otherwise) of any matter relating to services under the section in question [^{F7}or, in relation to section 17P of the National Health Service (Scotland) Act 1978, primary medical services];
- (b) to specify—
 - (i) who is to conduct an investigation;
 - (ii) whether an inquiry may be held in connection with an investigation;
 - (iii) rights of appeal following a decision or recommendation on an investigation;
 - (iv) who is to conduct an appeal; and

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- (v) the procedure to be followed on any investigation, inquiry or appeal;
- (c) to direct that in prescribed circumstances one or more of the sanctions specified in subsection (2) below shall be available;
- (d) to make provision for any purposes (whether or not falling within paragraph (a), (b) or (c) above) that appear to the Secretary of State to correspond to the purposes of any provision contained in Part II of the ^{M4}National Health Service (Service Committees and Tribunal) Regulations 1974 or, as the case may be, Part II of the ^{M5}National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974.
- (2) The sanctions mentioned in subsection (1)(c) above are—
- (a) in the case of any person—
- (i) recovery of an amount by deduction from his remuneration or otherwise; and
- (ii) a warning that he should comply more closely with his obligations under arrangements made in accordance with the relevant regulations [^{F8}or in relation to section 17P of the National Health Service (Scotland) Act 1978, with any requirements placed on him by regulations made under that section]; and
- (b) in the case of a dental practitioner [^{F9}or body corporate entitled, by virtue of section 43 of the Dentists Act 1984 (c. 24), to carry on the business of dentistry], a restriction on his [^{F10}or its] carrying out treatment or a description of treatment without first obtaining from a body prescribed by the regulations approval of an estimate in relation to it.
- (3) Regulations made—
- (a) before the passing of this Act; or
- (b) after it but before the coming into force of this section,
- shall be deemed to be validly made if they could have been validly made had this section been in force.

[^{F11}(3A) This section applies also in relation to additional pharmaceutical services provided under arrangements made in accordance with directions under [^{F12}section 127 of the National Health Service Act 2006 or section 81 of the National Health Service (Wales) Act 2006] or section 27A of the National Health Service (Scotland) Act 1978.]

Textual Amendments

- F5** Words in s. 17(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 1 para. 119\(a\)](#) (with Sch. 3 Pt. 1)
- F6** Word in s. 17(1) substituted (1.4.2004) by [The Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\), art. 1, sch. para. 2\(a\)\(i\)](#)
- F7** Words in s. 17(1)(a) inserted (1.4.2004) by [The Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\), art. 1, Sch. para. 2\(a\)\(ii\)](#)
- F8** Words in s. 17(2)(a)(ii) inserted (1.4.2004) by [The Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\), art. 1, Sch. para. 2\(b\)](#)
- F9** Words in s. 17(2)(b) inserted (2.7.2010) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\), s. 43\(3\), Sch. 2 para. 3\(c\)\(i\)](#); S.S.I. 2010/185, art. 3(b), Sch. 2
- F10** Words in s. 17(2)(b) inserted (2.7.2010) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\), s. 43\(3\), Sch. 2 para. 3\(c\)\(ii\)](#); S.S.I. 2010/185, art. 3(b), Sch. 2
- F11** S. 17(3A) inserted (1.4.1998) by [1997 c. 46, s. 41\(10\), Sch. 2 Pt. I, para. 64\(4\)](#); S.I. 1998/631, art. 2(1), Sch. 1, Sch. 2

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F12 Words in s. 17(3A) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 119(b)** (with Sch. 3 Pt. 1)

Modifications etc. (not altering text)

C2 S. 17(1)(d): transfer of functions (1.7.1999) by [S.I. 1999/672](#), arts. 1(2), 2, **Sch. 1**

Marginal Citations

M3 [1978 c. 29](#).

M4 [S.I. 1974 No. 455](#).

M5 [S.I. 1974 No. 504](#).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 11 words repealed by [2005 asp 13 sch. 3](#)