National Health Service (Primary Care) Act 1997

1997 CHAPTER 46

[F1][F2][F1]PART I

PILOT SCHEMES FOR PRIMARY CARE

Textual Amendments

F1 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 I repealed (E.W.) (1.4.2004 for specified purposes, 1.4.2006 in so far as not already in force) by Health and Social Care (Community Health and Standards) Act 2003 (c.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)

F2 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)

Preparation and making of pilot schemes

1 Pilot schemes.

(1) In this Act "pilot scheme" means one or more agreements made by an authority with respect to their area and in accordance with this Part under which—

(a) personal medical services are provided (otherwise than by the authority); **[**[F3]or**]**

(b) personal dental services are provided (otherwise than by the authority).

(2) A pilot scheme may not combine arrangements for the provision of **[**[F4]personal medical services with arrangements for the provision of personal dental services **[**[F5] , and may not combine arrangements for the provision of personal medical services or**]** personal dental services with arrangements for the provision of local pharmaceutical services under LPS schemes (within the meaning of paragraph 1(3) of Schedule 8A to the

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

National Health Service Act 1997 or under pilot schemes made under section 28 of the Health and Social Care Act 2001**]** .

(3) A pilot scheme may include arrangements for the provision of services—

(a) which are not **[**F6personal medical services or**]** personal dental services; but

(b) which **[**F7(not being primary medical services)**]** may be provided under Part I of the M1National Health Service Act 1977 or (as the case may be) Part I or III of the M2National Health Service (Scotland) Act 1978.

(4) In this Act "piloted services" means services provided in accordance with a pilot scheme (including any services to which the scheme applies by virtue of subsection (3)).

(5) Except to such extent as may be prescribed—

(a) **[**F8a patient for whom personal medical services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by the authority concerned under section 29 of the 1977 Act or section 19 of the 1978 Act;**]**

(b) a patient for whom personal dental services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by the authority concerned under section 35 of the 1977 Act or section 25 of the 1978 Act.

(6) Regulations may provide—

(a) for functions which are exercisable by a **[**F9Strategic Health Authority or a**]**Health Authority in relation to a pilot scheme to be exercisable on behalf of the Authority by a Health Board; and

(b) for functions which are exercisable by a **[**F9Strategic Health Authority or a**]** Health Board in relation to a pilot scheme to be exercisable on behalf of the Board by a Health Authority.

(7) The functions of an NHS trust **[**F10and a Primary Care Trust**]** include power to provide piloted services, and to do so as a member of a qualifying body (within the meaning of section 2 or 3).

(8) For the purposes of this Part—

"authority" means—

[F11(a) in relation to England, a Strategic Health Authority;

(aa) in relation to Wales, a Health Authority; and**]**

(b) in relation to Scotland, a Health Board;

[F12"personal dental services" means dental services of a kind that may be provided by a general dental practitioner **[**F13(or, in England and Wales, a dental corporation)**]** in accordance with arrangements made under Part II of the 1977 Act or (as the case may be) Part II of the 1978 Act.**]**

Textual Amendments

F3 S. 1(1)(a) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(a)**; S.S.I. 2004/58, art. 2(3)

F4 Words in s. 1(2) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(b)**; S.S.I. 2004/58, art. 2(3)

F5 Words in s. 1(2) inserted (1.7.2002 for W., 1.1.2003 for E.) by Health and Social Care Act 2001 (c. 15), s. 70(2), **Sch. 5 para. 11(2)(a)** (with ss. 64(9), 65(4)); S.I. 2002/1475, art. 2, **Sch. Pt. I**; S.I. 2003/53, art. 2(a)

F6 Words in s. 1(3)(a) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(c)(i)**; S.S.I. 2004/58, art. 2(3)

F7 Words in s. 1(3)(b) inserted (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(c)(ii)**; S.S.I. 2004/58, art. 2(3)

F8 S. 1(5)(a) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(d)**; S.S.I. 2004/58, art. 2(3)

F9 Words in s. 1(6)(a)(b) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), **Sch. 3 Pt. I para. 2(2)**; S.I. 2002/2478, **art. 3(1)(a)**

F10 Words in s. 1(7) inserted (1.10.1999 for S., 4.1.2000 for E.) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 88(2)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

F11 S. 1(8): paras. (a)(aa) in the definition of "authority" substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 43(3), **Sch. 3 Pt. 1 para. 2(3)**; S.I. 2002/2478, **art. 3(1)(a)**

F12 Words in s. 1(8) substituted (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(2)(e)**; S.S.I. 2004/58, art. 2(3)

F13 Words in s. 1(8) inserted (1.7.2002 for W.) by 2001 c. 15, ss. 67, 70(2), **Sch. 5 Pt. I para. 11(2)(b)** (with s. 64(a), 65(4)); S.I. 2002/1475, art. 2, **Sch. Pt. I**

Modifications etc. (not altering text)

C1 S. 1: functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(b), **Sch. 2** (as amended (1.4.2002) by S.I. 2002/555, **reg. 3(2)**)

Marginal Citations

M1 1977 c. 49.

M2 1978 c. 29.

2 Provision of personal medical services under a pilot scheme.

(1) This section applies to any pilot scheme under which personal medical services are provided.

(2) **[**F14An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by an authority only with one or more of the following—

(a) an NHS trust;

(b) a suitably experienced medical practitioner;

(c) an NHS employee or a pilot scheme employee;

(d) a qualifying body;

(e) an individual who is providing personal medical services under that or another pilot scheme.

F15**[**(f) a Primary Care Trust**]]**

(3) In this section—

"NHS employee" means an individual who, in connection with the provision of services in the health service, is employed by—

(a) an NHS trust;

(b) a medical practitioner whose name is included in a medical list; or

(c) a medical practitioner who is providing personal medical services in accordance with a pilot scheme;

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"pilot scheme employee" means an individual who, in connection with the provision of personal medical services in accordance with a pilot scheme, is employed by an individual providing those services;

"qualifying body" means a company which is limited by shares all of which are legally and beneficially owned by persons falling within paragraph (a), (b), (c) **[**F16(e) or (f)**]** of subsection (2).

(4) For the purposes of this section, a medical practitioner is suitably experienced if he is suitably experienced for the purposes of section 11 of this Act, section 31 of the 1977 Act or section 21 of the 1978 Act.

(5) In this Part, "medical list" means—

(a) in relation to England and Wales, a list prepared in accordance with regulations made under section 29(2)(a) of the 1977 Act;

(b) in relation to Scotland, a list prepared in accordance with regulations made under section 19(2)(a) of the 1978 Act.

Textual Amendments

F14 S. 2 repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(3)**; S.S.I. 2004/58, art. 2(3)

F15 S. 2(2)(f) inserted (1.10.1999 for S., 4.1.2000 for E. and otherwise*prosp.*) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 88(3)(a)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

F16 Words in definition of "qualifying body" in s. 2(3) substituted (1.10.1999 for S., 4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 88(3)(b)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

Modifications etc. (not altering text)

C2 S. 2: functions of local authority may be responsibility of an executive of the authority (1.4.2000) by S.I. 2000/695, reg. 3(2)(b), **Sch. 2** (as amended (1.4.2002) by S.I. 2002/555, **reg. 3(2)**)

3 Provision of personal dental services under a pilot scheme.

(1) This section applies to any pilot scheme under which personal dental services are provided.

(2) An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by an authority only with one or more of the following—

(a) an NHS trust;

(b) a dental practitioner whose name is included in a dental list;

(c) an NHS employee or a pilot scheme employee;

(d) a qualifying body;

(e) an individual who is providing personal dental services under that or another pilot scheme.

F17**[**(f) a Primary Care Trust**]**

(3) In this section—

"dental list" means—

(a) in relation to England and Wales, a list prepared in accordance with regulations made under section 36(1)(a) of the 1977 Act;

(b) in relation to Scotland, a list prepared in accordance with regulations made under section 25(2)(a) of the 1978 Act;

"NHS employee" means an individual who, in connection with the provision of services in the health service, is employed by—

(a) an NHS trust;

(b) a dental practitioner whose name is included in a dental list; or

(c) a dental practitioner who is providing personal dental services in accordance with a pilot scheme;

"pilot scheme employee" means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual providing those services;

"qualifying body" means—

(a) a body corporate which, in accordance with the provisions of Part IV of the [M3]Dentists Act 1984, is entitled to carry on the business of dentistry; or

(b) a company which is limited by shares all of which are legally and beneficially owned by persons falling within paragraph (a), (b), (c) **[**[F18](e) or (f)**]** of subsection (2).

Textual Amendments

F17 S. 3(2)(f) inserted (1.10.1999 for S., 4.1.2000 for E., and otherwise*prosp.*) by 1999 c. 8, ss. 65(1), 67(1), **Sch. 4 para. 88(4)(a)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

F18 Words in definition of "qualifying body" in s. 3(3)(b) substituted (1.10.1999 for S., 4.1.2000 for E., and otherwise*prosp.*) by 1999 c. 8, ss. 65(1), 67(1)(2), **Sch. 4 para. 88(4)(b)**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

Marginal Citations

M3 1984 c. 24.

4 Proposals for pilot schemes.

(1) Before any pilot scheme may be made, the authority concerned must prepare proposals for the scheme and submit them to the Secretary of State.

(2) An authority must prepare and submit such proposals if they are asked to do so by a person—

(a) who wishes to provide piloted services, and

(b) with whom an agreement which constitutes, or is part of, a pilot scheme may be made;

but otherwise they may not do so.

(3) A request to an authority under subsection (2) must—

(a) be made in writing; and

(b) comply with such requirements (if any) as may be prescribed.

(4) In preparing proposals for a pilot scheme, an authority must comply with any directions given to them by the Secretary of State as to the matters to be dealt with, and information to be included, in the proposals.

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

(5) Before submitting proposals for a pilot scheme, an authority must (in addition to complying with any requirements about consultation imposed by or under any other enactment) comply with any directions given to them by the Secretary of State about the extent to which, and manner in which, they are to consult on the proposals.

(6) The Secretary of State may give directions as to—

(a) the matters to which an authority must have regard in making any recommendation to the Secretary of State when submitting proposals for a pilot scheme; and

(b) the form in which any such recommendation is to be made.

Modifications etc. (not altering text)

C3 S. 4 modified as to exercise of functions of a Health Authority (1.4.2001) by S.I. 2001/747, **reg. 6(3)(c)**

Commencement Information

I1 S. 4 wholly in force at 30.10.1997; s. 4 not in force at Royal Assent see s. 41; s. 4 in force for certain purposes at 22.8.1997 by S.I. 1997/1780, **art. 2(2)**; s. 4 in force at 30.10.1997 in so far as not already in force by S.I. 1997/2620, **art. 2(1)(a)**

5 Approval of pilot schemes.

(1) If proposals for a pilot scheme are submitted to the Secretary of State under section 4, he must—

(a) approve them as submitted;

(b) make such modifications as he considers appropriate and approve them as modified; or

(c) reject them.

(2) The Secretary of State may not approve proposals for a pilot scheme unless he is satisfied that they include satisfactory provision for any participant other than the authority to withdraw from the scheme if he wishes to do so.

(3) Subsection (4) applies if—

(a) the Secretary of State intends to approve proposals for a pilot scheme; and

(b) it appears to him that the effect of implementing the proposals would be to increase or reduce the number of general practitioners in the area of the authority concerned.

(4) **[**F19The Secretary of State must have regard to the effect that the proposals, as he intends to approve them, are likely to have on—

(a) the distribution of general practitioners in England, in the case of proposals submitted by an authority in England;

(b) the distribution of general practitioners in Scotland, in the case of proposals submitted by an authority in Scotland;

(c) the distribution of general practitioners in Wales, in the case of proposals submitted by an authority in Wales.**]**

[F20(5) **[**F21In carrying out his functions under subsection (4) in relation to the distribution of general practitioners in Scotland, the Secretary of State must consult the Scottish Medical Practices Committee.**]]**

(6) The Secretary of State must notify the authority concerned, in writing, of any decision made under this section.

(7) **[**F22In this section "general practitioner" means any medical practitioner who is providing general medical services or performing personal medical services.**]**

Textual Amendments

F19 S. 5(4) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(4)**; S.S.I. 2004/58, art. 2(3)

F20 S. 5(5) substituted (1.4.2002 for E. and 1.7.2002 for W. and otherwise*prosp.*) by 2001 c. 15, ss. 67, 70(2), **Sch. 5 Pt. I para. 11(3)** (with ss. 64(9), 65(4)); S.I. 2002/1095 art. 2(3) (with transistional provisions in art. 3), Sch.; S.I. 2002/1475, **art. 2 Sch. Pt. 1**

F21 S. 5(5) repealed (S.) (1.4.2004) by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), s. 21(2), **sch. 4 para. 14(a)**; S.S.I. 2004/148, art. 2(c)

F22 S. 5(7) repealed (S.) (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), s. 9(1), **sch. para. 2(4)**; S.S.I. 2004/58, art. 2(3)

Commencement Information

I2 S. 5 wholly in force at 1.4.1998; s. 5 not in force at Royal Assent see s. 41; s. 5 in force for certain purposes at 28.11.1997 by S.I. 1997/2620, **art. 2(2)(b)**; s. 5 in force at 1.4.1998 in so far as not already in force by S.I. 1998/631, art. 2(a), **Sch. 1**

6 Making of pilot schemes.

(1) If the Secretary of State approves proposals for a pilot scheme and notifies the authority concerned in accordance with section 5, the authority must implement the proposals in accordance with directions given by the Secretary of State.

(2) A proposed participant in a pilot scheme (other than the authority concerned) may withdraw at any time before the proposals relating to him are implemented.

(3) A pilot scheme, as implemented, may differ from the proposals for the scheme approved by the Secretary of State only if the Secretary of State agrees to the variation or—

(a) directions given by the Secretary of State (either under subsection (1) or generally) authorise variations that satisfy specified requirements; and

(b) the variation satisfies those requirements.

(4) As soon as is reasonably practicable after implementing proposals for a pilot scheme, the authority concerned must (in accordance with any directions given to them by the Secretary of State) publish details of the scheme.

Modifications etc. (not altering text)

C4 S. 6: functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(b), **Sch. 2** (as amended (1.4.2002) by S.I. 2002/555, **reg. 3(2)**)

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

S. 6 modified as to exercise of functions of a Health Authority (1.4.2001) by S.I. 2001/747, **reg. 6(3)(c)**

Commencement Information

I3 S. 6 wholly in force at 1.4.1998; s. 6 not in force at Royal Assent see s. 41; s. 6 in force for specified purposes at 28.11.1997 by S.I. 1997/2620, **art. 2(2)(b)**; s. 6 in force at 1.4.1998 in so far as not already in force by S.I. 1998/631, art. 2(a), **Sch. 1**

Reviews of pilot schemes

7 Reviews of pilot schemes.

(1) At least one review of the operation of each pilot scheme must be conducted by the Secretary of State.

(2) Each pilot scheme must be reviewed under this section before the end of the period of three years beginning with the date on which piloted services are first performed under the scheme.

(3) When conducting a review of a pilot scheme, the Secretary of State must give—

(a) the authority concerned, and

(b) any person providing services under the scheme,

an opportunity to comment on any matter relevant to the review.

(4) Otherwise, the procedure on any review is to be determined by the Secretary of State.

Commencement Information

I4 S. 7 wholly in force at 1.10.1998; s. 7 not in force at Royal Assent see s. 41; s. 7 in force for certain purposes at 1.4.1998 by S.I. 1998/631, art. 2(a), **Sch. 1**; s. 7 in force at 1.10.1998 in so far as not already in force by S.I. 1998/1998, art. 2(2)(a), **Sch. 1**

Variation and termination of pilot schemes

8 Variation and termination of pilot schemes.

(1) The Secretary of State may by directions require a pilot scheme to be varied by the authority concerned in accordance with the directions.

(2) Directions under subsection (1) may be given—

(a) in response to a request made by the authority or by any other participant in the scheme; or

(b) on the Secretary of State's own initiative.

(3) The Secretary of State may give directions authorising authorities to vary pilot schemes (otherwise than in response to directions given under subsection (1)) in such circumstances, and subject to such conditions, as may be specified in the directions.

(4) If the Secretary of State is satisfied that a pilot scheme is (for any reason) unsatisfactory, he may give directions to the authority concerned requiring them to bring the scheme to an end in accordance with the terms of the directions.

Commencement Information

I5 S. 8 wholly in force at 1.10.1998; s. 8 not in force at Royal Assent see s. 41; s. 8 in force for certain purposes at 1.4.1998 by S.I. 1998/631, art. 2(a), **Sch. 1**; s. 8 in force at 1.10.1998 in so far as not already in force by S.I. 1998/1998, art. 2(2)(a), **Sch. 1**

[F23 Services Lists]

Textual Amendments

F23 S. 8ZA and cross-heading inserted (E.W.) (31.5.2002 for E., 1.7.2002 for W.) by 2001 c. 15, **ss. 26(2)**, 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(7)**; S.I. 1475, art. 2, Sch. Pt. 1

[8ZA F24 Lists of persons who may perform personal medical services or personal dental services

(1) The Secretary of State may make regulations providing for the preparation and publication **[**F25by each Primary Care Trust and**]]** by each Health Authority of one or more lists of—

(a) medical practitioners who may perform personal medical services in connection with the provision of such services under a pilot scheme,

(b) dental practitioners who may perform personal dental services in connection with the provision of such services under a pilot scheme.

(2) Such a list is referred to in this section as a "services list".

(3) The regulations may, in particular, include provision as to—

(a) the **[**F26Primary Care Trust or**]** Health Authority to which an application for inclusion in a services list is to be made,

(b) the procedure for applying for inclusion, including any information to be supplied to the **[**F26Primary Care Trust or**]** Health Authority (whether by the applicant or by arrangement with him),

(c) grounds on which the **[**F26Primary Care Trust or**]**Health Authority may, or must, refuse a person's application for inclusion in a services list (including his unsuitability for inclusion in such a list), or on which they may defer their decision on the application,

(d) requirements with which a person included in a services list must comply (including the declaration of financial interests and of gifts and other benefits),

(e) grounds on which a **[**F26Primary Care Trust or**]**Health Authority may, or must, suspend or remove a person from a services list, the procedure for doing so, and the consequences of doing so,

(f) payments to or in respect of persons who are suspended from a services list (including provision for the amount of the payments, or the method of calculating the amount, to be determined by the Secretary of State or by another person appointed for the purpose by the Secretary of State),

(g) the supply to the **[**F26Primary Care Trust or**]** Health Authority by an applicant for inclusion in a services list, or by a person included in one, of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a

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

criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act,

(h) circumstances in which a person included in a services list may not withdraw from it,

(i) criteria to be applied in making decisions under the regulations,

(j) appeals against decisions of **[**F27Primary Care Trusts and**]** Health Authorities under the regulations,

(k) the disclosure by a **[**F26Primary Care Trust or**]**Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in a services list, refusals of such applications, and suspensions and removals from that list.

(4) The regulations may, in particular, also provide for—

(a) a person's inclusion in a services list to be subject to conditions determined by the **[**F28Primary Care Trust or**]** Health Authority,

(b) the **[**F28Primary Care Trust or**]**Health Authority to vary the conditions or impose different ones,

(c) the consequences of failing to comply with a condition (including removal from the list), and

(d) the review by the **[**F28Primary Care Trust or**]**Health Authority of their decisions made by virtue of regulations under this subsection.

(5) The imposition of such conditions must be with a view to—

(a) preventing any prejudice to the efficiency of the services to which the services list relates; or

(b) preventing any acts or omissions of the type described in section 49F(3)(a) of the 1977 Act.

(6) Regulations may provide—

(a) that no person may perform personal medical services unless he is included in a medical list, a supplementary list under section 43D of the 1977 Act or a services list,

(b) that no person may perform personal dental services unless he is included in a list referred to in section 36(1)(a) of the 1977 Act, a supplementary list under section 43D of that Act or a services list.

(7) Regulations made by virtue of subsection (3)(e) may (but need not) make provision corresponding to anything in sections 49F to 49N of the 1977 Act.

(8) If the regulations provide under subsection (3)(e) or (4) that a **[**F29Primary Care Trust or**]** Health Authority may suspend or remove a person from a services list, they must include provision—

(a) requiring him to be given notice of any allegation against him;

(b) giving him the opportunity of putting his case at a hearing before the **[**F29Primary Care Trust or**]** Health Authority make any decision as to his suspension or removal; and

(c) requiring him to be given notice of the **[**F30decision of the Primary Care Trust or of the Health Authority**]** and the reasons for it and of any right of appeal under subsection (9) or (10).

(9) If the regulations provide under subsection (3)(c) or (e) that a **[**F31Primary Care Trust or**]** Health Authority may refuse a person's application for inclusion in a services list,

or remove a person from one, the regulations must provide for an appeal (by way of redetermination) to the Family Health Services Appeal Authority ("FHSAA") against the **[**F32decision of the Primary Care Trust or of the Health Authority**]**.

(10) If the regulations make provision under subsection (4), they must provide for an appeal (by way of redetermination) by the person in question to the FHSAA against the **[**F33decision of the Primary Care Trust or of the Health Authority**]**—

(a) to impose conditions, or any particular condition,

(b) to vary a condition,

(c) to remove him from the services list for breach of condition,

(d) on any review of an earlier such decision of theirs.

Textual Amendments

F24 S. 8ZA and cross-heading inserted (E.W.) (31.5.2002 for E., 1.7.2002 for W.) by 2001 c. 15, **s. 26(2)** (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(7)** (with transitional provisions in art. 3); S.I. 2002/1475, **art. 2 Sch. Pt. 1**

F25 Words in S. 8ZA(1) inserted (1.10.2002) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(2)**; S.I. 2002/2478 art. 3(1)(c)

F26 Words in S. 8ZA(3)(a),(b),(c),(e),(g),(k), inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(3)(a)**; S.I. 2002/2478 art. 3(1)(c)

F27 Words in S. 8ZA(3)(j) inserted (1.10.2002 for E. W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(3)(b)**; S.I. 2002/2478 art. 3(1)(c)

F28 Words in S 8ZA(4)(a),(b),(d) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(4)**; S.I. 2002/2478 art. 3(1)(c)

F29 Words in S 8ZA(8) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(5)(a)**; S.I. 2002/2478 art. 3(1)(c)

F30 Words in S 8ZA(8)(c) substituted (1.10.2002 for E. W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(5)(b)**; S.I. 2002/2478 art. 3(1)(c)

F31 Words in S 8ZA(9) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(6)(a)**; S.I. 2002/2478 art. 3(1)(c)

F32 Words in S 8ZA(9) substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(2), **Sch. 3 Pt. 1 para. 3(6)(b)**; S.I. 2002/2478 art. 3(1)(c)

F33 Words in S 8ZA(10) substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(7)**; S.I. 2002/2478 art. 3(1)(c)

[8A F34**Delegation of Health Authority functions relating to pilot schemes.**

F35(1) **[** A Strategic Health Authority may not, under section 17A of the 1977 Act, direct a Primary Care Trust to exercise any functions of the Strategic Health Authority arising under a pilot scheme if the Primary Care Trust is providing any services under the pilot scheme.**]]**

(2) The Secretary of State may by order make provision for any rights and liabilities arising under pilot schemes under which personal medical services are provided to be transferred from **[**F36Strategic Health Authorities**]** to Primary Care Trusts and from Primary Care Trusts to **[**F36Strategic Health Authorities**]**.

(3) Subsection (2) is without prejudice to any other power of the Secretary of State to transfer rights and liabilities under the 1977 Act.

Textual Amendments

F34 S. 8A inserted (4.1.2000 for E.) by 1999 c. 8, **ss. 6(1)**, 67(1); S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

F35 S 8A(1) substituted (1.10.2002 for E. W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 4(a)**; S.I. 2002/2478, **art. 3(1)(c)**

F36 Words in S. 8A(2) substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 para. 4(b)**; S.I. 2002/2478, **art. 3(1)(c)**

General

9 Relationship between this Part and the 1977 Act.

(1) The provisions of the 1977 Act, apart from section **[**F37 16D**]** (power of Secretary of State to direct a Health Authority to exercise **[**F37 his functions**]**), apply in relation to functions of the Secretary of State under this Part (exercisable in relation to England and Wales) as if they were functions of his under Part I of the 1977 Act.

[F38 (1A) In subsection (1), the words from ", apart from" to "functions)," have effect only in relation to Wales.**]**

(2) The 1977 Act (and in particular section 17) has effect in relation to piloted services—

(a) subject to any provision of, or made under, this Part; but

(b) otherwise as if those services were provided as a result of the delegation by the Secretary of State (by directions given under section **[**F39 16D**]** of the 1977 Act) of functions of his under Part I of that Act.

(3) The functions of a Health Authority in relation to piloted services are primary functions of the Authority for the purposes of the M4 National Health Service and Community Care Act 1990.

Textual Amendments

F37 Words in s. 9(1) substituted (1.9.1999 for E., 1.10.1999 for S., and 1.12.1999 for W.) by 1999 c. 8, s. 65(1), **Sch. 4 para. 88(5)(a)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/3184, art. 2(2), **Sch. 2**

F38 S. 9(1A) inserted (1.10.2002 for E. and W. and otherwise*prosp.*) by 2002 c. 17, **ss. 4(1)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**

F39 Words in s. 9(2)(b) substituted (1.9.1999 for E., 1.10.1999 for S., and 1.12.1999 for W.) by 1999 c. 8, s. 65(1), **Sch. 4 para. 88(5)(b)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.S.I. 1999/90, **art. 2(b)**; S.I. 1999/3184, art. 2(2), **Sch. 2**

Commencement Information

I6 S. 9 wholly in force at 1.10.1998; s. 9 not in force at Royal Assent see s. 41; s. 9(1)(2) in force at 15.8.1997 by S.I. 1997/1780, art. 2(1), **Sch.**; s. 9(3) in force for certain purposes at 1.4.1998 by S.I. 1998/631, art. 2(a), **Sch. 1**; s. 9 in force at 1.10.1998 in so far as not already in force by S.I. 1998/1998, art. 2(2)(a), **Sch. 1**

Marginal Citations

M4 1990 c. 19.

10 Relationship between this Part and the 1978 Act.

(1) The provisions of the 1978 Act apply in relation to functions of the Secretary of State under this Part (exercisable in relation to Scotland) as if they were functions of his under Part I of the 1978 Act.

(2) The 1978 Act (and in particular section 2) has effect in relation to piloted services—

(a) subject to any provision of, or made under, this Part; but

(b) otherwise as if those services were provided as a result of the delegation by the Secretary of State (by regulations made or directions given under section 2 of the 1978 Act) of functions of his under that Act.

11 Medical practitioners to be suitably experienced.

[F40(1) Any medical practitioner who performs personal medical services in connection with the provision of such services under a pilot scheme must be suitably experienced.

(2) Subsection (1) does not prevent the performance of personal medical services by—

(a) a person who is acting in the course of acquiring the experience prescribed by regulations made under section 32 of the 1977 Act or section 22 of the 1978 Act;

(b) a person who is provisionally registered under section 15 or 21 of the M5Medical Act 1983, acting in the course of his employment in a resident medical capacity in an approved medical practice (within the meaning of section 11(4) of that Act); or

(c) such other category of person as may be prescribed.

(3) Sections 31(2) and 32 of the 1977 Act (meaning of "suitably experienced") apply for the purposes of this section as they apply for the purposes of section 31 of that Act.

(4) In its application by virtue of subsection (3), section 32 of the 1977 Act is to be read as if references to the applicant were references to a medical practitioner who is proposing to perform personal medical services in connection with the provision of such services under a pilot scheme.

(5) Sections 21(2) and 22 of the 1978 Act (meaning of "suitably experienced") apply for the purposes of this section as they apply for the purposes of section 21 of that Act.

(6) In its application by virtue of subsection (5), section 22(2) of the 1978 Act is to be read as if references to the applicant were references to a medical practitioner who is proposing to perform personal medical services in connection with the provision of such services under a pilot scheme.**]**

Textual Amendments

F40 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)

Marginal Citations

M5 1983 c. 54.

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

12 Leaving medical lists.

[F40(1) Except in such circumstances and to such extent as may be prescribed, a medical practitioner who performs personal medical services in connection with the provision of such services under a pilot scheme may not provide general medical services under Part II of the 1977 Act or Part II of the 1978 Act.

(2) Except in such circumstances as may be prescribed, **[**F41a Primary Care Trust, Health Authority or Health Board**]** must remove from their medical list the name of any medical practitioner who is performing personal medical services in connection with the provision of such services under a pilot scheme made **[**F42by any authority**]**.

Textual Amendments

F40 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)

F41 Words in s. 12(2) substituted (1.10.2002 for E. and W. and otherwise*prosp.*) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 5(a)**; S.I. 2002/2478 art. 3(1)(c)

F42 Words in s. 12(2) substituted (1.10.2002 for E. and W. and otherwise*prosp.*) by 2002 c. 17, ss. 4(3), 42(3), Sch, **3** Pt. 1 para. 5(b); S.I. 2002/2478, **art. 3(1)(c)**

13 Preferential treatment on transferring to medical lists.

[F40(1) Before the Secretary of State approves a pilot scheme, he must determine whether a participating medical practitioner is to be given preferential treatment under Schedule 1 if he makes an application for his name to be included in **[**F43the medical list of the relevant body**]** after ceasing to perform personal medical services under the scheme.

F44**[**(1A) For the purposes of this section—

(a) where the authority concerned is a Health Authority or a Health Board, the relevant body is that Authority or Board;

(b) where the authority concerned is a Strategic Health Authority, the relevant body is the Primary Care Trust designated in relation to the pilot scheme by the Secretary of State.**]**

(2) Before a pilot scheme is varied so as to permit a new medical practitioner to perform personal medical services under the scheme, the Secretary of State must make a determination under this section in relation to the new practitioner.

(3) The Secretary of State may at any time make a determination under this section varying a determination about a medical practitioner if he is asked to do so by the practitioner concerned.

(4) Before making any determination under this section, the Secretary of State must publish the criteria by reference to which he will make it.

(5) Those criteria may be—

(a) criteria applying generally to all determinations;

(b) criteria applying only to the pilot scheme in question; or

(c) a mixture of both.

(6) The Secretary of State must notify the **[**[F45]relevant body**]** and the medical practitioner or practitioners concerned in writing of any determination made by him under this section.

(7) Different determinations may be made with respect to different medical practitioners performing personal medical services under the same pilot scheme.

(8) A determination may identify the medical practitioner or practitioners to which it applies by name or in any other way.

(9) Schedule 1 has effect in relation to preferential treatment for medical practitioners who wish to transfer to medical lists.**]**

Textual Amendments

F40 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)

F43 Words in s. 13(1) substituted (1.10.2002 for E. and W. and otherwise*prosp.*) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 6(2)**; S.I. 2002/2478, **art. 3(1)(c)**

F44 S. 13(1A) inserted (1.10.2002 for E. and W. and otherwise*prosp.*) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 6(3)**; S.I. 2002/2478, **art. 3(1)(c)**

F45 Words in s. 13(6) substituted (1.10.2002 for E. and W. and otherwise*prosp.*) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 6(4)**; S.I. 2002/2478, **art. 3(1)(c)**

Commencement Information

I7 S. 13 wholly in force at 1.4.1998; s. 13 not in force at Royal Assent see s. 41; s. 13 (1)(3)-(8) in force at 15.8.1997 by S.I. 1997/1780, art. 2(1), **Sch.**; s. 13(2)(9) in force at 1.4.1998 by S.I. 1998/631, art. 2(a), **Sch. 1**

[F46]**14** . . . . . .

Textual Amendments

F40 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)

F46 S. 14 repealed (1.10.1999 for E., S., and 1.4.2000 for W.) by 1999 c. 8, s. 65(1)(2), Sch. 4 para. 88(6), **Sch. 5**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.S.I. 1999/90, **art. 2(b)**; S.I. 2000/1041, art. 2(d), **Sch.**

15 Liabilities and obligations in relation to deputies.

[[F47](1) Regulations may make provision with respect to the liabilities and obligations of—

(a) a Part II practitioner who, in connection with any obligation of his to provide general medical services, enters into arrangements under which a pilot scheme practitioner deputises, or is engaged to deputise, for him; or

(b) a Part II practitioner who enters into arrangements under which he deputises, or is engaged to deputise, for a pilot scheme practitioner, in connection with that practitioner's obligation to perform personal medical services under a pilot scheme.

(2) The regulations may, in particular—

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

(a) modify any liabilities or obligations which would otherwise be applicable by virtue of Part II of the 1977 Act or Part II of the 1978 Act;

(b) apply (with or without modifications) any provision made by or under Part II of the 1977 Act or Part II of the 1978 Act (including any provision so made by virtue of section 17 of the [M6]Health and Medicines Act 1988).

(3) In this section—

"Part II practitioner" means a medical practitioner who provides general medical services; and

"pilot scheme practitioner" means a medical practitioner who performs personal medical services under a pilot scheme.**]**

Textual Amendments

F40 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)

F47 S. 15 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)

Marginal Citations

M6 1988 c. 49.

16 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 [M7]National Health Service and Community Care Act 1990 and section 17A of the 1978 Act (NHS contracts).

(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

F40 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

I8 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

M7 1990 c. 19.

17 The Dental Practice Boards.

(1) Regulations may confer such powers or impose such duties on the Board, in relation to pilot schemes under which personal dental services are provided, as may be prescribed.

(2) The regulations may, in particular, make any of the following kinds of provision.

(3) They may authorise or require the Board—

(a) to perform on behalf of an authority functions of a prescribed description (including functions relating to remuneration) which have been delegated to the Board by the authority in accordance with a power conferred by the regulations;

(b) to conduct or commission surveys or other research;

(c) to carry on such other activities as may be prescribed.

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

(4) They may provide that functions conferred by the regulations are only to be exercised by the Board in accordance with directions of the Secretary of State.

(5) They may enable the Board to direct a dental practitioner to submit to the Board, in relation to treatment or a description of treatment that he has carried out or contemplates carrying out, such information (including estimates, radiographs, models and other items) as may be prescribed.

(6) In this section "the Board" means—

(a) in relation to England and Wales, the Dental Practice Board; and

(b) in relation to Scotland, the Scottish Dental Practice Board.

Textual Amendments

F40 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)

Financial provisions

18 Funding of preparatory work.

(1) Provision may be made by regulations for authorities to make payments of financial assistance for preparatory work.

(2) "Preparatory work" means work which it is reasonable for a person to undertake—

(a) in connection with preparing proposals for a pilot scheme; or

(b) in preparing for the provision by him of any piloted services.

(3) Regulations under this section may, in particular, include provision—

(a) prescribing the circumstances in which payments of financial assistance may be made;

(b) imposing a limit on the amount of any payment of financial assistance which an authority may make in any prescribed period in respect of any one person or any one pilot scheme;

(c) imposing a limit on the aggregate amount which an authority may pay by way of financial assistance in any one financial year;

(d) requiring a person to whom assistance is given under this section to comply with such conditions as may be imposed in accordance with prescribed requirements; and

(e) for repayment in the case of a failure to comply with any condition so imposed.

Modifications etc. (not altering text)

C5 S. 18 modified as to exercise of functions of a Health Authority (1.4.2001) by S.I. 2001/747, **reg. 6(3)(c)**

Commencement Information

I9 S. 18 wholly in force at 1.4.1998; s. 18 not in force at Royal Assent see s. 41; s. 18(1)(2)(a)(3) in force at 15.8.1997 by S.I. 1997/1780, art. 2(1), **Sch.**; s. 18(2)(b) in force for certain purposes at 28.11.1997

by S.I. 1997/2620, **art. 2(2)(b)**; s. 18 in force at 1.4.1998 in so far as not already in force by S.I. 1998/631, art. 2(a), **Sch. 1**

[F48 19] . . . . . .

Textual Amendments

F48 S. 19 repealed (1.10.1999 for E., S., and 1.4.2000 for W.) by 1999 c. 8, s. 65(1)(2), Sch. 4 para. 88(6), **Sch. 5**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.S.I. 1999/90, **art. 2(b)**; S.I. 2000/1041, art. 2(d), **Sch.**

20 Charges for dental treatment.

(1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for **[**F49personal dental services provided in accordance with pilot schemes except—

(a) those services to which section 78(1A) of the 1977 Act or (as the case may be) section 70(1A) of the 1978 Act applies; and

(b) oral health assessments and dental examinations carried out on or after 1st April 2006.**]**

(2) **[**F50"Dental treatment" means personal dental services other than those to which section 78(1A) of the 1977 Act or (as the case may be) section 70(1A) of the 1978 Act applies.**]**

(3) The regulations must secure that the amount charged for a particular treatment (or course of treatment) is the same as the amount that would be charged for that treatment (or course of treatment) if it were provided under Part II of the 1977 Act or (as the case may be) Part II of the 1978 Act.

(4) The regulations may—

(a) provide for the amount or the maximum amount of any charge authorised by the regulations to be varied in prescribed circumstances; or

(b) give power to direct that the charge is not to be payable.

(5) If, under a contract or arrangement, a patient receives—

(a) services for which a charge is payable under section 78 of the 1977 Act or (as the case may be) section 70 of the 1978 Act, and

(b) treatment for which a charge is payable under the regulations,

the total charge for those services and that treatment is not to exceed such sum as may be prescribed.

(6) No charge is to be made under the regulations in respect of treatment provided for any person who, at the time of the making of the contract or arrangement under which the treatment is provided—

(a) was under 18;

(b) was under 19 and receiving qualifying full-time education;

(c) was pregnant; or

(d) had given birth within the previous twelve months.

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

(7) In subsection (6)(b) "qualifying full-time education" has the same meaning as in Schedule 12 to the 1977 Act or (as the case may be) in Schedule 11 to the 1978 Act.

(8) The regulations may provide, with respect to any exemption under subsection (6), that it is to be a condition of the exemption that—

(a) a declaration of the prescribed kind is made in the prescribed form or manner; or

(b) a certificate of the prescribed kind is supplied in the prescribed form or manner.**]]**

Textual Amendments

F49 Words in s. 20(1) substituted (S.) (7.3.2006 for specified purposes, 1.4.2006 in so far as not already in force) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 12(3)(a)**, 43(3); S.S.I. 2006/121, art. 3(a), sch. 1; S.S.I. 2005/492, art. 3(e), sch. 3

F50 S. 20(2) repealed (S.) (7.3.2006 for specified purposes, 1.4.2006 in so far as not already in force) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 12(3)(b)**, 43(3); S.S.I. 2006/121, art. 3(a), sch. 1; S.S.I. 2005/492, art. 3(e), sch. 3

Changes to legislation:
There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Part I.