

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Dental and Medical Services

Primary Medical Services

Section 174: Provision of Primary Medical Services

373. *Section 174* inserts new *section 16CC* into the 1977 Act. The new *section 16CC* directly confers on each PCT and LHB a duty to provide or secure the provision of primary medical services within its area to the extent that it considers necessary to meet all reasonable requirements (new *section 16CC (1)*). This is modelled on the Secretary of State's duty in section 3 of the 1977 Act. This new duty replaces the duty in section 29 of the 1977 Act (arrangements and regulations for general medical services) which requires a PCT to make arrangements with medical practitioners for the provision of general medical services for all persons in the area who wish to take advantage of the arrangements.
374. *Section 16CC(2)* allows a PCT or LHB to provide primary medical services itself. This will enable the PCT/LHB to employ general practitioners. Alternatively, it can make other arrangements as it sees fit, for example, through contractual arrangements with voluntary organisations or a commercial provider.
375. *Section 16CC(3)* places a duty on PCTs and LHBs to publish information about the primary medical services that they commission or provide. This will assist patients in identifying providers of primary medical services in the PCT's or LHB's area and the range of services they offer.
376. *Section 16CC(4)* imposes a duty on PCTs and LHBs to co-operate with other PCTs and LHBs and each other in making arrangements for primary medical services. In particular they will need to co-operate where practices straddle PCT and/or LHB boundaries, including practices that straddle the England/Wales border.
377. *Section 16CC(5)* and *(6)* provide regulation powers to clarify what should, or should not, be considered as primary medical services for which PCTs and LHBs have the duty to secure provision.