

## SCHEDULES

### SCHEDULE 3

#### CONFERRAL OF PRIMARY CARE FUNCTIONS ON INTEGRATED CARE BOARDS ETC

#### PART 2

##### CONSEQUENTIAL AMENDMENTS

###### *Dentists Act 1984*

- 41 The Dentists Act 1984 is amended as follows.
- 42 In section 40 (definition of business of dentistry), in subsection (2)(aa), for “a contract under section 100 of the National Health Service Act 2006” substitute “arrangements under section 99A of the National Health Service Act 2006 or a contract under section 100 of that Act”.
- 43 In section 53 (interpretation), in subsection (3)(a)(i), for “92 or 107” substitute “83, 92, 99A or 107”.

###### *Access to Health Records Act 1990*

- 44 In section 1 of the Access to Health Records Act 1990 (“Health record” and related expressions) as it has effect under the law of England and Wales, in subsection (2)—
- (a) in paragraph (a)—
    - (i) before “or a Local Health Board” insert “, an integrated care board”;
    - (ii) for “the Board” substitute “or the integrated care board or Local Health Board”;
  - (b) after paragraph (a) insert—
    - “(aza) in the case of a record made by a health professional performing such services under a contract made with NHS England or an integrated care board under section 100 of the National Health Service Act 2006 (general dental services contracts), the person or body who entered into the contract with NHS England or the integrated care board (or, in a case where more than one person so entered into the contract, any such person);”;
  - (c) in paragraph (aa)—
    - (i) for “92 or 107” substitute “83, 92, 99A or 107”;
    - (ii) before “or a Local Health Board” insert “, an integrated care board”;
    - (iii) for “the Board” substitute “or the integrated care board or Local Health Board”.

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*Status: This is the original version (as it was originally enacted).*

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*Trade Union and Labour Relations (Consolidation) Act 1992*

45 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), for subsection (2) substitute—

“(2) In this Act “worker” also includes an individual regarded in their capacity as one who works or normally works or seeks to work as a person performing primary medical services, primary dental services or primary ophthalmic services—

- (a) in accordance with arrangements made by NHS England or an integrated care board under section 83, 92, 99A, 107 or 116A of the National Health Service Act 2006;
- (b) in accordance with arrangements made by a Local Health Board under section 50 or 64 of the National Health Service (Wales) Act 2006;
- (c) under a contract under section 84, 100 or 117 of the National Health Service Act 2006 entered into by the individual with NHS England or an integrated care board; or
- (d) under a contract under section 42 or 57 of the National Health Service (Wales) Act 2006 entered into by the individual with a Local Health Board,

and “employer” in relation to such an individual, regarded in that capacity, means that body.”

*Health Service Commissioners Act 1993*

46 In section 2A of the Health Service Commissioners Act 1993 (persons subject to investigation), in subsection (1)(c), for “92 or 107” substitute “83, 92, 99A or 107”.

*Freedom of Information Act 2000*

47 In Part 3 of Schedule 1 to the Freedom of Information Act 2000 (NHS in England and Wales), in paragraph 43A(a), for “92 or 107” substitute “83, 92, 99A, 107 or 116A”.

*Health and Social Care (Community Health and Standards) Act 2003*

48 In section 150 of the Health and Social Care (Community Health and Standards) Act 2003 (liability to pay NHS charges), in subsection (7)(d), for “99” substitute “99A”.

*Health Act 2006*

49 In Schedule 8 to the Health Act 2006 (minor and consequential amendments), omit paragraph 30 and the italic heading above it.

*National Health Service Act 2006*

50 The National Health Service Act 2006 is amended as follows.

51 In section 80 (supply of goods and services by the Secretary of State and NHS bodies), in subsections (5) and (7), before “may” insert “or an integrated care board”.

52 (1) Section 259 (sale of medical practices) is amended as follows.

(2) In subsection (4)(e), for “83(2)” substitute “83”.

- (3) In subsection (4A), for “83(2)”, in the first place it occurs, substitute “83”.
- 53 In section 276 (index of defined expressions)—
- (a) in the entry relating to “primary dental services” for “section 99” substitute “section 98C”;
  - (b) in the entry relating to “primary medical services” for “section 83” substitute “section 82A”;
  - (c) in the entry relating to “primary ophthalmic services” for “section 115” substitute “section 114C”.
- 54 In Schedule 4 (NHS trusts), for paragraph 24 and the italic heading before it substitute—
- “Provision of services under section 83, 92, 99A or 107*
- 24 An NHS trust may provide services—
- (a) under arrangements made under section 83 (primary medical services);
  - (b) under an agreement made under section 92 (primary medical services), and may do so as a member of a qualifying body (within the meaning given by section 93);
  - (c) under arrangements made under section 99A (primary dental services);
  - (d) under an agreement made under section 107 (primary dental services), and may do so as a member of a qualifying body (within the meaning given by section 108).”

*National Health Service (Wales) Act 2006*

- 55 (1) Section 51 (persons with whom agreement may be made under section 50 for the provision of primary medical services) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (d)(ii) after “section 64 arrangements,” insert “section 83 arrangements,”;
  - (b) in paragraph (e) after “a section 64 employee,” insert “a section 83 employee,”.
- (3) In subsection (3)—
- (a) after the definition of “section 17C employee” insert—
 

““section 83 arrangements” means arrangements for the provision of services made under section 83 of the National Health Service Act 2006,”;
  - (b) after the definition of “section 107 arrangements” insert—
 

““section 83 employee” means an individual who, in connection with the provision of services in accordance with section 83 arrangements, is employed by a person providing or performing those services,”.
- 56 (1) Section 65 (persons with whom agreement may be made under section 64 for the provision of primary dental services) is amended as follows.
- (2) In subsection (1)—

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- (a) in paragraph (d)(ii) after “section 92 arrangements,” insert “section 99A arrangements,”;
  - (b) in paragraph (e) after “a section 92 employee,” insert “a section 99A employee,”.
- (3) In subsection (3)—
- (a) after the definition of “section 92 arrangements” insert—
    - ““section 99A arrangements” means arrangements for the provision of services made under section 99A of the National Health Service Act 2006,”;
  - (b) after the definition of “section 92 employee” insert—
    - ““section 99A employee” means an individual who, in connection with the provision of services in accordance with section 99A arrangements, is employed by a person providing or performing those services,”.

*Health Act 2009*

- 57 In section 2 of the Health Act 2009 (duty to have regard to NHS constitution), in subsection (6)—
- (a) for paragraph (a) substitute—
    - “(a) section 83 (arrangements for provision of primary medical services);”;
  - (b) after paragraph (c) insert—
    - “(ca) section 99A (arrangements for provision of primary dental services);”;
  - (c) after paragraph (e) insert—
    - “(ea) section 116A (arrangements for provision of primary ophthalmic services);”.

*Domestic Abuse Act 2021*

- 58 In section 80 of the Domestic Abuse Act 2021 (prohibition on charging for the provision of medical evidence of domestic abuse), in subsection (5)(a), for subparagraph (ii) substitute—
- “(ii) any arrangements made under section 83 of that Act;”.