
STATUTORY INSTRUMENTS

1998 No. 2840 (C.69)

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

DENTISTS

**The National Health Service (Primary Care)
Act 1997 (Commencement No. 6) Order 1998**

Made - - - - 17th November 1998

The Secretary of State, in exercise of powers conferred on him by section 41(3) and (4) of the National Health Service (Primary Care) Act 1997⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the National Health Service (Primary Care) Act 1997 (Commencement No. 6) Order 1998.

(2) In this Order, “the Act” means the National Health Service (Primary Care) Act 1997.

Appointed days

2.—(1) Subject to paragraph (2), 18th November 1998 is the day appointed for the coming into force of paragraph 62 of Schedule 2 to the Act (minor and consequential amendments), and of section 41(10) of the Act (short title, commencement, extent etc.) so far as it relates to that provision.

(2) Where section 53(3)(a) of the Dentists Act 1984⁽²⁾, as amended by the provision of Schedule 2 to the Act brought into force pursuant to article 2(1), refers to services under section 28C of the National Health Service Act 1977⁽³⁾ or services under section 17C of the National Health Service (Scotland) Act 1978⁽⁴⁾, such a reference is to be taken as referring only to a pilot scheme under Part I of the Act under which personal dental services are to be provided, and the purpose of bringing that provision of the Act into force is limited accordingly.

(1) 1997 c. 46.
(2) 1984 c. 24.
(3) 1977 c. 49.
(4) 1978 c. 29.

(3) 10th December 1998 is the day appointed for the coming into force of the provisions of the Act specified in column (1) of the Schedule to this Order either fully or, if an extent is specified, to that extent (the subject matter of each provision being mentioned in column (2)).

Saving

3. Notwithstanding the bringing into force by article 2 of this Order of the repeal of sections 30(5), and 33(1), (2) to (6) and (8)(6) and of certain words in section 34(1)(a) and the remainder of that section(7) of the National Health Service Act 1977(8), and of certain provisions of the Health Services Act 1980(9), the Health and Social Security Act 1984(10), the Health and Medicines Act 1988(11), the National Health Service and Community Care Act 1990(12) and the Health Authorities Act 1995(13) amending those provisions, in relation to—

- (a) applications made before 10th December 1998 for inclusion in a medical list or to succeed to a practice vacancy;
- (b) any appeal to the Secretary of State arising out of such an application; and
- (c) any reconsideration of such an application in the event of such an appeal being allowed,

sections 30, 33, and 34 of the National Health Service Act 1977 shall continue to have effect as if this Order had not been made.

Frank Dobson
One of Her Majesty's Principal Secretaries of
State,
Department of Health

17th November 1998

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- (5) Section 30 was amended by the Health Services Act 1980 (c. 53), sections 1 and 2, and Schedule 1, paragraph 43 and Schedule 7; by S.I. 1981/432, article 3(1)(a); by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 4; by S.I. 1985/39, article 7(4); and by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 19.
 - (6) Section 33 was amended by S.I. 1981/432, article 3(2); by S.I. 1985/39, article 7(7); by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 3; by the National Health Service and Community Care Act 1990 (c. 19), sections 23(1) to (6) and Schedule 10; and by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 22.
 - (7) Section 34 was amended by S.I. 1985/39, article 7(8); by the National Health Service and Community Care Act 1990 (c. 19), section 23(7) and by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 23.
 - (8) 1977 c. 49.
 - (9) 1980 c. 53.
 - (10) 1984 c. 48.
 - (11) 1988 c. 49.
 - (12) 1990 c. 19.
 - (13) 1995 c. 17.

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH DECEMBER 1998

<i>Column (1)</i> <i>Provision of the Act</i>	<i>Column (2)</i> <i>Subject Matter</i>
Section 32.	Medical Lists and vacancies: England and Wales.
Section 41(10) and (12) so far as they relate to the provisions of Part I of Schedule 2 and of Schedule 3 to the Act brought into force by this Order.	Introduction of Part I of Schedule 2 and of Schedule 3 respectively.
Schedule 2— In Part I— paragraph 3, so far as it relates to paragraphs 9, 10, 11 and 28 brought into force by this Order; paragraphs 9, 10 and 11; paragraph 28 for the purpose of inserting the definition of “medical list”.	Minor and consequential amendments relating to medical lists and vacancies under the National Health Service Act 1977.
Schedule 3— In Part I, all the repeals relating to— the National Health Service Act 1977 so far as not yet in force; the Health Services Act 1980; the Health and Social Security Act 1984; the Health and Medicines Act 1988; the National Health Service and Community Care Act 1990 so far as not yet in force; and the Health Authorities Act 1995 so far as not yet in force; and Part III	Repeals and revocations.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 18th November 1998, a provision of the National Health Service (Primary Care) Act 1997 (“the Primary Care Act”) making a minor amendment to the Dentists Act 1984 so that the definition of “national health services” in that Act includes personal dental services provided under a Primary Care Act pilot scheme.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

This Order also brings into force, on 10th December 1998, other provisions of the Primary Care Act. The provisions which are brought into force on this date relate to the maintenance of medical lists by Health Authorities and the procedures for dealing with General Practitioner (GP) practice vacancies in England and Wales. Provisions which are brought into force in the Schedules to the Act make minor and consequential amendments to existing legislation and repeal or revoke certain provisions. Article 3 of the Order contains a saving provision in respect of applications for inclusion in a medical list or to succeed to a practice vacancy, and related matters, made before 10th December 1998.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 1997 Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.1	28.11.97	1997/2620
s.2	28.11.97	1997/2620
s.3	14.8.98	1998/1998
s.4 (partially)	22.8.97	1997/1780
(remainder)	30.10.97	1997/2620
s.5 (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s.6 (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s.7 (partially)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
s.8 (partially)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
s.9, subsections (1) and (2)	15.8.97	1997/1780
subsection (3) (partially)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
s.10	15.8.97	1997/1780
s.11	1.4.98	1998/631
s.12	1.4.98	1998/631
s.13, subsections (1) and (3) to (8)	15.8.97	1997/1780
(remainder)	1.4.98	1998/631
s.15	1.4.98	1998/631

* A limitation on the purposes for which these paragraphs were brought into force was removed by article 3(3) of S.I. 1998/1998.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.16 (partially)	30.10.97	1997/2620
(remainder)	11.5.98	1998/631
s.17	1.10.98	1998/1998
s.18, subsections (1), (2) (partially) and (3)	15.8.97	1997/1780
subsection (2) (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s.19	1.4.98	1998/631
s.20	1.10.98	1998/1998
s.23	1.4.98	1998/631
s.24	1.10.98	1998/1998
s.27	15.8.97	1997/1780
s.28	15.8.97	1997/1780
s.29	1.4.98	1998/631
s.30	15.8.97	1997/1780
s.31	1.9.97	1997/1780
s.34	1.4.98	1998/631
s.35	1.4.98	1998/631
s.36	14.10.97	1997/2457
s.37	1.4.98	1998/631
s.41(10) (partially)	15.8.97	1997/1780
(partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
s.41(12) (partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
Schedule 1	1.4.98	1998/631
In Part I of Schedule 2– paragraphs 1* and 2*	1.4.98	1998/631
paragraph 3 (partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
paragraphs 4 to 8*	1.4.98	1998/631
paragraph 12	1.10.98	1998/1998
paragraphs 13 and 14	15.8.97	1997/1780

* A limitation on the purposes for which these paragraphs were brought into force was removed by article 3(3) of S.I. 1998/1998.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraphs 15, 16, 17 and 18	1.10.98	1998/1998
paragraph 20	15.8.97	1997/1780
paragraph 21 (partially)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
paragraphs 22 to 26	1.4.98	1998/631
paragraph 27	15.8.97	1997/1780
paragraphs 28 (partially) and 29 to 31	1.4.98	1998/631
paragraph 32 (partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
paragraphs 35 to 39*	1.4.98	1998/631
paragraph 43	1.10.98	1998/1998
paragraphs 44 and 45	15.8.97	1997/1780
paragraphs 47 to 50	1.10.98	1998/1998
paragraph 51	15.8.97	1997/1780
paragraph 52	1.10.98	1998/1998
paragraphs 53, 54, 57 (partially), 58 to 61, 63*, 64 (partially), 65 (partially) and 66 to 68*	1.4.98	1998/631
Schedule 3, Part I (partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998

* A limitation on the purposes for which these paragraphs were brought into force was removed by article 3(3) of S.I. 1998/1998.