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STATUTORY INSTRUMENTS

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**2004 No. 287 (C. 11)**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Primary Care)  
Act 1997 (Commencement No. 9) Order 2004**

*Made - - - - 2nd February 2004*

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

**Citation, application and interpretation**

**1.**—(1) This Order may be cited as the National Health Service (Primary Care) Act 1997 (Commencement No. 9) Order 2004.

(2) Articles 2 and 4 apply to England only and article 3 applies to Wales only.

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

**Appointed day**

**2.**—(1) 1st March 2004 is the day appointed for the coming into force of section 22(1) (supplementary regulations) and for the purposes of making an order or regulations, section 21(1) and (3) (provision of personal medical or dental services) of the Act.

(2) 1st April 2004 is the day appointed for the coming into force of the following provisions of the Act as they relate to personal medical services—

(a) section 21(1) and (3) in so far as it is not in force; and

(b) in Schedule 2, paragraph 65(1) and (2) (amendments).

**Appointed day for Wales**

**3.** 1st April 2004 is the day appointed for the coming into force of section 41(10) and paragraph 28 of Schedule 2 to the Act (minor and consequential amendments) insofar as they relate to the definition of “health service body”.

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(1) 1997 c. 46.

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## Revocation

4. Article 3 of the National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998<sup>(2)</sup> (references to certain terms) and article 3(1) and (2) of the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998<sup>(3)</sup> (references to certain terms) are hereby revoked.

2nd February 2004

*John Hutton*  
Minister of State,  
Department of Health

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<sup>(2)</sup> S.I. 1998/631 (C. 12).  
<sup>(3)</sup> S.I. 1998/1998 (C. 43).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the National Health Service (Primary Care) Act 1997 (“the 1997 Act”).

Article 2 of the Order, which applies to England only, appoints 1st March 2004 for the coming into force of section 22(1) (supplementary regulations) of the 1997 Act and 1st April 2004 for the coming into force of section 21(1) and (3) (provision of personal medical or dental services) of the 1997 Act, but only as those sections apply to personal medical services. Section 21(1) inserts new sections 28C and 28D into the National Health Service Act 1977 (“the 1977 Act”). These sections allow for arrangements to be made between specified persons for the provision of personal medical services. Section 22(1) inserts a new section 28E into the 1977 Act. This section provides for regulations to be made concerning arrangements under section 28C.

Article 2 of the Order also brings into force on 1st April 2004 paragraph 65(1) and (2) of Schedule 2 to the 1997 Act, which makes a minor consequential amendment to the National Health Service and Community Care Act 1990 relating to the functions of an NHS trust and arrangements under section 28C of the 1977 Act.

Article 3 of the Order, which applies to Wales only, appoints 1st April 2004 for the coming into force of a provision of the 1997 Act which inserts the definition of “health service body” into section 128 of the 1977 Act. The National Health Service (Primary Care) Act 1997 (Commencement No 8) Order 2002 has already brought that provision into force as regards England.

The National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998 and the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998 restricted the interpretation of references to section 28C in enactments as references to pilot schemes. Article 4 of this Order removes this restrictive interpretation in the light of the insertion of section 28C into the 1977 Act.

## 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 by One of Her Majesty’s Principal Secretaries of State before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|------------------|-----------------------------|---------------------------|
| s. 1             | 28.11.97                    | <a href="#">1997/2620</a> |
| s. 2             | 28.11.97                    | <a href="#">1997/2620</a> |
| s. 3             | 14.8.98                     | <a href="#">1998/1998</a> |
| s. 4 (partially) | 22.8.97                     | <a href="#">1997/1780</a> |
| (remainder)      | 30.10.97                    | <a href="#">1997/2620</a> |
| s. 5 (partially) | 28.11.97                    | <a href="#">1997/2620</a> |

\* 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> |
|---|-----------------------------|-----------------|
| (remainder)                                       | 1.4.98                      | 1998/631        |
| s. 6 (partially)<br>(remainder)                   | 28.11.97                    | 1997/2620       |
|   | 1.4.98                      | 1998/631        |
| s. 7 (partially)<br>(remainder)                   | 1.4.98                      | 1998/631        |
|   | 1.10.98                     | 1998/1998       |
| s. 8 (partially)<br>(remainder)                   | 1.4.98                      | 1998/631        |
|   | 1.10.98                     | 1998/1998       |
| s. 9, subsections (1) and (2)                     | 15.8.97                     | 1997/1780       |
| subsection (3) (partially)<br>(remainder)         | 1.4.98                      | 1998/631        |
|   | 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<br>(8)          | 15.8.97                     | 1997/1780       |
| (remainder)                                       | 1.4.98                      | 1998/631        |
| s. 15   | 1.4.98                      | 1998/631        |
| s. 16 (partially)<br>(remainder)                  | 30.10.97                    | 1997/2620       |
|   | 11.5.98                     | 1998/631        |
| s. 17   | 1.10.98                     | 1998/1998       |
| s. 18 subsections (1), (2)<br>(partially) and (3) | 15.8.97                     | 1997/1780       |
|   | 28.11.97                    | 1997/2620       |
| subsection (2) (partially)<br>(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       |

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|--------------------------|-----------------------------|-----------------|
| s. 31                    | 1.9.97                      | 1997/1780       |
| s. 32                    | 10.12.98                    | 1998/2840       |
| 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       |
| (partially)              | 18.11.98                    | 1998/2840       |
| (partially)              | 10.12.98                    | 1998/2840       |
|                          | 24.6.02                     | 2002/1616       |
| s. 41(12) (partially)    | 1.4.98                      | 1998/631        |
| (partially)              | 1.10.98                     | 1998/1998       |
| (partially)              | 10.12.98                    | 1998/2840       |
| Schedule 1               | 1.4.98                      | 1998/631        |
| In Part 1 of Schedule 2, | 1.4.98                      | 1998/631        |
| paragraphs 1* and 2*     | 1.4.98                      | 1998/631        |
| paragraph 3 (partially)  | 1.10.98                     | 1998/1998       |
| (partially)              | 10.12.98                    | 1998/2840       |
| (partially)              | 1.4.98                      | 1998/631        |
| paragraphs 4 to 8*       | 10.12.98                    | 1998/2840       |
| paragraphs 9 to 11       | 1.4.98                      | 1998/631        |
| paragraph 12             | 10.12.98                    | 1998/2840       |
| paragraphs 13 and 14     | 1.4.98                      | 1998/631        |
| paragraphs 15 to 18      | 10.12.98                    | 1998/2840       |
| paragraph 20             | 1.10.98                     | 1998/1998       |
| paragraph 21 (partially) | 1.10.98                     | 1998/1998       |
| (remainder)              | 15.8.97                     | 1997/1780       |
| paragraphs 22 to 26      | 1.10.98                     | 1998/1998       |
| paragraph 27             | 15.8.97                     | 1997/1780       |
| paragraph 28 (partially) | 1.10.98                     | 1998/1998       |
| (partially)              | 15.8.97                     | 1997/1780       |
| (partially)              | 1.4.98                      | 1998/631        |
| paragraphs 29 to 31      | 1.4.98                      | 1998/631        |
| paragraph 32 (partially) | 1.4.98                      | 1998/631        |
| (partially)              | 1.4.98                      | 1998/631        |
| paragraphs 35 to 39*     |                             |                 |

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| <i>Provision</i>               | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--------------------------------|-----------------------------|-----------------|
| paragraph 43                   | 1.10.98                     | 1998/1998       |
| paragraphs 44 and 45           |                             |                 |
| paragraphs 47 to 50            | 1.4.98                      | 1998/631        |
| paragraph 51                   |                             |                 |
| paragraph 52                   | 15.8.97                     | 1997/1780       |
| paragraphs 53 and 54           |                             |                 |
| paragraph 57 (partially)       | 1.4.98                      | 1997/1780       |
| paragraphs 58 to 61            |                             |                 |
| paragraph 62                   | 10.12.98                    | 1998/2840       |
| paragraph 63*                  |                             |                 |
| paragraph 64 (partially)       | 24.6.02                     | 2002/1616       |
| paragraph 65 (partially)       |                             |                 |
| paragraphs 66, 67* and 68      | 1.4.98                      | 1998/631        |
|                                | 1.4.98                      | 1998/631        |
|                                | 1.10.98                     | 1998/1998       |
|                                | 1.4.98                      | 1998/631        |
|                                | 1.10.98                     | 1998/1998       |
|                                | 15.8.97                     | 1997/1780       |
|                                | 1.10.98                     | 1998/1998       |
|                                | 15.8.97                     | 1997/1780       |
|                                | 1.10.98                     | 1998/1998       |
|                                | 1.4.98                      | 1998/631        |
|                                | 1.4.98                      | 1998/631        |
|                                | 1.4.98                      | 1998/631        |
|                                | 18.11.98                    | 1998/2840       |
|                                | 1.4.98                      | 1998/631        |
|                                | 1.4.98                      | 1998/631        |
|                                | 1.4.98                      | 1998/631        |
|                                | 1.4.98                      | 1998/631        |
| Schedule 3, Part I (partially) | 1.4.98                      | 1998/631        |
| (partially)                    |                             |                 |
| (partially)                    | 1.10.98                     | 1998/1998       |

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|--|-----------------------------|---------------------------|
|  | 10.12.98                    | <a href="#">1998/2840</a> |
| Part III   | 10.12.98                    | <a href="#">1998/2840</a> |
| * A limitation on the purposes for which these paragraphs were brought into force was removed by article 3(3) of <a href="#">S.I.1998/1998</a> . |                             |                           |

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

| <i>Provision</i>  | <i>Date of Commencement</i> | <i>S.I. No.</i>         |
|---|-----------------------------|-------------------------|
| s. 21 subsections (2) and (3) (partially)                           | 5.3.01                      | <a href="#">2001/58</a> |
| s. 22(2)  | 5.3.01                      | <a href="#">2001/58</a> |
| s. 25(2)  | 5.3.01                      | <a href="#">2001/58</a> |
| In Part I of Schedule 2—<br>paragraphs 34, 56 and 57<br>(partially) |                             |                         |
| 5.3.0   | <a href="#">2001/58</a>     |                         |