

## SCHEDULE 1

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002*

**32.**—(1) The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002(1) shall be amended as provided in this paragraph.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) for the definition of “practice patient” substitute—

““practice patient” means—

- (a) in relation to a medical practitioner who practises otherwise than in partnership and is providing services under a transitional agreement, an individual who is on that practitioner’s list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with the transitional agreement, an individual who is on that single list);
- (b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other and who is providing services under a transitional agreement, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with the transitional agreement, an individual who is on that single list); and
- (c) in all other cases, an individual who is on the list of patients of a person providing primary medical services under Part 1 of the Act prepared and maintained by the Primary Care Trust,

other than an individual who is resident in Scotland;”;

(b) in the definition of “the relevant date”, for paragraphs (b) to (d) substitute—

“(b) in the case of a Primary Care Trust providing primary medical services under a personal medical services agreement or a transitional agreement, the date on which services were first performed under that contract or agreement or pursuant to those arrangements;”;

(c) for the definition of “the relevant Primary Care Trust” substitute—

““the relevant Primary Care Trust” means, in relation to a person providing primary medical services under Part 1 of the Act—

- (a) where the Primary Care Trust is a party to a general medical services contract, a default contract or contractual arrangements under section 16CC(2)(b) of the Act with that person, that Primary Care Trust;
- (b) where the Primary Care Trust is a party to a personal medical services agreement or a transitional agreement with that person, that Primary Care Trust;
- (c) where the Primary Care Trust is providing services itself under section 16CC(2)(a) of the Act, that Primary Care Trust; or

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(d) in all other cases, the Primary Care Trust in whose area on the relevant date, most of the practice patients of the person providing primary medical services at that date were living.”;

(d) in the appropriate alphabetical position, insert—

““default contract” means a contract entered into pursuant to section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(2)</sup> (general medical services: transitional);

“general medical services contract” means a contract under section 28Q of the Act<sup>(3)</sup>;

“personal medical services agreement” means an agreement for primary medical services made under section 28C of the Act<sup>(4)</sup>;

“transitional agreement” has the meaning given in article 1(4) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004;”.

(3) In regulation 3 (functions of the Secretary of State exercisable by Strategic Health Authorities and Primary Care Trusts), in paragraph (7), in sub-paragraph (a)(i), for “medical practitioners providing general medical services under the Act, or performing personal medical services in connection with a pilot scheme under the 1997 Act,” substitute “persons providing primary medical services under Part 1 of the Act”.

(4) In regulation 4 (functions relating to pilot schemes), omit paragraph (5)(b).

(5) In regulation 6 (limitations and restrictions on the exercise of functions relevant to both Strategic Health Authorities and Primary Care Trusts), omit paragraph (5).

(6) In regulation 9 (arrangements by Strategic Health Authorities for exercise of functions), after paragraph (6) insert—

“(6A) Any function exercisable by a Strategic Health Authority under—

(a) Schedule 3 to the National Health Service (General Medical Services) Contracts Regulations 2004 (opt outs of additional and out of hours services)<sup>(5)</sup>; or

(b) Schedule 4 to the National Health Service (Personal Medical Services Agreements) Regulations 2004 <sup>(6)</sup>(opt outs of out of hours services),

may be exercised on behalf of the Authority by a committee, sub-committee or officer of the Authority.”.

(7) In regulation 10 (arrangements by Primary Care Trusts for exercise of functions)—

(a) in paragraph 1—

(i) for “or the 2002 Act” substitute “, the 2002 Act or the Health and Social Care (Community Health and Standards) Act 2003”, and

(ii) after sub-paragraph (a) insert—

“(aa) in the case of the functions of an assessment panel appointed under paragraph 31 or 35 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004, or paragraph 30 or 34 of

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(2) 2003 c. 43.

(3) Section 28Q was inserted by section 175(1) of the 2003 Act.

(4) Section 28C was inserted into the Act by the National Health Service (Primary Care) Act 1997 (c. 46), section 21(1) and amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 15, the Health and Social Care Act 2001 (c. 15), Schedule 5, paragraph 11(4), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 3, paragraph 7(2) and the 2003 Act, Schedule 11, paragraph 14.

(5) S.I. 2004/291.

(6) S.I. 2004/627.

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Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004 by a committee or sub-committee of another Primary Care Trust”; and

(b) omit paragraphs (7) and (8).

(8) In regulation 11 (arrangements with health service bodies in Wales), in paragraph (3), after “the 2002 Act” insert “the Health and Social Care (Community Health and Standards) Act 2003”.

(9) In Schedule 3 (functions of Strategic Health Authorities not to be exercisable by Primary Care Trusts) insert the following entries at the end of the table—

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The National Health Service (General Medical Services) Contracts Regulations 2004, Schedule 3	Opt outs of additional and out of hours services
The National Health Service (Personal Medical Services Agreements) Regulations 2004, Schedule 4	Opt outs of out of hours services
The Directions as to the functions of Strategic Health Authorities (GMS Contract Disputes) dated 8th March 2004	Dispute resolution relating to patient lists
The Directions as to the functions of Strategic Health Authorities (PMS Agreement Disputes) dated 18th March 2004	Dispute resolution relating to patient lists

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