



National Health Service (Primary Care) Act 1997

CHAPTER 46

NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

PART I

PILOT SCHEMES FOR PRIMARY CARE

Preparation and making of pilot schemes

- 1 Pilot schemes.
- 2 Provision of personal medical services under a pilot scheme.
- 3 Provision of personal dental services under a pilot scheme.
- 4 Proposals for pilot schemes.
- 5 Approval of pilot schemes.
- 6 Making of pilot schemes.

Reviews of pilot schemes

- 7 Reviews of pilot schemes.

Variation and termination of pilot schemes

- 8 Variation and termination of pilot schemes.

Services Lists

- 8ZA Lists of persons who may perform personal medical services or personal dental services
- 8A Delegation of Health Authority functions relating to pilot schemes.

Changes to legislation: National Health Service (Primary Care) Act 1997 is up to date with all changes known to be in force on or before 06 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

General

- 9 Relationship between this Part and the 1977 Act.
- 10 Relationship between this Part and the 1978 Act.
- 11 Medical practitioners to be suitably experienced.
- 12 Leaving medical lists.
- 13 Preferential treatment on transferring to medical lists.
- 14 Pilot Schemes for Primary Care
- 15 Liabilities and obligations in relation to deputies.
- 16 NHS contracts.
- 17 The Dental Practice Boards.

Financial provisions

- 18 Funding of preparatory work.
- 19 Pilot Schemes for Primary Care
- 20 Charges for dental treatment.

PART II

PRIMARY CARE

Personal medical or dental services

- 21 Provision of personal medical or dental services.
- 22 Supplementary regulations.
- 23 Right to choose medical practitioner.
- 24 Right to choose dental practitioner.
- 25 Liabilities and obligations in relation to deputies.
- 26 Charges for dental treatment.

Pharmaceutical services

- 27 Provision of additional pharmaceutical services.
- 28 Terms and conditions etc.
- 29 Authorised provision of pharmaceutical services by medical practitioners.

Ophthalmic services

- 30 Duty of registered opticians to refer certain persons to registered medical practitioners.

NHS contracts

- 31 Provision of certain services under NHS contracts.

Medical lists and vacancies

- 32 Medical lists and vacancies: England and Wales.
- 33 Medical lists and vacancies: Scotland.

Medical practices

- 34 Sale of medical practices.
- 35 Employment of pre-registration house officers in medical practices.

Changes to legislation: National Health Service (Primary Care) Act 1997 is up to date with all changes known to be in force on or before 06 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

PART III

MISCELLANEOUS AND SUPPLEMENTAL

- 36 Expenditure of Health Authorities.
- 37 Expenditure of Health Boards.
- 38 Corresponding provision for Northern Ireland.
- 39 Regulations and directions.
- 40 Interpretation.
- 41 Short title, commencement and extent, etc.

SCHEDULES

SCHEDULE 1 — Preferential Treatment on Transferring to Medical Lists

Cases where preference is given

1

The preferential treatment

2

Representations against preferential treatment

3

Power of Tribunal to give directions

4

Termination of directions

5

Directions in Northern Ireland

6

Regulations

7

Interpretation

8

9

SCHEDULE 2 — Amendments

Part I — MINOR AND CONSEQUENTIAL AMENDMENTS

The Health Services and Public Health Act 1968 (c. 46)

- 1 (1) The Health Services and Public Health Act 1968 is...

Changes to legislation: National Health Service (Primary Care) Act 1997 is up to date with all changes known to be in force on or before 06 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

The Patents Act 1977 (c. 37)

- 2 In section 56(4)(a) of the Patents Act 1977, for the...

The National Health Service Act 1977 (c. 49)

- 3 The 1977 Act is amended in accordance with paragraphs 4...
- 4 (1) Section 15 is amended as follows.
- 5 (1) Section 26 is amended as follows.
- 6 The National Health Service Act 1977 (c. 49)
- 7 After section 28H insert— Use of accommodation. If the Secretary of State considers that any accommodation provided...
- 8 In section 29(2), omit paragraphs (b) and (c).
- 9 In section 32(1), for the definition of “ applicant ”...
- 10 (1) Section 33 is amended as follows.
- 11 In section 34(1)(a), omit from “ (ii) the occurrence ”...
- 12 Omit section 36(1)(c).
- 13 The National Health Service Act 1977 (c. 49)
- 14 In section 43(3), after “41(d)” insert “ , or additional...”
- 15 In section 50, after “whom” insert “ general ophthalmic ”...
- 16 The National Health Service Act 1977 (c. 49)
- 17 The National Health Service Act 1977 (c. 49)
- 18 The National Health Service Act 1977 (c. 49)
- 19 The National Health Service Act 1977 (c. 49)
- 20 In section 85(1), references to functions conferred or imposed by...
- 21 In section 86, the reference to a function conferred by...
- 22 In section 97(6)(a), for “subsections (1) to (3), or subsection...”
- 23 In section 97A— (a) in subsection (1)(a), for “amounts allotted...”
- 24 The National Health Service Act 1977 (c. 49)
- 25 The National Health Service Act 1977 (c. 49)
- 26 In section 105(2)(a) after “examined” insert “ or as part...”
- 27 In section 126(3), after “under” insert “ or by virtue...”
- 28 In section 128, insert at the appropriate places— “ health...”
- 29 (1) In Schedule 9, paragraph 5A is amended as follows....
- 30 (1) Schedule 10 is amended as follows.
- 31 In Schedule 12, in paragraph 1(1)(b), after “drug or medicine”...

The National Health Service (Scotland) Act 1978 (c. 29)

- 32 The 1978 Act is amended in accordance with paragraphs 33...
- 33 In section 3(1), omit from “ , for the purpose of ”...
- 34 In section 12A, after subsection (4) insert—
- 35 In section 15(1)(a)— (a) after “persons” insert —
- 36 In section 17A(2), at the end insert “ and in...”
- 37 After section 17G insert— Immunisation. Where the Secretary of State arranges with medical practitioners for...
- 38 After section 17H insert— Use of accommodation. If the Secretary of State considers that any accommodation provided...
- 39 (1) Section 19 is amended as follows.
- 40 In section 22(1) for the definition of “ applicant ”...
- 41 (1) Section 23 is amended as follows.
- 42 In section 24(1)(a), omit from “(ii) the occurrence” to the...
- 43 Omit section 25(2)(c).
- 44 In section 27(1), for “in this Act referred to” substitute...

Changes to legislation: National Health Service (Primary Care) Act 1997 is up to date with all changes known to be in force on or before 06 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 45 In section 28(2)(b), after “that” insert “ (i) ”, and...
- 46 In section 34, after “whom” insert “ general ophthalmic ”....
- 47 In section 73(b), after “providing” insert “ personal dental services...
- 48 In section 74(b), after “providing” insert “ personal dental services...
- 49 In section 75, for paragraph (b) substitute—
- 50 In section 75A(1)(a), after “section 70(1) or (1A) above” insert...
- 51 In section 77(1), references to functions conferred or imposed by...
- 52 In section 78, the reference to a function conferred by...
- 53 (1) Section 87A is amended as follows.
- 54 (1) Section 87B is amended as follows.
- 55 (1) Section 87D is amended as follows.
- 56 In section 88(1)(d) and (2)(e), after “section 22” insert “...
- 57 In section 108, insert at the appropriate places— “ health...
- 58 (1) In Schedule 8, paragraph 8 is amended as follows....
- 59 (1) Schedule 9 is amended as follows.
- 60 In Schedule 11, in paragraph 1(1)(b), after “drug or medicine”...

The Medical Act 1983 (c. 54)

- 61 (1) The Medical Act 1983 is amended as follows.

The Dentists Act 1984 (c. 24)

- 62 In section 53(3)(a) of the Dentists Act 1984, for the...

The Copyright, Designs and Patents Act 1988 (c. 48)

- 63 In section 240(4) of the Copyright, Designs and Patents Act...

The Health and Medicines Act 1988 (c. 49)

- 64 (1) The Health and Medicines Act 1988 is amended as...

The National Health Service and Community Care Act 1990 (c. 19)

- 65 (1) The National Health Service and Community Care Act 1990...

The Access to Health Records Act 1990 (c. 23)

- 66 (1) The Access to Health Records Act 1990 is amended...

The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 67 In section 279 of the Trade Union and Labour Relations...

The Health Service Commissioners Act 1993 (c. 46)

- 68 (1) The Health Service Commissioners Act 1993 is amended as...
Part II — PRE-CONSOLIDATION AMENDMENTS

The National Health Service Act 1966 (c. 8)

- 69

The National Health Service Act 1977 (c. 49)

- 70 The National Health Service Act 1977 (c. 49)
- 71 The National Health Service Act 1977 (c. 49)

Changes to legislation: National Health Service (Primary Care) Act 1997 is up to date with all changes known to be in force on or before 06 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 72 The National Health Service Act 1977 (c. 49)
- 73 In section 36(1)(a), for “ of lists ” substitute “... ”
- 74 The National Health Service Act 1977 (c. 49)
- 75 In section 39(a), for “ of lists of medical practitioners,... ” substitute “... ”
- 76 The National Health Service Act 1977 (c. 49)
- 77 The National Health Service Act 1977 (c. 49)
- 78 The National Health Service Act 1977 (c. 49)

Transitional provisions for amendments to 1977 Act

79

The Health and Medicines Act 1988 (c. 49)

80

The Health Service Commissioners Act 1993 (c. 46)

81

SCHEDULE 3 — Repeals and Revocations

Part I — REPEALS

Part II — PRE-CONSOLIDATION REPEALS

Part III — REVOCATIONS

Changes to legislation:

National Health Service (Primary Care) Act 1997 is up to date with all changes known to be in force on or before 06 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 1(3)(b) words inserted by [2005 asp 13 sch. 2 para. 4\(2\)\(a\)](#)
- s. 1(7) repealed by [2004 asp 7 sch. 2](#)
- s. 1(8) words inserted by [2005 asp 13 sch. 2 para. 4\(2\)\(b\)](#)
- s. 1(8) words repealed by [2005 asp 13 sch. 3](#)
- s. 2(2)(b) substituted by [S.I. 2003/1250 Sch. 9 para. 6\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 9 para. 6(a)(b)(c)(i) omitted (E.) (1.4.2004) by virtue of S.I. 2004/865, Sch. 1 para. 37(7)(b) and omitted (W.) (1.4.2004) by virtue of S.I. 2004/1016, Sch. 1 para. 33(7)(b))
- s. 2(4) substituted by [S.I. 2003/1250 Sch. 9 para. 6\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Sch. 9 para. 6(a)(b)(c)(i) omitted (E.) (1.4.2004) by virtue of S.I. 2004/865, Sch. 1 para. 37(7)(a) and omitted (W.) (1.4.2004) by virtue of S.I. 2004/1016, Sch. 1 para. 33(7)(a))
- s. 3(2)(a) repealed by [2004 asp 7 sch. 2](#)
- s. 3(3) words inserted by [2005 asp 13 sch. 2 para. 4\(3\)\(a\)\(i\)](#)
- s. 3(3) words inserted by [2005 asp 13 sch. 2 para. 4\(3\)\(a\)\(ii\)](#)
- s. 3(3) words inserted by [2005 asp 13 sch. 2 para. 4\(3\)\(b\)\(i\)](#)
- s. 3(3) words inserted by [2005 asp 13 sch. 2 para. 4\(3\)\(b\)\(ii\)](#)
- s. 3(3) words repealed by [2004 asp 7 sch. 2](#)
- s. 11 omitted by [S.I. 2003/1250 Sch. 9 para. 6\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 9 para. 6(a)(b)(c)(i) omitted (E.) (1.4.2004) by virtue of S.I. 2004/865, Sch. 1 para. 37(7)(a) and omitted (W.) (1.4.2004) by virtue of S.I. 2004/1016, Sch. 1 para. 33(7)(a))
- s. 17(5) words inserted by [2005 asp 13 sch. 2 para. 4\(4\)\(a\)](#)
- s. 17(5) words inserted by [2005 asp 13 sch. 2 para. 4\(4\)\(b\)](#)
- s. 22(1) words omitted by [S.I. 2003/1250 Sch. 9 para. 6\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 9 para. 6(a)(b)(c)(i) omitted (E.) (1.4.2004) by virtue of S.I. 2004/865, Sch. 1 para. 37(7)(a) and omitted (W.) (1.4.2004) by virtue of S.I. 2004/1016, Sch. 1 para. 33(7)(a))
- s. 27(2) repealed by [2005 asp 13 sch. 3](#)
- s. 28(2) repealed by [2005 asp 13 sch. 3](#)
- s. 29(2) repealed by [2005 asp 13 sch. 3](#)
- s. 33(3) omitted by [S.I. 2003/1250 Sch. 9 para. 6\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 9 paras. 3(b)-(e), 6(d) omitted (1.10.2004) by virtue of S.I. 2004/2261, Sch. 1 para. 3(5))
- Sch. 1 para. 9(a) words substituted by [2001 c. 15 s. 27\(5\)\(b\)](#)
- Sch. 2 para. 43 repealed by [2005 asp 13 sch. 3](#)
- Sch. 2 para. 44 repealed by [2005 asp 13 sch. 3](#)
- Sch. 2 para. 45 repealed by [2005 asp 13 sch. 3](#)
- Sch. 2 para. 53-55 repealed by [1999 c. 8 Sch. 5](#)
- Sch. 2 para. 69 repealed by [1999 c. 8 Sch. 5](#)
- Sch. 2 para. 7778 repealed by [1999 c. 8 Sch. 5](#)
- Sch. 2 para. 4 repealed in part by [1999 c. 8 Sch. 5](#)
- Sch. 2 para. 65 repealed in part by [1999 c. 8 Sch. 5](#)
- Sch. 2 para. 71 repealed in part by [1999 c. 8 Sch. 5](#)
- Sch. 3 words repealed by [2005 asp 13 sch. 3](#)