



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART I

ORGANISATION

Co-operation and assistance

[^{F1}17E Personal medical or dental services: regulations.

- (1) The Secretary of State may make regulations with respect to the provision of services in accordance with section 17C arrangements.
- (2) The regulations must—
 - (a) include provision for participants other than Health Boards to withdraw from section 17C arrangements if they wish to do so;
 - (b) impose conditions (including conditions as to qualifications and experience) to be satisfied by ^{F2}... dental practitioners performing personal dental services, in accordance with section 17C arrangements.

In paragraph (b) “practitioner” does not include a practitioner who is undergoing training of a prescribed description.

- (3) The regulations may, in particular—
 - (a) provide that section 17C arrangements may be made only in prescribed circumstances;
 - (b) provide that section 17C arrangements may be made only in prescribed areas;
 - (c) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with section 17C arrangements;
 - ^{F3}(ca) [impose conditions (including conditions as to qualifications and experience) to be satisfied by persons performing primary medical services in accordance with section 17C arrangements;

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- (cb) provide for the circumstances in which a person providing primary medical services under section 17C arrangements—
 - (i) must, or may, accept a person as a patient to whom such services are provided under section 17C arrangements;
 - (ii) may decline to accept a person as such a patient;
 - (iii) may terminate responsibility for a patient;
- (cc) make provision as to the right of patients to choose the persons from whom they are to receive primary medical services under section 17C arrangements;]
- (d) require details of section 17C arrangements to be published;
- (e) make provision with respect to the variation and termination of section 17C arrangements;
- ^{F4}(f)
- ^{F4}(g)
- (h) provide for parties to section 17C arrangements to be treated, in such circumstances and to such extent as may be prescribed, as health service bodies for the purposes of section 17A;
- (i) provide for directions, as to payments, made under section 17A(8) (as it has effect as a result of regulations made by virtue of paragraph (h)) to be enforceable in like manner as extract registered decrees arbitral bearing warrant for execution issued by the sheriff court of any sheriffdom in Scotland;
- (j) confer powers or impose duties on the Dental Practice Board in relation to agreements made by virtue of section 17C(1) under which personal dental services are provided;
- (k) authorise Health Boards to make payments of financial assistance for prescribed categories of preparatory work undertaken—
 - (i) in connection with preparing proposals for section 17C arrangements; or
 - (ii) in preparation for the provision of services under proposed section 17C arrangements.

[The regulations may also require payments to be made as respects the provision ^{F5}(3A) or performance of primary medical services under section 17C arrangements in accordance with directions given for the purpose by the Scottish Ministers.

(3B) A direction under subsection (3A) may make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.

(3C) The regulations may also include provision requiring a Health Board, in prescribed circumstances and subject to prescribed conditions, to enter into a general medical services contract on prescribed terms with any person providing services under section 17C arrangements who so requests.

(3D) The regulations may make provision for the resolution of disputes as to the terms of any proposed section 17C arrangements for the provision of primary medical services, including, without prejudice to that generality, provision for—

- (a) the referral of the terms of the proposed arrangements to the Scottish Ministers; and
- (b) the Scottish Ministers, or a person or panel of persons appointed by them, to determine the terms on which the arrangements may be made.]

^{F6}(4)

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^{F7}(5)

^{F8}(6)

^{F7}(7)

(8) The power to make provision under this section of the kind mentioned in subsection (3) (j) includes power—

- (a) to authorise or require the Dental Practice Board to perform on behalf of a Health Board functions of a prescribed description (including functions relating to remuneration) which have been delegated to the Dental Practice Board by the Health Board in accordance with a power conferred by the regulations;
- (b) to provide that functions conferred by the regulations are only to be exercised by the Dental Practice Board in accordance with directions of the Secretary of State;
- (c) to require information for the purpose of performing any functions conferred or imposed on the Dental Practice Board under this section.

(9) In this Act “section 17C arrangements” means arrangements for the provision of services made under section 17C.]

Textual Amendments

- F1** S. 17E inserted (5.3.2001 for certain purposes, otherwise prosp.) by 1997 c. 46, ss. 22(2), 41(3) (as amended by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), art. 31(5), **Sch. 9 para. 6(c)(ii)** (coming into force in accordance with art. 1(2)(3) of the amending S.I.); S.S.I. 2001/58, **art. 2**
- F2** Words in s. 17E(2)(b) repealed (13.2.2004 for certain purposes, otherwise 1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. **2(4)(a)**, 9(1); S.S.I. 2004/58, **art. 2(1)(3)**, Sch.
- F3** S. 17E(3)(ca)-(cc) inserted (13.2.2004 for certain purposes, otherwise 1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. **2(4)(b)(i)**, 9(1); S.S.I. 2004/58, **art. 2(1)(3)**, Sch.
- F4** S. 17E(3)(f)(g) repealed (13.2.2004 for certain purposes, otherwise 1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. **2(4)(b)(ii)**, 9(1); S.S.I. 2004/58, **art. 2(1)(3)**, Sch.
- F5** S. 17E(3A)-(3D) inserted (13.2.2004 for certain purposes, otherwise 1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. **2(4)(c)**, 9(1); S.S.I. 2004/58, **art. 2(1)(3)**, Sch.
- F6** S. 17E(4) repealed (1.10.1999) by 1999 c. 8, s. 65, Sch. 4 para. 47, **Sch. 5**; S.S.I. 1999/90, art. 2, **Schs. 1, 2**
- F7** S. 17E(5)(7) repealed (13.2.2004 for certain purposes, otherwise 1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. **2(4)(d)**, 9(1); S.S.I. 2004/58, **art. 2(1)(3)**, Sch.
- F8** S. 17E(6) omitted (30.9.2005 as notified in the London Gazette dated 26.8.2005) by virtue of [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), 31(5), **Sch. 9 para. 3(a)**

Modifications etc. (not altering text)

- C1** Pt. 1 applied (7.12.2019) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10C(3A) inserted by [2019 asp 6 s. 6\(3\)\(a\)](#)
- s. 10I(1)(b)(c) and word inserted by [2019 asp 6 s. 6\(4\)\(b\)](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)