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**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: The National Health Service Act 1977 (c. 49). (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### AMENDMENTS

#### PART I

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The National Health Service Act 1977 (c. 49)*

3 The 1977 Act is amended in accordance with paragraphs 4 to 31.

#### Commencement Information

**II** Sch. 2 para. 3 partly in force; Sch. 2 para. 3 not in force at Royal Assent see s. 41; Sch. 2 para. 3 in force for certain purposes at 1.4.1998 by S.I. 1998/631, art. 2(b), Sch. 2; Sch. 2 para. 3 in force for further certain purposes by S.I. 1998/1998, art. 2(2)(b), Sch. 2; Sch. 2 para. 3 in force for further certain purposes at 10.12.1998 by S.I. 1998/2840, art. 2, Sch.

4 (1) Section 15 is amended as follows.

(2) After subsection (1) insert—

“(1ZA) It is the duty of each Health Authority, in accordance with regulations, to perform such functions in relation to section 28C arrangements as may be prescribed.

(1ZB) Regulations under subsection (1ZA) may, in particular—

- (a) prescribe functions in relation to training;
- (b) provide for appeals to the Secretary of State or a prescribed body in relation to functions prescribed by the regulations.”

<sup>F1</sup>(3) For subsection (1B) substitute—

“(1B) In relation to a Part II medical practitioner—

- (a) whose name is included in the medical list of only one Health Authority, and
- (b) who practises on his own or in partnership with others all of whom are Part II medical practitioners whose names are included only in that Authority’s medical list,

any reference in this Act or the <sup>M1</sup>National Health Service and Community Care Act 1990 to the relevant Health Authority is to be construed as a reference to that Authority.

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(1BA) In relation to a medical practitioner who is not within subsection (1B), any reference in this Act or the National Health Service and Community Care Act 1990 to the relevant Health Authority is to be construed as a reference to the Authority in whose area most of the practice patients live.”]

<sup>F1</sup>(4) After subsection (1C) insert—

“(1D) In this section—

“Part II medical practitioner” means a medical practitioner who provides general medical services under Part II and does not perform personal medical services under section 28C arrangements; and

“practice patient” means—

- (a) in relation to a medical practitioner who practises otherwise than in partnership, 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 section 28C arrangements, 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, 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 section 28C arrangements, an individual who is on that single list).”]

#### Textual Amendments

**F1** Sch. 2 para. 4(3)(4) repealed (1.10.1999 for specified purposes for E., 1.4.2000 for specified purposes for W.) by 1999 c. 8, ss. 65(2), 67(1), **Sch. 5**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1041, art. 2(d), **Sch.**

#### Marginal Citations

**M1** 1990 c. 19.

5 (1) Section 26 is amended as follows.

(2) For subsection (2) substitute—

“(2) The Secretary of State may supply or make available to persons—

- (a) providing general medical services, general dental services, general ophthalmic services or pharmaceutical services, or
- (b) providing, in accordance with section 28C arrangements, personal medical services, personal dental services or other services of a kind that may be provided under this Part,

such goods, materials or other facilities as may be prescribed.”

(3) In subsection (4), after the words “pharmaceutical services” at the end of paragraph (a) insert—

“(aa) persons performing, in accordance with section 28C arrangements, personal medical services, personal dental services or other services of a kind that may be provided under this Part.”.

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**Commencement Information**

**I2** Sch. 2 para. 5 partly in force; Sch. 2 para. 5 not in force at Royal Assent see s. 41; Sch. 2 para. 5 in force for certain purposes at 1.4.1998 by [S.I. 1998/631](#), arts. 2(b), 3, [Sch. 2](#)

<sup>F2</sup>6 .....

**Textual Amendments**

**F2** Sch. 2 para. 6 repealed (E.W.) (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#) Note; [S.I. 2004/288](#), art. 6(2)(p) (with art. 8) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 5(2)(p) (with arts. 6, 7) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

7 After section 28H insert—

**“28I Use of accommodation.**

If the Secretary of State considers that any accommodation provided by him by virtue of this Act is suitable for use in connection with the provision of personal medical services or personal dental services in accordance with section 28C arrangements, he may make the accommodation available on such terms as he thinks fit to persons providing those services.”

<sup>F3</sup>8 .....

**Textual Amendments**

**F3** Sch. 2 paras. 8-12 repealed (E.W.) (1.4.2004 for the repeal of paras. 8-11, 1.4.2006 for the repeal of para. 12 for E. and for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#) Note; [S.I. 2004/288](#), art. 6(2)(p) (with art. 8) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 5(2)(p) (with arts. 6, 7) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); art. 11; [S.I. 2006/345](#), art. 7(2)(i)

<sup>F3</sup>9 .....

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**F4** Sch. 2 para. 13 repealed (E.W.) (1.7.2002 for W., 1.4.2006 for E.) by [Health and Social Care Act 2001 \(c. 15\)](#), s. 70(2), **Sch. 6 Pt. 2** (with ss. 64(9), 65(4)); [S.I. 2002/1475](#), art. 2, Sch. Pt. 1, [S.I. 2006/481](#), art. 3

F3 .....

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**Pt. 4** Note; S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(i); S.I. 2006/1407, art. 1(1), Sch. 1 para. 13 (with art. 4)

PROSPECTIVE

F3F5

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**Commencement Information**

- I3** Sch. 2 para. 21 partly in force; Sch. 2 para. 21 not in force at Royal Assent see s. 41; Sch. 2 para. 21 in force for certain purposes at 1.4.1998 by [S.I. 1998/631](#), art. 2(b), **Sch. 2**; Sch. 2 para. 21 in force at 1.10.1998 in so far as not already in force by [S.I. 1998/1998](#), art. 2(2)(b), **Sch. 2**

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- F6** Sch. 2 paras. 24 25 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes, 1.3.2007 in so far as not already in force, immediately before the National Health Service Act 2006 comes into force) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 4** Note; [S.I. 2005/2925](#), art. 11; [S.I. 2006/345](#), art. 7(2)(i); [S.I. 2006/1407](#), art. 1(1), Sch. 1 para. 13 (with art. 4)

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**Commencement Information**

**I4** Sch. 2 para. 28 partly in force; Sch. 2 para. 28 not in force at Royal Assent see s. 41; Sch. 2 para. 28 in force for certain purposes at 1.4.1998 by [S.I. 1998/631](#), art. 2(b), **Sch. 2**; Sch. 2 para. 28 in force for further certain purposes at 10.12.1998 by [S.I. 1998/2840](#), art. 2, **Sch.**; Sch. 2 para. 28 in force (E.) for certain purposes at 24.6.2002 by [S.I. 2002/1616](#), **art. 2**

**I5** Sch. 2 para. 28 in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/287](#), **art. 3**

F3 .....

**Textual Amendments**

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**Status:** Point in time view as at 01/04/2006. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: The National Health Service Act 1977 (c. 49). (See end of Document for details)

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