



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### PART II

#### PRIMARY CARE

##### *Personal medical or dental services*

#### 22 Supplementary regulations.

<sup>F1</sup>(1) .....

(2) In the 1978 Act, after section 17D, insert—

##### **“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 medical practitioners performing personal medical services, and 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—

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*Changes to legislation:* There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Section 22. (See end of Document for details)

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- (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;
  - (d) require details of section 17C arrangements to be published;
  - (e) make provision with respect to the variation and termination of section 17C arrangements;
  - (f) prevent (except in such circumstances and to such extent as may be prescribed) a medical practitioner who performs personal medical services in accordance with section 17C arrangements from providing general medical services;
  - (g) make provision with respect to medical lists, including provision for preferential treatment for medical practitioners;
  - (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 [Strategic Health Authorities and] 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.
- (4) The regulations must include provision for a medical practitioner who—
- (a) has provided or performed personal medical services in accordance with section 17C arrangements, and
  - (b) in contemplation of doing so, gave up fund-holding status,
- to be allowed to return immediately to fund-holding status on satisfying the Secretary of State that, if he were granted that status, he would be able to fulfil the conditions for the time being in force for continuing to have it.
- For the purposes of this subsection “fund-holding status” has such meaning as may be prescribed.
- (5) The Secretary of State must—
- (a) consider whether section 17C arrangements are likely to have an adverse effect on the distribution of medical practitioners providing general medical services or performing personal medical services in Scotland;

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- (b) if he thinks that the arrangements are likely to have that effect, consider whether it is necessary to include in the regulations provisions designed to secure that, so far as is possible, the arrangements do not have that effect; and
- (c) if he thinks that it is necessary, include such provisions in the regulations.

<sup>F2</sup>(6) .....

(7) Regulations made by virtue of subsection (3)(g) may, in particular, include provision—

- (a) requiring (except in prescribed circumstances) Health Boards to remove from their medical lists persons who are performing personal medical services in accordance with section 17C arrangements or corresponding services under section 28C of the <sup>M1</sup>National Health Service Act 1977;
- (b) conferring a right to transfer to a medical list on persons who have ceased to perform such services;
- (c) that any provision in relation to medical lists made by or under any enactment is not to apply;
- (d) as to conditions to be attached to entries in medical lists;
- (e) conferring powers of disqualification on the Tribunal constituted under section 29.

(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. 22(1) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1 Sch. 3 Pt. 1](#))
- F2** S. 22(2): s. 17E(6) to be inserted into the 1978 Act 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 \(S.I. 2003/1250\)](#), art. 1(2)(3), [Sch. 9 para. 6\(c\)\(ii\)](#)

#### Commencement Information

- I1** S. 22 partly in force; s. 22 not in force at Royal Assent see s. 41; s. 22(2) in force for certain purposes at 5.3.2001 (S.) by [S.S.I. 2001/58](#), [art. 2](#)

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**Marginal Citations**

**M1** 1977 c. 49.

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