



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

#### **41 Short title, commencement and extent, etc.**

- (1) This Act may be referred to as the National Health Service (Primary Care) Act 1997.
- (2) Sections 38 to 40 and subsections (1) to (9) and (13) and (14) of this section come into force on the passing of this Act.
- (3) Otherwise, this Act comes into force on such date as may be appointed by order made by the Secretary of State; but different dates may be appointed for different provisions and for different purposes.
- (4) Any such order may include such transitional provisions or savings as the Secretary of State considers appropriate.
- (5) A Health Authority, Health Board or NHS trust is to be taken as having, at any time before the commencement of any provision of this Act, power to prepare for that commencement.
- (6) Any amendment, repeal or revocation made by or under this Act has the same extent as the enactment or other instrument amended, repealed or revoked.
- (7) Subject to subsection (6), only section 38 and this section (except subsections (5) and (8)) extend to Northern Ireland.
- (8) The Secretary of State may by order provide that this Act extends to the Isles of Scilly with such modifications (if any) as are specified in the order; but otherwise this Act does not extend there.
- (9) Orders under subsections (3), (8) and (13) must be made by statutory instrument.

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*Changes to legislation: There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Section 41. (See end of Document for details)*

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- (10) Part I of Schedule 2 makes minor and consequential amendments.
- (11) Part II of Schedule 2 makes amendments to facilitate, or which are otherwise desirable in connection with, the consolidation of certain enactments relating to the health service.
- (12) The repeals and revocations set out in Schedule 3 are to have effect.
- (13) The Secretary of State may by order make such amendments or repeals of any enactment passed before, or in the same Session as, this Act as appear to him necessary or expedient in consequence of any provision of this Act.
- (14) An order under subsection (13)—
- (a) may contain such supplemental, incidental, consequential or transitional provisions and savings as the Secretary of State considers appropriate; and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Subordinate Legislation Made

- P1** S. 41(3) power partly exercised (23.7.1997): different dates appointed for specified provisions by [S.I. 1997/1780, art. 2, Sch.](#)
- S. 41(3) power partly exercised (29.10.1997): different dates appointed for specified provisions by [S.I. 1997/2620, art. 2](#)
- S. 41(3) power partly exercised (2.4.2001): 5.3.2001 appointed for specified provisions by [S.S.I. 2001/58, art. 2](#)
- S. 41(3) power partly exercised (E.) (20.6.2002): 24.6.2002 appointed for specified provisions by [S.I. 2002/1616, art. 2](#)
- P2** S. 41(3)(4) power partly exercised (13.10.1997): 14.1.1997 appointed for specified provision by [S.I. 1997/2457, art. 2 \(with art. 3\)](#)
- S. 41(3)(4) power partly exercised (9.3.1998): different dates appointed for specified provisions by [S.I. 1998/631, art. 2, Schs. 1, 2 \(subject to arts. 3, 4 \(as amended \(2.3.2001\) by S.S.I. 2001/58, art. 3 and \(2.2.2004\) by S.I. 2004/287, art. 4\)\)](#)
- S. 41(3)(4) power partly exercised (13.8.1998): different dates appointed for specified provisions by [S.I. 1998/1998, art. 2, Schs. 1, 2 \(with art. 3 \(as amended \(2.2.2004\) by S.I. 2004/287, art. 4\)\)](#)
- S. 41(3)(4) power partly exercised (17.11.1998): different dates appointed for specified provisions by [S.I. 1998/2840, art. 2, Sch. \(with art. 3\)](#)

#### Modifications etc. (not altering text)

- C1** S. 41(13) modified (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 2 para. 1\(6\)\(a\) \(with Sch. 3 Pt. 1\)](#)

#### Commencement Information

- I1** S. 41 partly in force; s. 41(1)-(9)(13)(14) in force at 21.3.1997 see s. 41; s. 41(10) in force for certain purposes at 15.8.1997 by [S.I. 1997/1780, art. 2\(1\), Sch.](#); s. 41(10)(12) in force for certain purposes at 1.4.1998 by [S.I. 1998/631, art. 2\(a\), Sch. 1 \(with arts. 3-5\)](#); s. 41(10)(12) in force for further certain purposes by [S.I. 1998/1998, art. 2\(2\)\(a\), Sch. 1](#); s. 41(10)(12) in force for further certain purposes at 18.11.1998 and 10.12.1998 by [S.I. 1998/2840, art. 2, Sch.](#); s. 41(10) in force (E.) for certain purposes at 24.6.2002 by [S.I. 2002/1616, art. 2](#)
- I2** S. 41(10) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/287, art. 3](#)

**Changes to legislation:**

There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Section 41.