

SCHEDULES

SCHEDULE 3

AMENDMENTS RELATING TO PERSONAL MEDICAL SERVICES AND PERSONAL DENTAL SERVICES

PART 1

AMENDMENTS OF THE NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

- 1 The National Health Service (Primary Care) Act 1997 is amended as follows.
- 2 (1) Section 1 (pilot schemes) is amended as provided in this paragraph.
- (2) In subsection (6), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “Strategic Health Authority or a”.
- (3) In subsection (8), for paragraph (a) of the definition of “authority” there is substituted—
- “(a) in relation to England, a Strategic Health Authority;
 - (aa) in relation to Wales, a Health Authority; and”.
- 3 (1) Section 8ZA (lists of persons who may perform personal medical services or personal dental services) is amended as provided in this paragraph.
- (2) In subsection (1), after “publication” there is inserted “by each Primary Care Trust and”.
- (3) In subsection (3)—
- (a) in each of paragraphs (a), (b), (c), (e), (g) and (k), before “Health Authority” there is inserted “Primary Care Trust or”, and
 - (b) in paragraph (j), after “of” there is inserted “Primary Care Trusts and”.
- (4) In subsection (4), in each of paragraphs (a), (b) and (d), before “Health Authority” there is inserted “Primary Care Trust or”.
- (5) In subsection (8)—
- (a) before “Health Authority”, in both places, there is inserted “Primary Care Trust or”, and
 - (b) in paragraph (c), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.
- (6) In subsection (9)—
- (a) before “Health Authority” there is inserted “Primary Care Trust or”, and
 - (b) for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.
- (7) In subsection (10), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.

- 4 In section 8A (delegation of Health Authority functions relating to pilot schemes)—
- (a) for subsection (1) there is substituted—
- “(1) A Strategic Health Authority may not, under section 17A of the 1977 Act, direct a Primary Care Trust to exercise any functions of the Strategic Health Authority arising under a pilot scheme if the Primary Care Trust is providing any services under the pilot scheme.”, and
- (b) in subsection (2), for “Health Authorities”, in both places, there is substituted “Strategic Health Authorities”.
- 5 In section 12 (leaving medical lists), in subsection (2)—
- (a) for “an authority” there is substituted “a Primary Care Trust, Health Authority or Health Board”, and
- (b) for “by them or by any other authority” there is substituted “by any authority”.
- 6 (1) Section 13 (preferential treatment on transferring to medical lists) is amended as provided in this paragraph.
- (2) In subsection (1), for “the authority’s medical list” there is substituted “the medical list of the relevant body”.
- (3) After subsection (1) there is inserted—
- “(1A) For the purposes of this section—
- (a) where the authority concerned is a Health Authority or a Health Board, the relevant body is that Authority or Board;
- (b) where the authority concerned is a Strategic Health Authority, the relevant body is the Primary Care Trust designated in relation to the pilot scheme by the Secretary of State.”
- (4) In subsection (6), for “authority” there is substituted “relevant body”.
- 7 (1) Section 21(1) (which inserts new sections 28C and 28D into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new section 28C (personal medical or dental services)—
- (a) in subsection (1), before “Health Authority” there is inserted “Strategic Health Authority or a”,
- (b) in subsection (3), in each of paragraphs (a) and (b), after “by the” there is inserted “Primary Care Trust or”, and
- (c) in subsection (6), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “Strategic Health Authority or a”.
- (3) In the new section 28D (persons with whom section 28C agreements may be made), in subsection (1), before “Health Authority” there is inserted “Strategic Health Authority or a”.
- 8 In section 22(1) (which inserts a new section 28E into the 1977 Act), in that new section 28E (which provides for regulations as to personal medical or dental services)—
- (a) in subsection (2)(a), after “than” there is inserted “Strategic Health Authorities and”,

Status: This is the original version (as it was originally enacted).

- (b) in subsection (3)(k), after “authorise” there is inserted “Strategic Health Authorities and”,
 - (c) in subsection (7)(a), after “circumstances” there is inserted “Primary Care Trusts and”, and
 - (d) in subsection (8)(a), before “Health Authority” (in both places) there is inserted “Strategic Health Authority or”.
- 9 In section 40 (interpretation), in subsection (2), at the end of the definition of “authority” there is inserted “, except in Schedule 1”.
- 10 (1) Schedule 1 (preferential treatment on transferring to medical lists) is amended as provided in this paragraph.
- (2) In paragraph 1(1), for “an authority’s medical list” there is substituted “the medical list of a Primary Care Trust, a Health Authority or a Health Board (in this Schedule referred to as an “authority”)”.
- (3) In paragraph 9—
- (a) after “Schedule” there is inserted “, an “authority” means a Primary Care Trust, a Health Authority or a Health Board, and”, and
 - (b) in paragraph (a), for “a Health Authority’s medical list” there is substituted “the medical list of a Primary Care Trust or of a Health Authority”.