
STATUTORY INSTRUMENTS

1997 No. 2289

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Proposals for Pilot Schemes)
and (Miscellaneous Amendments) Regulations 1997**

	<i>22nd September</i>
<i>Made</i> - - - -	<i>1997</i>
	<i>23rd September</i>
<i>Laid before Parliament</i>	<i>1997</i>
<i>Coming into force~</i> - -	<i>14th October 1997</i>

The Secretary of State, in exercise of powers conferred on him by sections 45(1) and 126(4) of, and paragraph 2(d), (f) and (h) of Schedule 7 to, the National Health Service Act 1977(1), sections 7(9) (a), 9(6) and 105(6) and (7) of the National Health Service (Scotland) Act 1978(2) and sections 4(3) (b), 18(1), (2)(a) and (3) and 39(2) of the National Health Service (Primary Care) Act 1997(3) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Proposals for Pilot Schemes) and (Miscellaneous Amendments) Regulations 1997 and shall come into force on 14th October 1997.

(2) In these Regulations—

“the 1977 Act” means the National Health Service Act 1977;

“the 1978 Act” means the National Health Service (Scotland) Act 1978;

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- (1) 1977 c. 49. Section 45(1) was amended by paragraph 7(a) of Schedule 3 to the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”) and paragraph 33 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”). Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”). Sub-paragraphs (d) and (f) of paragraph 2 of Schedule 7 were substituted by paragraph 15 of Schedule 3 to the 1984 Act and amended by paragraph 62(a) of Schedule 1 to the 1995 Act. Paragraph 2(d) was also amended by paragraph 18(13) of Schedule 9 to the 1990 Act.
- (2) 1978 c. 29. Section 105(7) was amended by paragraph 5(1)(c) of Schedule 6 and Schedule 7 to the Health Services Act 1980 (c. 53) and extended by paragraph 24 of Part I of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and section 28(3) of the Health and Social Security Act 1984.
- (3) 1997 c. 46.

“the 1997 Act” means the National Health Service (Primary Care) Act 1997; and
 “request” means a request to an authority(4) under section 4(2) of the 1997 Act (requests for preparation of proposals for pilot schemes(5)).

Requests to authorities for preparation of proposals

2.—(1) A request must deal with such matters and include such information as the authority to which it is made may reasonably require for the purpose of enabling it to comply with any directions given by the Secretary of State under section 4(4) and (6)(a) of the 1997 Act (directions as to proposals and recommendations).

(2) An authority shall, if asked to do so by any person who is entitled to make a request—

- (a) provide that person with a copy of any directions given by the Secretary of State as mentioned in paragraph (1); and
- (b) specify the matters with which the request must deal and the information which it must include.

(3) Paragraphs (4) and (5) of this regulation apply in relation to an authority only where the Secretary of State has, in directions, specified a date (or a number of dates) by which any proposals by that authority are to be submitted to him under section 4(1) of the 1997 Act (submission of proposals for pilot schemes).

(4) The authority shall, if asked to do so by any person who is entitled to make a request, inform that person of all dates specified as mentioned in paragraph (3) which have not passed at the time the authority is asked for the information.

(5) A request must—

- (a) state which of the dates specified as mentioned in paragraph (3) is the one by which the authority is requested to submit the proposals in question to the Secretary of State;
- (b) be received by the authority before the beginning of the period of 28 days which ends on that date; and
- (c) specify the period of time which the person making the request would require after receiving notification of approval of the proposals by the Secretary of State(6), in order to prepare for the proposals to be implemented by the authority.

Consultation on proposals

3.—(1) Where, pursuant to directions given by the Secretary of State under section 4(5) of the 1997 Act, a Community Health Council(7) or a Local Health Council(8) is, prior to submission of proposals for a pilot scheme, consulted by the authority for whose area (or for part of whose area) the Council was established, the Council shall—

(4) “Authority” is defined in section 1(8) of the 1997 Act.

(5) “Pilot scheme” is defined in section 1(1) of the 1997 Act. Section 4 of that Act came into force on 22nd August 1997 in relation to pilot schemes under which personal medical services are provided. *See* article 2(2) of [S.I. 1997/1780](#).

(6) *See* section 5 of the 1997 Act.

(7) Community Health Councils are established in England and Wales by virtue of section 20 of the 1977 Act (amended by section 1 of and paragraph 40 of Schedule 1 to the Health Services Act 1980 and paragraph 11 of Schedule 1 to the Health Authorities Act 1995).

(8) Local Health Councils are established in Scotland by virtue of section 7 of the 1978 Act (amended by paragraph 1(1) of Schedule 6 to the Health Services Act 1980 and section 29(3)(a)–(c) of the National Health Service and Community Care Act 1990).

- (a) consider the effect of the proposals on the operation of the health service(9) within the district or, in the case of a Local Health Council, the area or district, for which the Council was established; and
- (b) in the light of the conclusions which the Council reaches as a result of that consideration, give advice to the authority about that effect.

(2) Where, pursuant to directions given by the Secretary of State under section 4(5) of the 1997 Act, a Local Medical Committee(10) or an Area Medical Committee(11) is, prior to submission of proposals for a pilot scheme, consulted by the authority for whose area the Committee was formed, it shall be a function of the Committee to—

- (a) consider the effect of the proposals on the provision of general medical services in that area; and
- (b) in the light of the conclusions which the Committee reaches as a result of that consideration, give advice to the authority about that effect.

Amendment of the National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Regulations 1997

4. In the National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Regulations 1997(12), in paragraph (a) of regulation 3(3) (which defines “relevant date” for the purposes of conditions imposed in relation to payments of financial assistance), after “regulation 2(3) (b)” insert “being, where an application has been amended under regulation 2(4), the date specified for the purposes of regulation 2(3)(b) by virtue of that amendment”.

Amendment of the Community Health Councils Regulations 1996

5. In the Community Health Councils Regulations 1996(13), in paragraph (2) of regulation 18 (consultation of Councils by relevant Health Authorities), at the end insert “, or any proposals for a pilot scheme within the meaning of section 4 of the National Health Service (Primary Care) Act 1997”.

Amendment of the National Health Service (Local Health Councils) (Scotland) Regulations 1990

6. In the National Health Service (Local Health Councils) (Scotland) Regulations 1990(14), in paragraph (2) of regulation 6 (consultation with councils by Health Boards), at the end insert “but need not consult on any proposals for a pilot scheme within the meaning of section 4 of the National Health Service (Primary Care) Act 1997”.

(9) “Health service” is defined for this purpose, in relation to England and Wales, in section 128(1) of the 1977 Act (amended by paragraph 77(c) of Schedule 1 to the Health Services Act 1980) and, in relation to Scotland, in section 108(1) of the 1978 Act.

(10) See section 44 of the 1977 Act (amended by paragraph 6 of Schedule 3 and Part 1 of Schedule 8 to the Health and Social Security Act 1984, section 12(4) of the National Health Service and Community Care Act 1990 and paragraph 32 of Schedule 1 to the Health Authorities Act 1995).

(11) See section 9(1)(a) and (2)(a) of the 1978 Act (amended by section 29(5)(a) and (b) of the National Health Service and Community Care Act 1990).

(12) S.I. 1997/1821.

(13) S.I. 1996/640.

(14) S.I. 1990/2230.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

22nd September 1997

Frank Dobson
One of Her Majesty's Principal Secretaries of
State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe requirements relating to requests under section 4(2) of the National Health Service (Primary Care) Act 1997 for the preparation by Health Authorities in England and Wales and by Scottish Health Boards (“authorities”) of proposals for pilot schemes under which personal medical services are to be provided. They make provision as to the information which must be included in requests for the preparation of proposals and the date by which requests must be made to authorities.

The Regulations provide that if a Community Health Council in England and Wales or a Local Health Council in Scotland is consulted by an authority about proposals for a pilot scheme, the Council must consider the effect of the proposals on the operation of the health service in their area or district and provide advice to the authority. A Local Medical Committee in England and Wales or an Area Medical Committee in Scotland must, if consulted by an authority, consider the effect of the proposals on the provision of general medical services in their area and provide advice accordingly.

The Regulations make a clarificatory amendment to the National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Regulations 1997 and consequential amendments to the Community Health Councils Regulations 1996 and the National Health Service (Local Health Councils) (Scotland) Regulations 1990.

These Regulations impose no costs on business.