
STATUTORY INSTRUMENTS

1998 No. 1998 (C.43)

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

**The National Health Service (Primary Care)
Act 1997 (Commencement No. 5) Order 1998**

Made - - - - *13th August 1998*

The Secretary of State, in exercise of powers conferred on him by section 41(3) and (4) of the National Health Service (Primary Care) Act 1997⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998.

(2) In this Order, “the Act” means the National Health Service (Primary Care) Act 1997.

Appointed day

2.—(1) 14th August 1998 is the day appointed for the coming into force of section 3 of the Act (provision of personal dental services under a pilot scheme).

(2) 1st October 1998 is the day appointed for the coming into force of—

- (a) the provisions of the Act specified in column (1) of Schedule 1 to this Order either fully or, if an extent is so specified, to that extent (the subject matter of each provision being mentioned in column (2) of that Schedule); and
- (b) the provisions of Part I of Schedule 2 to the Act (minor and consequential amendments) specified in column (1) of Schedule 2 to this Order, either fully or, if an extent specified in column (2) of that Schedule, to that extent.

References to certain terms

3.—(1) Paragraph (2) of this article applies to the following enactments—

(1) 1997 c. 46.

- (a) a provision of the Act brought into force pursuant to article 2(2)(a); and
- (b) a provision of another Act, as amended, inserted or replaced by a provision of the Act brought into force pursuant to article 2(2)(b).

(2) Where an enactment to which this paragraph applies refers to arrangements made under section 28C of the 1977 Act or to arrangements made under section 17C of the 1978 Act (however the reference is worded) such a reference is to be taken as referring only to a pilot scheme under Part I of the Act and the purpose of bringing the provision of the Act in question into force is limited accordingly.

(3) In article 3 of the National Health Service (Primary Care) Act 1997 (Commencement Order No. 4) Order 1998(2) (references to certain terms)—

- (a) in paragraph (2), the words “under which personal medical services are to be provided” are hereby revoked; and
- (b) paragraphs (3) and (4) (which limited the purposes for which paragraphs 1, 2, 5, 35, 38, 63, 67 and 68 of Part I of Schedule 2 to the Act were brought into force by that Order) are hereby revoked.

Frank Dobson
One of Her Majesty’s Principal Secretaries of
Health
Department of Health

13th August 1998

SCHEDULE 1

Article 2(2)(a)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST OCTOBER 1998

<i>Column (1)</i> <i>Provision of the Act</i>	<i>Column (2)</i> <i>Subject Matter</i>
Part I, so far as it is not already in force, apart from section 14	Pilot schemes for primary care
Section 24	Right to choose dental practitioner
Section 41(10), in so far as it relates to the provisions of Part I of Schedule 2 to the Act mentioned in Schedule 2 to this Order	Introduction of Part I of Schedule 2
Section 41(12), in so far as it relates to the provisions of Schedule 3 to the Act mentioned below	Introduction of Schedule 3
Schedule 3, Part I (in so far as it revokes section 36(1)(c) of the National Health Service Act 1977 and section 25(2)(c) of the National Health Service (Scotland) Act 1978)	Repeals and revocations

SCHEDULE 2

Article 2(2)(b)

EXTENT TO WHICH PROVISIONS OF PART 1 OF SCHEDULE 2 TO THE ACT COME INTO FORCE ON 1ST OCTOBER 1998

<i>Column (1)</i> <i>Provision of Part I of Schedule 2</i>	<i>Column (2)</i> <i>Extent to which it is to come into force</i>
Paragraph 3	So far as it relates to any of paragraphs 4 to 31 brought into force by this Order.
Paragraphs 12, 15, 16, 17, 18 and 21	So far as not in force
Paragraph 32	So far as it relates to any of paragraphs 33 to 60 brought into force by this Order.
Paragraphs 43, 47, 48, 49, 50 and 52	So far as not in force

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the National Health Service (Primary Care) Act 1997.

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

Provisions which are brought into force on 1st October 1998 relate to reviews and to variations and terminations of pilot schemes for personal dental services. They also deal with the powers and functions of the Dental Practice Boards in relation to personal dental services, with charges for dental treatment under personal dental services and with the right to choose a dentist. Provisions which are brought into force in the Schedules to the Act make minor and consequential amendments to existing legislation and repeal or revoke certain provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 1997 Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>	
s.1	28.11.97	1997/2620	
s.2	28.11.97	1997/2620	
s.4	(partially) (remainder)	22.8.97 30.10.97	1997/1780 1997/2620
s.5	(partially) (remainder)	28.11.97 1.4.98	1997/2620 1998/631
s.6	(partially) (remainder)	28.11.97 1.4.98	1997/2620 1998/631
s.7	(partially)	1.4.98	1998/631
s.8	(partially)	1.4.98	1998/631
s.9,	subsections (1) and (2) subsection (3) (partially)	15.8.97 1.4.98	1997/1780 1998/631
s.10		15.8.97	1997/1780
s.11		1.4.98	1998/631
s.12		1.4.98	1998/631
s.13	subsections (1) and (3) to (8) (remainder)	15.8.97 1.4.98	1997/1780 1998/631
s.15		1.4.98	1998/631
s.16	(partially) (remainder)	30.10.97 11.5.98	1997/2620 1998/631
s.18,	subsections (1), (2) (partially) and (3)	15.8.97	1997/1780

* A limitation on the purposes for which these paragraphs were brought into force has been removed by article 3(3) of this Order.

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<i>Provision</i>		<i>Date of Commencement</i>	<i>S.I. No.</i>
	subsection (2) (partially)	28.11.97	1997/2620
	(remainder)	1.4.98	1998/631
s.19		1.4.98	1998/631
s.23		1.4.98	1998/631
s.27		15.8.97	1997/1780
s.28		15.8.97	1997/1780
s.29		1.4.98	1998/631
s.30		15.8.97	1997/1780
s.31		1.9.97	1997/1780
s.34		1.4.98	1998/631
s.35		1.4.98	1998/631
s.36		14.10.97	1997/2457
s.37		1.4.98	1998/631
s.41	(10) (partially)	15.8.97	1997/1780
	(partially)	1.4.98	1998/631
s.41	(12) (partially)	1.4.98	1998/631
Schedule 1	1.4.98	1998/631	
In Part I of Schedule 2—			
paragraphs 1*, 2*,			
3 (partially), and 4 to 8*	1.4.98	1998/631	
paragraphs 13, 14 and 20	15.8.97	1997/1780	
paragraphs 21 (partially) and 22 to 26	1.4.98	1998/631	
paragraph 27	15.8.97	1997/1780	
paragraphs 28 (partially), 29 to 31, 32 (partially) and 35 to 39*	1.4.98	1998/631	
paragraphs 44, 45 and 51	15.8.97	1997/1780	
paragraphs 53, 54, 57 (partially), 58 to 61,	1.4.98	1998/631	

* A limitation on the purposes for which these paragraphs were brought into force has been removed by article 3(3) of this Order.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
63*, 64 (partially), 65 (partially) and 66 to 68*	1.4.98	1998/631
Schedule 3, Part I (partially)		

* A limitation on the purposes for which these paragraphs were brought into force has been removed by article 3(3) of this Order.