
STATUTORY INSTRUMENTS

1998 No. 631

**The National Health Service (Primary Care)
Act 1997 (Commencement No. 4) Order 1998**

Citation and interpretation

1.—(1) This Order may be cited as the National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998.

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

Appointed days

2.—(1) 1st April 1998 is the day appointed for the coming into force (subject to articles 3, 4 and 5) 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 is specified in column (2) of that Schedule, to that extent.

(2) 11th May 1998 is the day appointed for the coming into force of section 16 of the Act (NHS contracts) in so far as it is not already in force.

References to certain terms

3.—(1) This article applies to the following enactments—

- (a) a provision of the Act brought into force pursuant to article 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(b).

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

(3) Where an enactment falling within paragraph (1)(b) would refer to “personal dental services” if the provision of the Act effecting the amendment, insertion or replacement were fully in force, that provision of the Act is brought into force pursuant to article 2(b) only so far as to effect the amendment, insertion or replacement with the omission of the reference to personal dental services; and the purpose of bringing that provision of the Act into force is limited accordingly.

(4) Provisions of the Act brought into force for the limited purpose referred to in paragraph (3) are marked with an asterisk in Schedule 2.

Transitional provision

4.—(1) Until sections 32 and 33 of the Act are brought into force, paragraphs 1(2)(c) and 2(2) and (4) of Schedule 1 to the Act shall be treated as if they read as provided in this article.

(2) Paragraph 1(2)(c) shall be treated as reading as follows—

“(c) an application made by him for inclusion in the authority’s medical list has not, since then, been granted under section 30 of the 1977 Act or (as the case may be) section 20 of the 1978 Act.”.

(3) Paragraph 2(2) shall be treated as reading as follows—

“(2) Where the authority are under a duty under sub-paragraph (1) in relation to the applicant, neither sections 30 and 33 of the 1977 Act nor (as the case may be) sections 20 and 23 of the 1978 Act applies in relation to him.”.

(4) Paragraph 2(4) shall be treated as reading as follows—

“(4) For the purposes of this paragraph, a person is not eligible for inclusion in a medical list if—

- (a) he has attained the age specified in regulations under section 8 of the Health and Medicines Act 1988 (retirement age for practitioners); or
- (b) he is disqualified, or treated as disqualified, from inclusion in the list by virtue of a direction of the Tribunal constituted under section 46 of the 1977 Act or under section 29 of the 1978 Act, or any corresponding tribunal in Northern Ireland.”.

Saving

5. Notwithstanding the bringing into force by article 2(a) of the repeal of certain words in section 97A(9)(c)(i) of the National Health Service Act 1977(1), and by article 2(b) of paragraphs 22 and 23 of Schedule 2 to the Act, in relation to—

- (a) expenditure of Health Authorities in respect of a financial year ending on 31st March 1998 or before; and
- (b) amounts allotted to Health Authorities in respect of such a financial year,

sections 97 and 97A of the National Health Service Act 1977(2) shall continue to have effect as if this Order had not been made.

9th March 1998

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

(1) 1977 c. 49.

(2) Sections 97 and 97A were substituted by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraphs 47 and 48 respectively.