

**2004 No. 287 (C. 11)**

**NATIONAL HEALTH SERVICE, ENGLAND  
AND WALES**

**The National Health Service (Primary Care) Act 1997  
(Commencement No. 9) Order 2004**

*Made* - - - - - *2nd February 2004*

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

**Citation, application and interpretation**

**1.**—(1) This Order may be cited as the National Health Service (Primary Care) Act 1997 (Commencement No. 9) Order 2004.

(2) Articles 2 and 4 apply to England only and article 3 applies to Wales only.

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

**Appointed day**

**2.**—(1) 1st March 2004 is the day appointed for the coming into force of section 22(1) (supplementary regulations) and for the purposes of making an order or regulations, section 21(1) and (3) (provision of personal medical or dental services) of the Act.

(2) 1st April 2004 is the day appointed for the coming into force of the following provisions of the Act as they relate to personal medical services—

(a) section 21(1) and (3) in so far as it is not in force; and

(b) in Schedule 2, paragraph 65(1) and (2) (amendments).

**Appointed day for Wales**

**3.** 1st April 2004 is the day appointed for the coming into force of section 41(10) and paragraph 28 of Schedule 2 to the Act (minor and consequential amendments) insofar as they relate to the definition of “health service body”.

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(a) 1997 c. 46.

## **Revocation**

**4.** Article 3 of the National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998**(a)** (references to certain terms) and article 3(1) and (2) of the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998**(b)** (references to certain terms) are hereby revoked.

2nd February 2004

*John Hutton*  
Minister of State,  
Department of Health

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**(a)** S.I. 1998/631 (C. 12).  
**(b)** S.I. 1998/1998 (C. 43).

## 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 (“the 1997 Act”).

Article 2 of the Order, which applies to England only, appoints 1st March 2004 for the coming into force of section 22(1) (supplementary regulations) of the 1997 Act and 1st April 2004 for the coming into force of section 21(1) and (3) (provision of personal medical or dental services) of the 1997 Act, but only as those sections apply to personal medical services. Section 21(1) inserts new sections 28C and 28D into the National Health Service Act 1977 (“the 1977 Act”). These sections allow for arrangements to be made between specified persons for the provision of personal medical services. Section 22(1) inserts a new section 28E into the 1977 Act. This section provides for regulations to be made concerning arrangements under section 28C.

Article 2 of the Order also brings into force on 1st April 2004 paragraph 65(1) and (2) of Schedule 2 to the 1997 Act, which makes a minor consequential amendment to the National Health Service and Community Care Act 1990 relating to the functions of an NHS trust and arrangements under section 28C of the 1977 Act.

Article 3 of the Order, which applies to Wales only, appoints 1st April 2004 for the coming into force of a provision of the 1997 Act which inserts the definition of “health service body” into section 128 of the 1977 Act. The National Health Service (Primary Care) Act 1997 (Commencement No 8) Order 2002 has already brought that provision into force as regards England.

The National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998 and the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998 restricted the interpretation of references to section 28C in enactments as references to pilot schemes. Article 4 of this Order removes this restrictive interpretation in the light of the insertion of section 28C into the 1977 Act.

## 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 by One of Her Majesty’s Principal Secretaries of State 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. 3	14.8.98	1998/1998
s. 4 (partially)	22.8.97	1997/1780
(remainder)	30.10.97	1997/2620
s. 5 (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s. 6 (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s. 7 (partially)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
s. 8 (partially)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
s. 9, subsections (1) and (2)	15.8.97	1997/1780
subsection (3) (partially)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
s. 10	15.8.97	1997/1780
s. 11	1.4.98	1998/631

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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. 17	1.10.98	1998/1998
s. 18 subsections (1), (2) (partially) and (3) subsection (2) (partially) (remainder)	15.8.97 28.11.97 1.4.98	1997/1780 1997/2620 1998/631
s. 19	1.4.98	1998/631
s. 20	1.10.98	1998/1998
s. 23	1.4.98	1998/631
s. 24	1.10.98	1998/1998
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. 32	10.12.98	1998/2840
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) (partially) (partially) (partially) (partially)	15.8.97 1.4.98 1.10.98 18.11.98 10.12.98 24.6.02	1997/1780 1998/631 1998/1998 1998/2840 1998/2840 2002/1616
s. 41(12) (partially) (partially) (partially)	1.4.98 1.10.98 10.12.98	1998/631 1998/1998 1998/2840
Schedule 1	1.4.98	1998/631
In Part 1 of Schedule 2, paragraphs 1* and 2*	1.4.98	1998/631
paragraph 3 (partially) (partially) (partially)	1.4.98 1.10.98 10.12.98	1998/631 1998/1998 1998/2840
paragraphs 4 to 8*	1.4.98	1998/631
paragraphs 9 to 11	10.12.98	1998/2840
paragraph 12	1.10.98	1998/1998
paragraphs 13 and 14	15.8.97	1997/1780
paragraphs 15 to 18	1.10.98	1998/1998
paragraph 20	15.8.97	1997/1780
paragraph 21 (partially) (remainder)	1.4.98 1.10.98	1998/631 1998/1998
paragraphs 22 to 26	1.4.98	1998/631
paragraph 27	15.8.97	1997/1780

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraph 28 (partially)	1.4.98	1998/631
(partially)	10.12.98	1998/2840
(partially)	24.6.02	2002/1616
paragraphs 29 to 31	1.4.98	1998/631
paragraph 32 (partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
paragraphs 35 to 39*	1.4.98	1998/631
paragraph 43	1.10.98	1998/1998
paragraphs 44 and 45	15.8.97	1997/1780
paragraphs 47 to 50	1.10.98	1998/1998
paragraph 51	15.8.97	1997/1780
paragraph 52	1.10.98	1998/1998
paragraphs 53 and 54	1.4.98	1998/631
paragraph 57 (partially)	1.4.98	1998/631
paragraphs 58 to 61	1.4.98	1998/631
paragraph 62	18.11.98	1998/2840
paragraph 63*	1.4.98	1998/631
paragraph 64 (partially)	1.4.98	1998/631
paragraph 65 (partially)	1.4.98	1998/631
paragraphs 66, 67* and 68	1.4.98	1998/631
Schedule 3, Part I (partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
(partially)	10.12.98	1998/2840
Part III	10.12.98	1998/2840

\* A limitation on the purposes for which these paragraphs were brought into force was removed by article 3(3) of S.I.1998/1998.

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 21 subsections (2) and (3) (partially)	5.3.01	2001/58
s. 22(2)	5.3.01	2001/58
s. 25(2)	5.3.01	2001/58
In Part I of Schedule 2—		
paragraphs 34, 56 and 57 (partially)	5.3.0	2001/58





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