

2005 No. 2926 (C. 126)

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (Primary Care) Act 1997
(Commencement No.10) Order 2005**

Made - - - - *20th October 2005*

The Secretary of State for Health, in exercise of the powers conferred upon her by section 41(3) and (4) of the National Health Service (Primary Care) Act 1997^(a), 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.10) Order 2005.

(2) Article 2 applies in relation to England only.

(3) Articles 3 and 4(1) apply in relation to Wales only.

(4) Article 4(2) applies in relation to England and Wales.

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

Appointed day (England)

2. 1st December 2005 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 21(1) and (3) (provision of personal medical or dental services) in so far as not already in force; and

(b) in Schedule 2, paragraph 65(1) and (2) (amendments) in so far as not already in force.

Appointed day (Wales)

3. 1st December 2005 is the day appointed for the coming into force of the following provisions of the Act only in so far as they relate to personal dental services—

(a) section 21(1) and (3) (provision of personal medical or dental services);

(b) section 22(1) (supplementary regulations); and

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

Revocations

4.—(1) Article 3 of the National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998^(b) (references to certain terms) and article 3(1) and (2) of the National Health Service (Primary Care)

(a) 1997 c.46.

(b) S.I. 1998/631. Article 3 was revoked in relation to England by S.I. 2004/287.

Act 1997 (Commencement No. 5) Order 1998(a) (references to certain terms) are revoked from 1st April 2006 in so far as they relate to personal dental services.

(2) In the National Health Service (Primary Care) Act 1997 (Commencement No. 6) Order 1998(b)—

(a) article 2(2); and

(b) the words “Subject to paragraph (2),” in article 2(1),

are revoked from 1st April 2006.

Signed by authority of the Secretary of State for Health

Rosie Winterton
Minister of State,
Department of Health

20th October 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the tenth commencement Order under the National Health Service (Primary Care) Act 1997 (“the 1997 Act”): it brings into force certain provisions of that Act on 1st December 2005. Some of the provisions apply to England only, some to Wales only and some to England and Wales.

Article 2(a) of the Order brings into force section 21(1) and (3) of the 1997 Act for all remaining purposes in relation to England, namely in respect of personal dental 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 dental services. Article 3(a) brings the same provisions into force in relation to Wales but only in so far as they relate to personal dental services.

Article 2(b) brings into force paragraph 65(1) and (2) of Schedule 2 to the 1997 Act for remaining purposes, namely in respect of personal dental services: that paragraph 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(c) brings the same provisions into force in relation to Wales but only in so far as they relate to personal dental services.

Article 3 of the National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998 and article 3(1) and (2) of the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998 modified references to arrangements under section 28C of 1977 Act to read as references to pilot schemes under Part 1 of the 1997 Act. Those provisions are revoked by article 4(1) of this Order in relation to Wales in so far as those provisions relate to personal dental services. These provisions have already been revoked in relation to England for both personal medical services and personal dental services by virtue of the National Health Service (Primary Care) Act 1997 (Commencement No. 9) Order 2004 (S.I. 2004/287).

The National Health Service (Primary Care) Act 1997 (Commencement No. 6) Order 1998 restricted the interpretation of references to section 28C in the Dentists Act 1984 as references to pilot schemes. Article 4(2) of this Order removes this restrictive interpretation from 1st April 2006 in relation to both England and Wales.

(a) S.I. 1998/1998. Article 3(1) and (2) was revoked in relation to England by S.I. 2004/287.

(b) S.I. 1998/2840.

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
s.12	1.4.98	1998/631
s.13, subsections (1) and (3) to (8)	15.8.97	1997/1780
(remainder)	1.4.98	1998/631
s.15	1.4.98	1998/631
s.16 (partially)	30.10.97	1997/2620
(remainder)	11.5.98	1998/631
s.17	1.10.98	1998/1998
s.18, subsections (1), (2) (partially) and (3)	15.8.97	1997/1780
subsection (2) (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s.19	1.4.98	1998/631
s.20	1.10.98	1998/1998
s.21(1) and (3) (partially)	1.3.04	2004/287
(remainder)	1.4.04	2004/287
s.22(1)	1.3.04	2004/287
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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.41(10) (partially)	15.8.97	1997/1780
(partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
(partially)	18.11.98	1998/2840
(partially)	10.12.98	1998/2840
(partially)	24.6.02	2002/1616
(partially)	1.4.04	2004/287
s.41(12) (partially)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
(partially)	10.12.98	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)	1.4.98	1998/631
(partially)	1.10.98	1998/1998
(partially)	10.12.98	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)	1.4.98	1998/631
(remainder)	1.10.98	1998/1998
paragraphs 22 to 26	1.4.98	1998/631
paragraph 27	15.8.97	1997/1780
paragraph 28 (partially)	1.4.98	1998/631
(partially)	10.12.98	1998/2840
(partially)	24.6.02	2002/1616
(partially)	1.4.04	2004/287
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
paragraph 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
(partially)	1.4.04	2004/287
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.

Provision	Date of Commencement	S.I. No.
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)	5.3.01	2001/58

2005 No. 2926 (C. 126)

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Primary Care) Act 1997
(Commencement No.10) Order 2005

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1505 10/2005 151505T 19585