

## SCHEDULES

### SCHEDULE 3

Section 4(3)

#### AMENDMENTS RELATING TO PERSONAL MEDICAL SERVICES AND PERSONAL DENTAL SERVICES

##### PART 1

###### AMENDMENTS OF THE NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

- 1 The National Health Service (Primary Care) Act 1997 is amended as follows.
- 2 (1) Section 1 (pilot schemes) is amended as provided in this paragraph.
  - (2) In subsection (6), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “Strategic Health Authority or a”.
  - (3) In subsection (8), for paragraph (a) of the definition of “authority” there is substituted—
    - “(a) in relation to England, a Strategic Health Authority;
    - (aa) in relation to Wales, a Health Authority; and”.
- 3 (1) Section 8ZA (lists of persons who may perform personal medical services or personal dental services) is amended as provided in this paragraph.
  - (2) In subsection (1), after “publication” there is inserted “by each Primary Care Trust and”.
  - (3) In subsection (3)—
    - (a) in each of paragraphs (a), (b), (c), (e), (g) and (k), before “Health Authority” there is inserted “Primary Care Trust or”, and
    - (b) in paragraph (j), after “of” there is inserted “Primary Care Trusts and”.
  - (4) In subsection (4), in each of paragraphs (a), (b) and (d), before “Health Authority” there is inserted “Primary Care Trust or”.
  - (5) In subsection (8)—
    - (a) before “Health Authority”, in both places, there is inserted “Primary Care Trust or”, and
    - (b) in paragraph (c), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.
  - (6) In subsection (9)—
    - (a) before “Health Authority” there is inserted “Primary Care Trust or”, and
    - (b) for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.
  - (7) In subsection (10), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.

- 4 In section 8A (delegation of Health Authority functions relating to pilot schemes)—
- (a) for subsection (1) there is substituted—
    - “(1) A Strategic Health Authority may not, under section 17A of the 1977 Act, direct a Primary Care Trust to exercise any functions of the Strategic Health Authority arising under a pilot scheme if the Primary Care Trust is providing any services under the pilot scheme.”, and
    - (b) in subsection (2), for “Health Authorities”, in both places, there is substituted “Strategic Health Authorities”.
- 5 In section 12 (leaving medical lists), in subsection (2)—
- (a) for “an authority” there is substituted “a Primary Care Trust, Health Authority or Health Board”, and
  - (b) for “by them or by any other authority” there is substituted “by any authority”.
- 6 (1) Section 13 (preferential treatment on transferring to medical lists) is amended as provided in this paragraph.
- (2) In subsection (1), for “the authority’s medical list” there is substituted “the medical list of the relevant body”.
- (3) After subsection (1) there is inserted—
- “(1A) For the purposes of this section—
  - (a) where the authority concerned is a Health Authority or a Health Board, the relevant body is that Authority or Board;
  - (b) where the authority concerned is a Strategic Health Authority, the relevant body is the Primary Care Trust designated in relation to the pilot scheme by the Secretary of State.”
- (4) In subsection (6), for “authority” there is substituted “relevant body”.
- 7 (1) Section 21(1) (which inserts new sections 28C and 28D into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new section 28C (personal medical or dental services)—
- (a) in subsection (1), before “Health Authority” there is inserted “Strategic Health Authority or a”,
  - (b) in subsection (3), in each of paragraphs (a) and (b), after “by the” there is inserted “Primary Care Trust or”, and
  - (c) in subsection (6), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “Strategic Health Authority or a”.
- (3) In the new section 28D (persons with whom section 28C agreements may be made), in subsection (1), before “Health Authority” there is inserted “Strategic Health Authority or a”.
- 8 In section 22(1) (which inserts a new section 28E into the 1977 Act), in that new section 28E (which provides for regulations as to personal medical or dental services)—
- (a) in subsection (2)(a), after “than” there is inserted “Strategic Health Authorities and”,

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*Status: This is the original version (as it was originally enacted).*

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- (b) in subsection (3)(k), after “authorise” there is inserted “Strategic Health Authorities and”,
  - (c) in subsection (7)(a), after “circumstances” there is inserted “Primary Care Trusts and”, and
  - (d) in subsection (8)(a), before “Health Authority” (in both places) there is inserted “Strategic Health Authority or”.
- 9 In section 40 (interpretation), in subsection (2), at the end of the definition of “authority” there is inserted “, except in Schedule 1”.
- 10 (1) Schedule 1 (preferential treatment on transferring to medical lists) is amended as provided in this paragraph.
- (2) In paragraph 1(1), for “an authority’s medical list” there is substituted “the medical list of a Primary Care Trust, a Health Authority or a Health Board (in this Schedule referred to as an “authority”)”.
- (3) In paragraph 9—
- (a) after “Schedule” there is inserted “, an “authority” means a Primary Care Trust, a Health Authority or a Health Board, and”, and
  - (b) in paragraph (a), for “a Health Authority’s medical list” there is substituted “the medical list of a Primary Care Trust or of a Health Authority”.

## PART 2

### AMENDMENTS OF OTHER ACTS

#### *The 1977 Act*

- 11 In section 15 of the 1977 Act (duty of Health Authority in relation to family health services), in subsection (1ZA), after “duty of” there is inserted “each Strategic Health Authority and”.

#### *The National Health Service (Scotland) Act 1978 (c. 29)*

- 12 In the National Health Service (Scotland) Act 1978, in section 17C (personal medical or dental services)—
- (a) in subsection (5), in each of paragraphs (a) and (b), before “Health Authority” there is inserted “Strategic Health Authority or by a”, and
  - (b) in subsection (6), for the definition of “Health Authority” there is substituted—

““Strategic Health Authority” and “Health Authority” have the same meaning as in the National Health Service Act 1977;”.

#### *The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 13 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners), in paragraph (a), after “by a” there is inserted “Strategic Health Authority,”.

*The 1999 Act*

- 14 In section 6(2) of the 1999 Act (which inserts a new section 28EE into the 1977 Act), in that new section 28EE—
- (a) subsection (1) is omitted, and
  - (b) in subsection (2), for “Health Authorities”, in both places, there is substituted “Strategic Health Authorities”.

*The Health and Social Care Act 2001 (c. 15)*

- 15 The Health and Social Care Act 2001 is amended as follows.
- 16 (1) Section 26(1) (which inserts a new section 28DA into the 1977 Act) is amended as provided in this paragraph.
- (2) In the new section 28DA (lists of persons who may perform personal medical services or personal dental services)—
- (a) in subsection (1), after “publication” there is inserted “by each Primary Care Trust and”,
  - (b) in subsection (3)—
    - (i) in each of paragraphs (a), (b), (c), (e), (g) and (k), before “Health Authority” there is inserted “Primary Care Trust or”, and
    - (ii) in paragraph (j), after “of” there is inserted “Primary Care Trusts and”,
  - (c) in subsection (4), in each of paragraphs (a), (b) and (d), before “Health Authority” there is inserted “Primary Care Trust or”,
  - (d) in subsection (8)—
    - (i) before “Health Authority”, in both places, there is inserted “Primary Care Trust or”, and
    - (ii) in paragraph (c), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”,
  - (e) in subsection (9)—
    - (i) before “Health Authority” there is inserted “Primary Care Trust or”, and
    - (ii) for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”, and
  - (f) in subsection (10), for “Health Authority’s decision” there is substituted “decision of the Primary Care Trust or of the Health Authority”.
- 17 In Schedule 1 (exempt information relating to health services), in paragraph 11, after “request to a” there is inserted “Strategic Health Authority or”.