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Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 11 is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 11

Section 184

PART 4: MINOR AND CONSEQUENTIAL AMENDMENTS

National Health Service (Amendment) Act 1949 (c. 93)

- 1 (1) The National Health Service (Amendment) Act 1949 (which is spent in relation to England and Wales) shall cease to have effect.
- (2) This paragraph extends to England and Wales only.

Commencement Information

- I1** Sch. 11 para. 1 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(a) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I2** Sch. 11 para. 1 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(a) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Health Services and Public Health Act 1968 (c. 46)

- 2 The Health Services and Public Health Act 1968 has effect subject to the following amendments.

Commencement Information

- I3** Sch. 11 para. 2 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, art. 5(2)(b) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I4** Sch. 11 para. 2 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, art. 4(2)(b) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 3 (1) Section 59 is amended as follows.
- (2) In subsection (1)—
- (a) after “local pharmaceutical services,” insert “ primary medical services, ”;
- (b) after “personal medical services,” insert “ primary dental services, ”.
- (3) In subsection (2), after “1977” insert “ (in the case of pharmaceutical services) ”.
- (4) In subsection (2A), omit “section 28C of the 1977 Act,”.
- (5) After subsection (2B) insert—
- “(2C) In subsection (1), the references to primary medical services and primary dental services are references to primary medical services and primary dental services provided under Part 1 of the 1977 Act or any corresponding provisions of the law in force in Northern Ireland or the Isle of Man.”

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Commencement Information

- I5** Sch. 11 para. 3(1) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(c\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I6** Sch. 11 para. 3(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(c\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I7** Sch. 11 para. 3(2)(a)(3)-(5) in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(c\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I8** Sch. 11 para. 3(2)(a)(3)-(5) in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(c\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

4 In section 63(2)—

(a) after paragraph (a) insert—

“(aa) the provision or performance of a primary medical service or primary dental service under Part 1 of the 1977 Act and an activity involved in or connected with the provision or performance of such a service;”;

(b) in paragraph (ba), omit “section 28C of the 1977 Act or”.

Commencement Information

- I9** Sch. 11 para. 4 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(d\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I10** Sch. 11 para. 4 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(d\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

5 In section 64(3)(b), after “make arrangements” insert “ or any service which a Primary Care Trust or Local Health Board is under a duty to provide under section 16CA or 16CC of that Act ”.

Commencement Information

- I11** Sch. 11 para. 5 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(d\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I12** Sch. 11 para. 5 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(d\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

Patents Act 1977 (c. 37)

6 (1) Section 56(4)(a) of the Patents Act 1977 is amended as follows.

(2) After “the provision of—” insert—

“(ai) primary medical services or primary dental services under Part 1 of the National Health Service Act 1977, or any corresponding provisions of the law in force in Northern Ireland or the Isle of Man, or”.

(3) In sub-paragraph (i), after “1977” insert “ (in the case of pharmaceutical services) ”.

(4) In sub-paragraph (ii), omit “section 28C of the 1977 Act.”.

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- I13** Sch. 11 para. 6 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(d) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I14** Sch. 11 para. 6 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(d) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

National Health Service Act 1977 (c. 49)

7 The 1977 Act has effect subject to the following amendments.

Commencement Information

- I15** Sch. 11 para. 7 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, art. 2(1)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I16** Sch. 11 para. 7 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, art. 2(1)(b) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I17** Sch. 11 para. 7 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, art. 3(1)(d) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I18** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, art. 2(1)(b) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I19** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, art. 2(1)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I20** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, art. 2(1)(f) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I21** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, art. 3(1)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I22** Sch. 11 para. 7 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, art. 4(2)(b) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I23** Sch. 11 para. 7 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, art. 2(2)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I24** Sch. 11 para. 7 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, art. 5(2)(e) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I25** Sch. 11 para. 7 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, art. 4(2)(e) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

8 In section 3, at the end insert—

- “(4) For the purposes of the duty in subsection (1), services provided under—
- (a) section 16CA(2) or 16CC(2) below, or
 - (b) a general medical services contract or a general dental services contract,
- are to be regarded as provided by the Secretary of State.”

Commencement Information

- I26** Sch. 11 para. 8 in force at 28.2.2004 for W. by S.I. 2004/480, art. 2(1)(f) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I27** Sch. 11 para. 8 in force at 1.3.2004 for E. by S.I. 2004/288, art. 2(2)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

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- 9 In section 15(1)(a), for “general medical services, general dental services” substitute “primary medical services, primary dental services”.

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- I28** Sch. 11 para. 9 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(f) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I29** Sch. 11 para. 9 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(f) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 10 In section 16BB(4), at the end insert “ (including functions under sections 16CA to 16CC below) ”.

Commencement Information

- I30** Sch. 11 para. 10 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(g) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

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- 11 In section 16BC(1), at the end insert “ or sections 16CA to 16CC below ”.

- 12 In section 18A(3)—
- (a) in paragraph (a), omit “general medical, general dental,”; and
 - (b) for paragraph (b) substitute—
 - “(b) providing or performing primary medical services or primary dental services under this Part,”.

Commencement Information

- I31** Sch. 11 para. 12 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(g) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

- 13 (1) Section 26 is amended as follows.
- (2) In subsection (2) (as substituted by the National Health Service (Primary Care) Act 1997)—
- (a) in paragraph (a), omit “general medical services, general dental services”;
 - (b) for paragraph (b) substitute—
 - “(b) providing services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements,”.
- (3) In subsection (4)—
- (a) in paragraph (a), omit “general medical services, general dental services”;
 - (b) for paragraph (aa) substitute—
 - “(aa) persons performing services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements”.

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- I32** Sch. 11 para. 13 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(g)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I33** Sch. 11 para. 13 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(h)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

- 14 In section 28C(1)(a) and (b), (2)(a) and (b) and (4), for “personal”, in all places, substitute “ primary ”.

Commencement Information

- I34** Sch. 11 para. 14 in force at 1.3.2004 for specified purposes for E. by [S.I. 2004/288](#), **art. 4(2)(b)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 15 (1) Section 28D is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), at the end insert “ or NHS foundation trust ”;
 - (b) in paragraph (d), for “or a section 17C employee” substitute “ , a section 17C employee or an Article 15B employee ”;
 - (c) in paragraph (f), at the end insert “ or Local Health Board ”.
- (3) In subsection (2), after the definition of “the 1978 Act” insert—
- ““Article 15B arrangements” means arrangements for the provision of services made under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 (1972 No. 1256 (N.I. 14));
- “Article 15B employee” means an individual who, in connection with the provision of services in accordance with Article 15B arrangements, is employed by a person providing or performing those services;”.
- (4) In subsection (2), in the definition of “qualifying body”—
- (a) in paragraph (a), for “(c)” substitute “ (ba), (bb), (bc) ”;
 - (b) in paragraph (b), for “personal” substitute “ primary ”.

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- I35** Sch. 11 para. 15 in force at 1.3.2004 for specified purposes for E. by [S.I. 2004/288](#), **art. 4(2)(b)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 16 In section 28EE(2), for “personal” substitute “ primary ”.

Commencement Information

- I36** Sch. 11 para. 16 in force at 1.3.2004 for specified purposes for E. by [S.I. 2004/288](#), **art. 4(2)(b)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 17 In section 28I(a), for the words from “personal medical services” to “arrangements” substitute “ primary medical services or primary dental services under this Part ”.

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- I37** Sch. 11 para. 17 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, art. 4(2)(b) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

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- 18 (1) Section 41(1) is amended as follows.
- (2) In paragraph (b), after “medicines” insert “ and listed appliances ”.
- (3) In paragraph (c)—
- (a) after “medicines” insert “ and listed appliances ”;
 - (b) for “general dental services” substitute “ primary dental services ”.

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- 19 In section 43(1), for “general medical services or general dental services” substitute “ primary medical services or primary dental services under Part 1 above ”.

- 20 In section 43D(10)—
- (a) omit paragraphs (a) and (b);
 - (b) for the words from “paragraphs” to “a services list prepared by” substitute “ paragraphs (c) to (e), a supplementary list, a list under section 28X or a list corresponding to a list under section 28X prepared by ”.

Commencement Information

- I38** Sch. 11 para. 20 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, art. 4(2)(i) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I39** Sch. 11 para. 20 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, art. 5(2)(h) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

- 21 (1) Section 44 is amended as follows.
- (2) In the side-note, for “local representative committees” substitute “ Local Optical Committees and Local Pharmaceutical Committees ”.
- (3) Omit subsections (ZA1) to (B1).
- (4) In subsection (1)—
- (a) for the words from “a Health Authority” to “their area” substitute “ a Local Health Board is satisfied that a committee formed for its area, or for its area and that of one or more other Local Health Boards ”;
 - (b) for “the Health Authority” substitute “ the Local Health Board ”.
- (5) Omit subsections (3)(a) to (d) and (5).

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- I40** Sch. 11 para. 21(1) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(i\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I41** Sch. 11 para. 21(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(j\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I42** Sch. 11 para. 21(2)(4) in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(j\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I43** Sch. 11 para. 21(3) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(j\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I44** Sch. 11 para. 21(3) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(i\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I45** Sch. 11 para. 21(5) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(j\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

- 22 (1) Section 45 is amended as follows.
- (2) In the side-note, for “local representative committees” substitute “ Local Optical Committees and Local Pharmaceutical Committees ”.
 - (3) In subsection (1)—
 - (a) for “Health Authorities” substitute “ Local Health Boards ”;
 - (b) omit paragraph (b).
 - (4) In subsection (1ZA), omit paragraph (b) and the preceding “or”.
 - (5) In subsection (1A)—
 - (a) omit “Strategic Health Authority”;
 - (b) for “Health Authority” substitute “ Local Health Board ”.
 - (6) In subsection (1C), for the words from “an area” to the end substitute “ an area under subsection (B2)(b)(ii) of section 44 above shall, in respect of each year, determine the amount of its administrative expenses for that year attributable to the persons providing local pharmaceutical services in the Primary Care Trust’s area ”.
 - (7) In subsection (2), for “Health Authority”, in both places, substitute “ Local Health Board ”.
 - (8) In subsection (3)—
 - (a) for “Health Authority”, in both places, substitute “ Local Health Board ”;
 - (b) omit “general medical services, general dental services,”.
 - (9) In subsection (4), for the words from “deputy medical practitioners” to “as the case may be” substitute “ persons providing local pharmaceutical services ”.

Commencement Information

- I46** Sch. 11 para. 22(1) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(j\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I47** Sch. 11 para. 22(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(l\)](#) (with [arts. 6, 7](#))
- I48** Sch. 11 para. 22(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(k\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

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- I49** Sch. 11 para. 22(2)(3)(a)(5)(b)(7)-(9) in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(k)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I50** Sch. 11 para. 22(8)(b)(9) in force at 1.4.2004 for E. by S.I. 2004/288, **art. 5(2)(j)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I51** Sch. 11 para. 22(8)(b)(9) in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(l)** (with arts. 6, 7)

23 After section 45 insert—

“45A Local Medical Committees

- (1) A Primary Care Trust may recognise a committee formed for its area, or for its area and that of one or more other Primary Care Trusts, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (2) A Local Health Board may recognise a committee formed for its area, or for its area and that of one or more other Local Health Boards, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (3) This subsection applies to—
 - (a) every medical practitioner who, under a general medical services contract entered into by him, is providing primary medical services in the area for which the committee is formed; and
 - (b) every medical practitioner who is providing general ophthalmic services in that area.
- (4) This subsection applies to every other medical practitioner—
 - (a) who is performing primary medical services in the area for which the committee is formed—
 - (i) pursuant to section 16CC(2)(a) above;
 - (ii) in accordance with section 28C arrangements; or
 - (iii) under a general medical services contract; and
 - (b) who has notified the Primary Care Trust or Local Health Board that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (5) A committee recognised under this section shall be called the Local Medical Committee for the area for which it is formed.
- (6) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (7) Regulations may require a Primary Care Trust or Local Health Board, in the exercise of its functions relating to primary medical services, to consult any committee recognised by it under this section on such occasions and to such extent as may be prescribed.
- (8) Regulations may require a Strategic Health Authority, in the exercise of any of its functions which relate to section 28C arrangements for the provision

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of primary medical services, to consult, on such occasions and to such extent as may be prescribed, any committee—

- (a) which is recognised by a Primary Care Trust under this section for the area where the services are (or are to be) provided under those arrangements; and
 - (b) which is representative of persons providing or performing those services under those arrangements.
- (9) A committee recognised under this section shall have such other functions as may be prescribed.
- (10) A committee recognised under this section shall in respect of each year determine—
- (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a) or (2)(a); and
 - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b) or (2)(b).
- (11) A Primary Care Trust or Local Health Board may—
- (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (10)(a) as it may determine; and
 - (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under subsection (1)(a) or (2)(a) under the general medical services contracts, or arrangements under section 38 above, entered into by them with the Trust or Board.
- (12) A committee recognised under this section shall apportion the amount determined by it under subsection (10)(b) among the persons of whom it is representative under subsection (1)(b) or (2)(b); and each such person shall pay in accordance with the committee's directions the amount so apportioned to him.
- (13) References in this section to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members.

45B Local Dental Committees

- (1) A Primary Care Trust may recognise a committee formed for its area, or for its area and that of one or more other Primary Care Trusts, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (2) A Local Health Board may recognise a committee formed for its area, or for its area and that of one or more other Local Health Boards, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.

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- (3) This subsection applies to every dental practitioner who, under a general dental services contract entered into by him, is providing primary dental services in the area for which the committee is formed.
- (4) This subsection applies to every other dental practitioner—
 - (a) who is performing primary dental services in the area for which the committee is formed—
 - (i) under section 16CA(2) above;
 - (ii) in accordance with section 28C arrangements; or
 - (iii) under a general dental services contract; and
 - (b) who has notified the Primary Care Trust that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (5) A committee recognised under this section shall be called the Local Dental Committee for the area for which it is formed.
- (6) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (7) Regulations may require a Primary Care Trust or Local Health Board, in the exercise of its functions relating to primary dental services, to consult any committee recognised by it under this section on such occasions and to such extent as may be prescribed.
- (8) Regulations may require a Strategic Health Authority, in the exercise of any of its functions which relate to section 28C arrangements for the provision of primary dental services, to consult, on such occasions and to such extent as may be prescribed, any committee—
 - (a) which is recognised by a Primary Care Trust under this section for the area where the services are (or are to be) provided under those arrangements; and
 - (b) which is representative of persons providing or performing those services under those arrangements.
- (9) A committee recognised under this section shall have such other functions as may be prescribed.
- (10) A committee recognised under this section shall in respect of each year determine—
 - (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a) or (2)(a); and
 - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b) or (2)(b).
- (11) A Primary Care Trust or Local Health Board may—
 - (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (10)(a) as it may determine; and

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- (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under subsection (1)(a) or (2)(a) under the general dental services contracts entered into by them with the Trust or Board.
- (12) A committee recognised under this section shall apportion the amount determined by it under subsection (10)(b) among the persons of whom it is representative under subsection (1)(b) or (2)(b); and each such person shall pay in accordance with the committee's directions the amount so apportioned to him.
- (13) References in this section to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members."

Commencement Information

- I52** Sch. 11 para. 23 partly in force; Sch. 11 para. 23 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I53** Sch. 11 para. 23 in force at 3.2.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 2\(1\)\(b\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I54** Sch. 11 para. 23 in force at 28.2.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 2\(1\)\(b\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I55** Sch. 11 para. 23 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(k\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I56** Sch. 11 para. 23 in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(m\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

24 In section 49N(1)—

- (a) in paragraph (a), for “49F(1)(a) to (e)” substitute “49F(1)”;
(b) in paragraph (c), for the words from the beginning to “a services list” substitute “all lists under section 28X above, or any list corresponding to a list under that section”.

Commencement Information

- I57** Sch. 11 para. 24(a) in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(l\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I58** Sch. 11 para. 24(a) in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(n\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

25 Section 53 (immunisation) shall cease to have effect.

Commencement Information

- I59** Sch. 11 para. 25 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(o\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I60** Sch. 11 para. 25 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(m\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

26 (1) Section 54 (as substituted by the National Health Service (Primary Care) Act 1997) is amended as follows.

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- (2) In subsection (1)—
- (a) in paragraph (a), after “1973 or” insert “ (prior to its repeal) section 29 of”;
 - (b) in paragraph (b), at the end insert “ (prior to the coming into force of section 16CC above) ”;
 - (c) after that paragraph insert “or
 - (c) provided or performed primary medical services in accordance with section 28C arrangements, arrangements under section 16CC(2)(b) above or under a general medical services contract—
 - (i) in prescribed circumstances, or
 - (ii) if regulations so provide, in all circumstances,”.
- (3) In subsection (2), in the definition of “relevant area”—
- (a) after “Primary Care Trust”, in both places, insert “ , Local Health Board ”;
 - (b) after “by arrangement” insert “ or contract ”;
 - (c) for paragraphs (a) and (b) substitute “ provided or performed services as specified in subsection (1) above ”.

Commencement Information

- I61** Sch. 11 para. 26 partly in force; Sch. 11 para. 26 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I62** Sch. 11 para. 26 in force at 11.3.2004 for specified purposes for E. by [S.I. 2004/759](#), [art. 10](#)
- I63** Sch. 11 para. 26 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(o\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I64** Sch. 11 para. 26 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(m\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 27 (1) Section 72 is amended as follows.
- (2) In subsection (5), at the end insert “and
 - (d) persons providing primary medical services or primary dental services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements”.
- (3) In subsection (6)(a), for “Part II” substitute “ this Act ”.

Commencement Information

- I65** Sch. 11 para. 27 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(m\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I66** Sch. 11 para. 27 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(o\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

VALID FROM 01/04/2006

- 28 In section 77, at the end insert—

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“(4) This section does not apply in relation to the provision of any relevant dental service (within the meaning of section 79 below).”

VALID FROM 01/04/2006

29 In section 78(3), for “paragraphs 2 and 5” substitute “ paragraph 2 ”.

VALID FROM 01/04/2006

30 In section 83(a), for “to 79” substitute “ and 78 ”.

VALID FROM 01/04/2006

31 In section 83A(1)(a), for the words from “section 77(1)” to “1997” substitute “ section 77(1), 78(1) or 79 above ”.

VALID FROM 01/04/2006

32 In section 85(1)—
(a) insert “ or ” at the end of paragraph (bbb);
(b) omit paragraph (e).

VALID FROM 01/04/2006

33 (1) Section 98 is amended as follows.
(2) In subsection (1)—
(a) insert “ and ” at the end of paragraph (dd);
(b) omit paragraph (e) and the preceding “and”.
(3) In subsection (4)—
(a) in paragraph (a), omit the words from “, other than” to the end;
(b) omit paragraph (b).

VALID FROM 01/04/2006

34 In section 99(1)—
(a) insert “ and ” at the end of paragraph (bb);
(b) omit paragraph (f) and the preceding “and”.

VALID FROM 01/04/2006

35 In section 100(1)—

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- (a) insert “ and ” at the end of paragraph (b);
 (b) omit paragraph (e) and the preceding “and”.

- 36 In section 103(1)(a)—
 (a) after “in respect of” insert “ primary medical services or primary dental services provided by any person under Part 1 of this Act or of ”;
 (b) omit “or in accordance with section 28C arrangements”.

Commencement Information

- I67** Sch. 11 para. 36(a) in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
I68 Sch. 11 para. 36(a) in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(n) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

- 37 In section 105(2)(a), for the words from “as part of” to “arrangements” substitute “ in the provision under this Act of primary medical services for that person ”.

Commencement Information

- I69** Sch. 11 para. 37 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(q) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
I70 Sch. 11 para. 37 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(o) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

- 38 In section 126(4), after “19A(7) above” insert “ , or by section 28E(3A), 28N, 28T or 28U above, ”.

Commencement Information

- I71** Sch. 11 para. 38 in force at 3.2.2004 for E. by S.I. 2004/288, art. 2(1)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
I72 Sch. 11 para. 38 in force at 28.2.2004 for W. by S.I. 2004/480, art. 2(1)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 39 In section 128(1), at the appropriate places in alphabetical order insert—
 ““general dental services contract” has the meaning given by section 28K above;”;
 ““general medical services contract” has the meaning given by section 28Q above;”;
 ““primary dental services” means services which are primary dental services for the purposes of Part 1 (see section 16CA);”;
 ““primary medical services” means services which are primary medical services for the purposes of Part 1 (see section 16CC).”

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Commencement Information

- I73** Sch. 11 para. 39 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, **art. 2(1)(c)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I74** Sch. 11 para. 39 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, **art. 3(1)(d)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I75** Sch. 11 para. 39 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, **art. 2(1)(c)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I76** Sch. 11 para. 39 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, **art. 3(1)(c)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 40 (1) In Schedule 7A, paragraph 3 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after paragraph (f) insert—
- “(fa) persons providing primary medical services or primary dental services under Part 1 of this Act;”.
- (b) in paragraph (g), omit the words from “or under” to “this Act”.
- (3) In sub-paragraph (2), for “(1)(g)” substitute “(1)(fa), (g)”.

Commencement Information

- I77** Sch. 11 para. 40 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(r)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 41 In Schedule 8A, in paragraph 1(5), for the words from “personal medical” to the end substitute “primary medical services or primary dental services under any provision of, or made under, this Act.”

Commencement Information

- I78** Sch. 11 para. 41 in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(s)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 42 (1) Schedule 9A is amended as follows.
- (2) In paragraph 6, for paragraphs (a) and (b) substitute—
- “(a) health care professional of each description prescribed under section 28X above, provided that each such health care professional appointed is included in a list under that section;”.
- (3) At the end of paragraph 6 insert— “For the purposes of paragraph (a) above, “health care professional” has the same meaning as in section 28X above.”
- (4) In paragraph 10—
- (a) after “49N above” insert “or for the purposes of regulations under section 28X above containing provision corresponding to those sections”;
- (b) for paragraph (a) substitute—
- “(a) if the practitioner is a health care professional of a description prescribed under section 28X above, one

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member of the panel must be a health care professional of the same description;

- (aa) if the practitioner is of a description referred to in paragraph 6(c) or (d) above, one member of the panel must be a practitioner of that description; and”.

- (5) In paragraph 17(c), at the end insert “ or under any provision of regulations under section 28X above corresponding to that provision ”.

Commencement Information

- I79** Sch. 11 para. 42 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(t)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I80** Sch. 11 para. 42 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(p)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 43 In Schedule 10, in paragraph 3, for “general medical services or personal medical services” substitute “ or performed services as specified in section 54(1) ”.

Commencement Information

- I81** Sch. 11 para. 43 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(p)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I82** Sch. 11 para. 43 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(t)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

- 44 In Schedule 12, in paragraph 1(1)(b), for “accordance with section 28C arrangements or “” substitute “ the provision of primary medical services under Part 1 or in accordance with ”.

Commencement Information

- I83** Sch. 11 para. 44 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(t)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I84** Sch. 11 para. 44 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(p)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 45 In Schedule 12A, insert “ or ” after paragraphs 1(2)(b), 2(2)(a), 4(2)(aa), 5(2)(a), 6A(2)(b) and 6B(2)(a).

Commencement Information

- I85** Sch. 11 para. 45 in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), **art. 4(2)(u)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I86** Sch. 11 para. 45 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), **art. 5(2)(q)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

National Health Service (Scotland) Act 1978 (c. 29)

- 46 (1) Section 17D of the National Health Service (Scotland) Act 1978 is amended as follows.

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- (2) In subsection (1)—
- (a) in paragraph (b)(ii), after “arrangements or” insert “ primary medical services in accordance with ”;
 - (b) in paragraph (c)(ii), after “arrangements or” insert “ primary dental services in accordance with ”.
- (3) In subsection (2), in the definition of “NHS employee”—
- (a) in paragraph (b)(ii), after “arrangements or” insert “ primary medical services in accordance with ”;
 - (b) in paragraph (c)(i), for “36(1)(a)” substitute “ 28X ”;
 - (c) in paragraph (c)(ii), after “arrangements or” insert “ primary dental services in accordance with ”.

Commencement Information

- 187** Sch. 11 para. 46(1) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(r\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- 188** Sch. 11 para. 46(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 4\(2\)\(v\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- 189** Sch. 11 para. 46(2)(a)(3)(a) in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(r\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- 190** Sch. 11 para. 46(2)(a)(3)(a) in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(v\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

Medical Act 1983 (c. 54)

47 The Medical Act 1983 is amended as follows.

Commencement Information

- 191** Sch. 11 para. 47 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(w\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- 192** Sch. 11 para. 47 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(s\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 48 In section 11(4), in the definition of “medical practice”—
- (a) after “practitioners—” insert—
 - “(za) perform primary medical services under Part 1 of the National Health Service Act 1977; or”;
 - (b) in paragraph (a), omit “Part II of the National Health Service Act 1977,”;
 - (c) in paragraph (b), omit “section 28C of the 1977 Act,”.

Commencement Information

- 193** Sch. 11 para. 48 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(s\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- 194** Sch. 11 para. 48 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(w\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

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- 49 In section 12(2)(a), for “general medical services under Part II of the National Health Service Act 1977,” substitute “primary medical services under Part 1 of the National Health Service Act 1977 or general medical services under ”.

Commencement Information

195 Sch. 11 para. 49 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(s) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

196 Sch. 11 para. 49 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(w) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

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Dentists Act 1984 (c. 24)

- 50 In section 40(2) of the Dentists Act 1984, after paragraph (a) insert—
 “(aa) by a person providing primary dental services under section 28C of the National Health Service Act 1977 or under a contract under section 28K of that Act, or”.

Community Health Councils (Access to Information) Act 1988 (c. 24)

- 51 In section 1(6) of the Community Health Councils (Access to Information) Act 1988, in the paragraph 6B inserted into Schedule 12A of the Local Government Act 1972 (c. 70)—
 (a) after paragraph (a) insert—
 “(aa) any particular person who is or was formerly included in, or is an applicant for inclusion in, a list under section 28X of that Act; or
 (ab) any particular person who is or was formerly providing services under a contract under section 28K or section 28Q of that Act; or”;
 (b) in paragraph (b), for “such a person” substitute “ a person mentioned in paragraphs (a) to (ab) above ”.

Commencement Information

197 Sch. 11 para. 51 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(x) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

198 Sch. 11 para. 51 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(t) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Copyright, Designs and Patents Act 1988 (c. 48)

- 52 In section 240(4) of the Copyright, Designs and Patents Act 1988—
 (a) after “providing—” insert—
 “(za) primary medical services or primary dental services under Part 1 of the National Health Service Act 1977”;

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- (b) in paragraph (a)(i), after “1977” insert “ (in the case of pharmaceutical services) ”;
- (c) omit paragraph (b)(i).

Commencement Information

I99 Sch. 11 para. 52 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(x) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

I100 Sch. 11 para. 52 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(t) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Health and Medicines Act 1988 (c. 49)

53 The Health and Medicines Act 1988 has effect subject to the following amendments.

Commencement Information

I101 Sch. 11 para. 53 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, art. 4(2)(y) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

I102 Sch. 11 para. 53 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, art. 5(2)(u) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

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54 In section 12(1)—

- (a) omit “The Dental Estimates Board shall be renamed as “the Dental Practice Board” and”;
- (b) in paragraph (a), omit “for any reference to the Dental Estimates Board there were substituted a reference to the Dental Practice Board and”;
- (c) in paragraph (b)—
 - (i) omit “the Dental Estimates Board or”,
 - (ii) for “either or both of those Boards” substitute “ that Board ”, and
 - (iii) omit “the Dental Practice Board and”.

55 In section 17(1)—

- (a) omit “29, 36”;
- (b) for “39 or 42” substitute “ 38, 39, 41 or 42 ”.

Commencement Information

I103 Sch. 11 para. 55 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(y) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

I104 Sch. 11 para. 55 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(u) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

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National Health Service and Community Care Act 1990 (c. 19)

- 56 (1) Section 18 of the National Health Service and Community Care Act 1990 is amended as follows (for so long as it has effect).
- (2) In subsection (1), for “Health Authority”, in each place, substitute “ Local Health Board ”.
- (3) In subsection (3), for paragraphs (a) and (b) substitute—
- “(a) a person or body who has entered into a contract under section 28Q of the principal Act, otherwise than in partnership; or
- (b) two or more individuals practising in partnership who together have entered into such a contract.”
- (4) In subsections (4) and (5), for “Health Authority”, in each place, substitute “ Local Health Board ”.
- (5) At the end insert—
- “(9) In this section, references to the “relevant” Primary Care Trust or Local Health Board, in relation to a practice, are to the Primary Care Trust or Local Health Board with which it has entered into a contract under section 28Q of the principal Act.”

Commencement Information

- I105** Sch. 11 para. 56 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(z) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I106** Sch. 11 para. 56 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(v) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Access to Health Records Act 1990 (c. 23)

- 57 (1) The Access to Health Records Act 1990 is amended as follows.
- (2) In section 1, in subsection (2), for paragraph (a) substitute—
- “(a) in the case of a record made by a health professional performing primary medical services under a general medical services contract made with a Primary Care Trust or Local Health Board, the person or body who entered into the contract with the Trust or Board (or, in a case where more than one person so entered into the contract, any such person);
- (aa) in the case of a record made by a health professional performing such services in accordance with arrangements under section 28C of that Act with a Primary Care Trust, Strategic Health Authority or Local Health Board, the person or body which made the arrangements with the Trust, Authority or Board (or, in a case where more than one person so made the arrangements, any such person);”
- (3) In that subsection, in paragraph (b), after “by a health service body” insert “ (and not falling within paragraph (aa) above) ”.
- (4) In section 7—

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- (a) in subsection (2), omit the words from “(other” to “section 1(2)(a) above”;
 - and
 - (b) omit subsection (3).
- (5) In section 11—
- (a) at the appropriate place, insert—
 - ““general medical services contract” means a contract under section 28Q of the National Health Service Act 1977;”;
 - (b) omit the definition of “general practitioner”.
- (6) This paragraph extends to England and Wales only.

Commencement Information

- I107** Sch. 11 para. 57 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(v) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I108** Sch. 11 para. 57 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(z) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Water Industry Act 1991 (c. 56)

- 58 In Schedule 4A to the Water Industry Act 1991, for paragraph 7 substitute—
- “7 Premises not falling within paragraph 5 or 6 above which are used for the provision of primary medical services or primary dental services under Part 1 of the National Health Service Act 1977.”

Commencement Information

- I109** Sch. 11 para. 58 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(v) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I110** Sch. 11 para. 58 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(z) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

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

- 59 (1) Section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In paragraph (a), omit “28C, 29, 35”.
 - (3) Renumber the existing provision as subsection (1).
 - (4) After that provision insert—
 - “(2) In this Act “worker” also includes an individual regarded in his capacity as one who works or normally works or seeks to work as a person performing primary medical services or primary dental services—
 - (a) in accordance with arrangements made by a Primary Care Trust, Strategic Health Authority or Local Health Board under section 28C of the National Health Service Act 1977; or

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- (b) under a contract under section 28K or 28Q of that Act entered into by him with a Primary Care Trust or Local Health Board, and “employer” in relation to such an individual, regarded in that capacity, means that Trust, Authority or Board.”

Commencement Information

- I111** Sch. 11 para. 59 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(z) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I112** Sch. 11 para. 59 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(v) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

Health Service Commissioners Act 1993 (c. 46)

- 60 The Health Service Commissioners Act 1993 has effect subject to the following amendments.

Commencement Information

- I113** Sch. 11 para. 60 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, art. 4(2)(aa) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I114** Sch. 11 para. 60 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, art. 5(2)(w) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

- 61 In section 2—
- (a) in subsection (1)(c), for the words from “exercising” to the end substitute “not exercising functions only or mainly in Wales”;
- (b) in subsection (2)(b), for the words from “exercising” to the end substitute “not exercising functions only or mainly in England”.

Commencement Information

- I115** Sch. 11 para. 61 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(aa) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 62 (1) Section 2A is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (a) substitute—
- “(a) persons (whether individuals or bodies) providing services under a contract entered into by them with a Primary Care Trust under section 28K or 28Q of the National Health Service Act 1977”;
- (b) in paragraph (c), for “personal”, in both places, substitute “primary”.
- (3) In subsection (2)—
- (a) for paragraph (a) substitute—
- “(a) persons (whether individuals or bodies) providing services under a contract entered into by them with a Local Health

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Board under section 28K or 28Q of the National Health Service Act 1977;”;

(b) in paragraph (c), for “personal”, in both places, substitute “ primary ”.

Commencement Information

I116 Sch. 11 para. 62 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(aa) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

I117 Sch. 11 para. 62 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(w) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

63 In section 6(5)—

(a) omit “29, 36”;

(b) for “39 or 42” substitute “ 38, 39, 41 or 42 ”.

Commencement Information

I118 Sch. 11 para. 63 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(aa) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

I119 Sch. 11 para. 63 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(w) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

64 In section 18(1), after “partly” insert “ or wholly ”.

Commencement Information

I120 Sch. 11 para. 64 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(aa) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Employment Rights Act 1996 (c. 18)

65 (1) Section 43K of the Employment Rights Act 1996 is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

“(ba) works or worked as a person performing services under a contract entered into by him with a Primary Care Trust or Local Health Board under section 28K or 28Q of the National Health Service Act 1977,”.

(3) In subsection (2), after paragraph (a) insert—

“(aa) in relation to a worker falling within paragraph (ba) of that subsection, the Primary Care Trust or Local Health Board referred to in that paragraph,”.

Commencement Information

I121 Sch. 11 para. 65 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(bb) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

I122 Sch. 11 para. 65 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(x) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

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Education Act 1996 (c. 56)

66 In section 520(1) of the Education Act 1996, for “(1A)” substitute “ 16CB ”.

Health Act 1999 (c. 8)

67 In Schedule 3 to the Health Act 1999, in paragraph 11(2)—

- (a) in sub-paragraph (c), for the words from “provide” to “under” substitute “perform primary medical services under Part 1 of”;
- (b) in sub-paragraph (d), for the words from “provide” to “under” substitute “perform primary dental services under Part 1 of”.

Commencement Information

I123 *Sch. 11 para. 67(a)* in force at 1.4.2004 for W. by *S.I. 2004/480, art. 4(2)(bb)* (with *arts. 6, 7*) (as amended by *S.I. 2004/1019* and *S.I. 2006/345*)

I124 *Sch. 11 para. 67(a)* in force at 1.4.2004 for E. by *S.I. 2004/288, art. 5(2)(x)* (with *arts. 7, 8*) (as amended by *S.I. 2004/866* and *S.I. 2005/2925*)

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Freedom of Information Act 2000 (c. 36)

68 In Schedule 1 to the Freedom of Information Act 2000, in Part 3, before paragraph 44 insert—

“43A Any person providing primary medical services or primary dental services—

- (a) in accordance with arrangements made under section 28C of the National Health Service Act 1977; or
- (b) under a contract under section 28K or 28Q of that Act;

in respect of information relating to the provision of those services.”

Health and Social Care Act 2001 (c. 15)

69 The Health and Social Care Act 2001 has effect subject to the following amendments.

Commencement Information

I125 *Sch. 11 para. 69* in force at 1.4.2004 for specified purposes for W. by *S.I. 2004/480, art. 4(2)(cc)* (with *arts. 6, 7*) (as amended by *S.I. 2004/1019* and *S.I. 2006/345*)

I126 *Sch. 11 para. 69* in force at 1.4.2004 for specified purposes for E. by *S.I. 2004/288, art. 5(2)(y)* (with *arts. 7, 8*) (as amended by *S.I. 2004/866* and *S.I. 2005/2925*)

70 Section 18 shall cease to have effect.

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Commencement Information

- I127** Sch. 11 para. 70 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(y) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I128** Sch. 11 para. 70 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(cc) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 71 In section 28(4), for the words from “personal medical services” to the end substitute “primary medical services or primary dental services under any provision of, or made under, the 1977 Act.”

Commencement Information

- I129** Sch. 11 para. 71 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(cc) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I130** Sch. 11 para. 71 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(y) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

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- 72 (1) Schedule 1 is amended as follows.
- (2) For paragraphs 11 and 12 substitute—
- “11 Information relating to a particular person who—
- (a) is or was formerly providing primary medical services or primary dental services under a contract under section 28K or 28Q of the 1977 Act;
- (b) is or was formerly included in, or is an applicant for inclusion in, a list under section 28X of the 1977 Act.”
- (3) In paragraph 13, for “, 11 or 12” substitute “ or 11 ”.

- 73 In Schedule 2, in paragraph 5(2), for paragraphs (c) and (d) substitute—
- “(c) primary medical services provided under Part 1 of the 1977 Act.”

Commencement Information

- I131** Sch. 11 para. 73 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(cc) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I132** Sch. 11 para. 73 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(y) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 74 (1) Section 17 of the National Health Service Reform and Health Care Professions Act 2002 is amended as follows.
- (2) In subsection (1)—
- (a) after paragraph (f) insert—

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- “(fa) persons providing primary medical services or primary dental services under Part 1 of the 1977 Act.”; and
- (b) in paragraph (g), omit the words from “or under” to “that Act”.
- (3) In subsection (2), for “(1)(g)” substitute “ (1)(fa), (g) ”.

Commencement Information

- I133** Sch. 11 para. 74 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(z)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I134** Sch. 11 para. 74 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(dd)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

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