



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### <sup>F2</sup>[<sup>F1</sup>]<sup>F2</sup> PART I

#### PILOT SCHEMES FOR PRIMARY CARE

#### <sup>F1</sup>[<sup>F2</sup>]<sup>F3</sup> *Services Lists*

#### Textual Amendments

- F1** Pt. I ceases to have effect for specified purposes (S.) (1.4.2004) by virtue of [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), ss. 3, 9(1); S.I. 2004/58, art. 2(3)
- F2** Pt. I repealed (E.W.) (1.4.2004 for specified purposes, 1.4.2006 in so far as not already in force) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 178, 199(1)(4), [Sch. 14 Pt. 4](#) Note (with S.I. 2004/865, arts. 1(1), 58); S.I. 2004/288, arts. 4(3)(b), 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345), S.I. 2005/2925, arts. 6(2)(b), 11, S.I. 2006/345, art. 4(2)(b)
- F3** S. 8ZA and cross-heading inserted (E.W.) (31.5.2002 for E., 1.7.2002 for W.) by [2001 c. 15](#), ss. 26(2), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(7); S.I. 1475, art. 2, Sch. Pt. 1

#### **[8ZA** <sup>F4</sup> **Lists of persons who may perform personal medical services or personal dental services**

- (1) The Secretary of State may make regulations providing for the preparation and publication [<sup>F5</sup>by each Primary Care Trust and]] by each Health Authority of one or more lists of—
- medical practitioners who may perform personal medical services in connection with the provision of such services under a pilot scheme,
  - dental practitioners who may perform personal dental services in connection with the provision of such services under a pilot scheme.

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- (2) Such a list is referred to in this section as a “services list”.
- (3) The regulations may, in particular, include provision as to—
- (a) the [<sup>F6</sup>Primary Care Trust or] Health Authority to which an application for inclusion in a services list is to be made,
  - (b) the procedure for applying for inclusion, including any information to be supplied to the [<sup>F6</sup>Primary Care Trust or] Health Authority (whether by the applicant or by arrangement with him),
  - (c) grounds on which the [<sup>F6</sup>Primary Care Trust or] Health Authority may, or must, refuse a person’s application for inclusion in a services list (including his unsuitability for inclusion in such a list), or on which they may defer their decision on the application,
  - (d) requirements with which a person included in a services list must comply (including the declaration of financial interests and of gifts and other benefits),
  - (e) grounds on which a [<sup>F6</sup>Primary Care Trust or] Health Authority may, or must, suspend or remove a person from a services list, the procedure for doing so, and the consequences of doing so,
  - (f) payments to or in respect of persons who are suspended from a services list (including provision for the amount of the payments, or the method of calculating the amount, to be determined by the Secretary of State or by another person appointed for the purpose by the Secretary of State),
  - (g) the supply to the [<sup>F6</sup>Primary Care Trust or] Health Authority by an applicant for inclusion in a services list, or by a person included in one, of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act,
  - (h) circumstances in which a person included in a services list may not withdraw from it,
  - (i) criteria to be applied in making decisions under the regulations,
  - (j) appeals against decisions of [<sup>F7</sup>Primary Care Trusts and] Health Authorities under the regulations,
  - (k) the disclosure by a [<sup>F6</sup>Primary Care Trust or] Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in a services list, refusals of such applications, and suspensions and removals from that list.
- (4) The regulations may, in particular, also provide for—
- (a) a person’s inclusion in a services list to be subject to conditions determined by the [<sup>F8</sup>Primary Care Trust or] Health Authority,
  - (b) the [<sup>F8</sup>Primary Care Trust or] Health Authority to vary the conditions or impose different ones,
  - (c) the consequences of failing to comply with a condition (including removal from the list), and
  - (d) the review by the [<sup>F8</sup>Primary Care Trust or] Health Authority of their decisions made by virtue of regulations under this subsection.
- (5) The imposition of such conditions must be with a view to—
- (a) preventing any prejudice to the efficiency of the services to which the services list relates; or

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- (b) preventing any acts or omissions of the type described in section 49F(3)(a) of the 1977 Act.
- (6) Regulations may provide—
  - (a) that no person may perform personal medical services unless he is included in a medical list, a supplementary list under section 43D of the 1977 Act or a services list,
  - (b) that no person may perform personal dental services unless he is included in a list referred to in section 36(1)(a) of the 1977 Act, a supplementary list under section 43D of that Act or a services list.
- (7) Regulations made by virtue of subsection (3)(e) may (but need not) make provision corresponding to anything in sections 49F to 49N of the 1977 Act.
- (8) If the regulations provide under subsection (3)(e) or (4) that a [<sup>F9</sup>Primary Care Trust or] Health Authority may suspend or remove a person from a services list, they must include provision—
  - (a) requiring him to be given notice of any allegation against him;
  - (b) giving him the opportunity of putting his case at a hearing before the [<sup>F9</sup>Primary Care Trust or] Health Authority make any decision as to his suspension or removal; and
  - (c) requiring him to be given notice of the [<sup>F10</sup>decision of the Primary Care Trust or of the Health Authority] and the reasons for it and of any right of appeal under subsection (9) or (10).
- (9) If the regulations provide under subsection (3)(c) or (e) that a [<sup>F11</sup>Primary Care Trust or] Health Authority may refuse a person’s application for inclusion in a services list, or remove a person from one, the regulations must provide for an appeal (by way of redetermination) to the Family Health Services Appeal Authority (“FHSAA”) against the [<sup>F12</sup>decision of the Primary Care Trust or of the Health Authority].
- (10) If the regulations make provision under subsection (4), they must provide for an appeal (by way of redetermination) by the person in question to the FHSAA against the [<sup>F13</sup>decision of the Primary Care Trust or of the Health Authority]—
  - (a) to impose conditions, or any particular condition,
  - (b) to vary a condition,
  - (c) to remove him from the services list for breach of condition,
  - (d) on any review of an earlier such decision of theirs.

#### Textual Amendments

- F4** S. 8ZA and cross-heading inserted (E.W.) (31.5.2002 for E., 1.7.2002 for W.) by 2001 c. 15, s. 26(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(7) (with transitional provisions in art. 3); S.I. 2002/1475, art. 2 Sch. Pt. 1
- F5** Words in S. 8ZA(1) inserted (1.10.2002) by 2002 c. 17, ss. 4(3), 42(3), Sch. 3 Pt. 1 para. 3(2); S.I. 2002/2478 art. 3(1)(c)
- F6** Words in S. 8ZA(3)(a),(b),(c),(e),(g),(k), inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), Sch. 3 Pt. 1 para. 3(3)(a); S.I. 2002/2478 art. 3(1)(c)
- F7** Words in S. 8ZA(3)(j) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), Sch. 3 Pt. 1 para. 3(3)(b); S.I. 2002/2478 art. 3(1)(c)
- F8** Words in S. 8ZA(4)(a),(b),(d) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), Sch. 3 Pt. 1 para. 3(4); S.I. 2002/2478 art. 3(1)(c)

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- F9** Words in S 8ZA(8) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(5)(a)**; S.I. 2002/2478 art. 3(1)(c)
- F10** Words in S 8ZA(8)(c) substituted (1.10.2002 for E. W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(5)(b)**; S.I. 2002/2478 art. 3(1)(c)
- F11** Words in S 8ZA(9) inserted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(6)(a)**; S.I. 2002/2478 art. 3(1)(c)
- F12** Words in S 8ZA(9) substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(2), **Sch. 3 Pt. 1 para. 3(6)(b)**; S.I. 2002/2478 art. 3(1)(c)
- F13** Words in S 8ZA(10) substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 3(7)**; S.I. 2002/2478 art. 3(1)(c)

**[8A** <sup>F14</sup>**Delegation of Health Authority functions relating to pilot schemes.**

- [ A Strategic Health Authority may not, under section 17A of the 1977 Act, direct a
- <sup>F15</sup>(1) 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.]]
- (2) The Secretary of State may by order make provision for any rights and liabilities arising under pilot schemes under which personal medical services are provided to be transferred from [<sup>F16</sup>Strategic Health Authorities] to Primary Care Trusts and from Primary Care Trusts to [<sup>F16</sup>Strategic Health Authorities].
- (3) Subsection (2) is without prejudice to any other power of the Secretary of State to transfer rights and liabilities under the 1977 Act.]]

**Textual Amendments**

- F14** S. 8A inserted (4.1.2000 for E.) by 1999 c. 8, **ss. 6(1)**, 67(1); S.I. 1999/2342, art. 2(3)(a), **Sch. 2**
- F15** S 8A(1) substituted (1.10.2002 for E. W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 Pt. 1 para. 4(a)**; S.I. 2002/2478, **art. 3(1)(c)**
- F16** Words in S. 8A(2) substituted (1.10.2002 for E.W.) by 2002 c. 17, ss. 4(3), 42(3), **Sch. 3 para. 4(b)**; S.I. 2002/2478, **art. 3(1)(c)**

**Changes to legislation:**

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