



National Health Service (Primary Care) Act 1997

1997 CHAPTER 46

PART II

PRIMARY CARE

Medical practices

34 Sale of medical practices.

^{F1}(1)

(2) In the 1978 Act, for section 35 (sale of medical practices), substitute—

“35 Sale of medical practices.

(1) It is unlawful to sell the goodwill of the medical practice of a person who has at any time—

- (a) provided general medical services under arrangements made with any Executive Council or Health Board under the ^{M1}National Health Service (Scotland) Act 1947, the ^{M2}National Health Service (Scotland) Act 1972 or this Act, or
- (b) provided or performed personal medical services in accordance with section 17C arrangements,

unless that person no longer provides or performs such services and has never carried on the practice in a relevant area.

(2) In this section—

“goodwill” includes any part of goodwill and, in relation to a person practising in partnership, means his share of the goodwill of the partnership practice;

“medical practice” includes any part of a medical practice; and

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“relevant area”, in relation to any Executive Council or Health Board by arrangement with whom a person has at any time—

- (a) provided general medical services, or
- (b) provided or performed personal medical services in accordance with section 17C arrangements,

means the area of that Council or Board (at that time).

(3) Schedule 9 supplements the provisions of this section.”

Textual Amendments

F1 S. 34(1) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Marginal Citations

M1 1947 c. 27.

M2 1972 c. 58.

35 Employment of pre-registration house officers in medical practices.

- (1) The ^{M3}Medical Act 1983 is amended as follows.
- (2) In subsection (2) of section 10 (experience required for full registration as a medical practitioner), for “approved hospitals or approved institutions,” substitute “—
 - (a) approved hospitals,
 - (b) approved institutions, or
 - (c) approved medical practices.”.
- (3) In subsection (3) of section 11 (construction of section 10, etc), after the first “where” insert “—
 - (a) in the case of an approved hospital or an approved institution,”, and at the end insert

“; or

 - (b) in the case of an approved medical practice, the person employed satisfies such conditions as to residence as may be prescribed”.
- (4) In subsection (4) of section 11—
 - (a) insert in the appropriate place—

““medical practice” means a prescribed description of practice in which one or more medical practitioners—

 - (a) provide general medical services under Part II of the ^{M4}National Health Service Act 1977, Part II of the ^{M5}National Health Service (Scotland) Act 1978 or Part VI of the ^{M6}Health and Personal Social Services (Northern Ireland) Order 1972; or
 - (b) perform personal medical services in accordance with arrangements made under section 28C of the 1977 Act, section 17C of the 1978 Act or the corresponding provisions of the law in force in Northern Ireland;”;

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- (b) in the definition of “prescribed”, after “means” insert “—
- (a) in subsection (3)(b) and in the definition of “medical practice”, prescribed by regulations made by the Secretary of State; and
 - (b) in the other provisions of this Part.”.
- (5) After subsection (4) of section 11 insert—
- “(4A) The Education Committee may by regulations provide that the period of employment in a medical practice which may be reckoned towards the completion of any of the periods mentioned in section 10(3)(a) above shall not exceed such period as may be specified in the regulations.”
- (6) In subsection (5) of section 11, after “under subsection (2) of section 10 above” insert “ or under subsection (4A) of this section ”.
- (7) After subsection (6) of section 11 insert—
- “(7) Regulations made by the Secretary of State under this section must be made by statutory instrument; and such a statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Marginal Citations

- M3** 1983 c. 54.
M4 1977 c. 49.
M5 1978 c. 29.
M6 S.I. 1972/1265 (N.I.14).

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