

*Status: Point in time view as at 01/10/1999.*

*Changes to legislation: There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Cross Heading: The National Health Service and Community Care Act 1990 (c. 19). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### AMENDMENTS

#### PART I

##### MINOR AND CONSEQUENTIAL AMENDMENTS

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

65 (1) The National Health Service and Community Care Act 1990 is amended as follows.

(2) In section 5, after subsection (6) insert—

“(6A) The functions of an NHS trust also include power to provide services in accordance with arrangements made under section 28C of the principal Act, and to do so as a member of a qualifying body (within the meaning of section 28D of that Act).”

[<sup>F1</sup>(3) In section 14(1), after “principal Act” insert “, or (in the case of practitioners who are not employed by another person) personal medical services in accordance with arrangements made under section 28C of that Act, ”.]

[<sup>F1</sup>(4) For section 14(6)(g) substitute—

“(g) the operation of this section in a case where one or more of the medical practitioners wishing to make an application under subsection (1) above is also—

(i) on the medical list of a Health Board; or

(ii) providing personal medical services in accordance with arrangements made under section 17C of the <sup>M1</sup>National Health Service (Scotland) Act 1978;”.]

[<sup>F1</sup>(5) In section 15(4)(b), for “individuals on the list of patients of any of the members of the practice” substitute “practice patients ”.]

[<sup>F1</sup>(6) In section 15(7)(b)—

(a) after “general medical services” insert “ or personal medical services provided in accordance with arrangements made under section 28C of the principal Act ”;

(b) for “individuals on the lists of patients of the members of the practice” substitute “practice patients ”.]

[<sup>F1</sup>(7) In section 15, after subsection (9) insert—

“(10) In this section “practice patient”, in relation to a recognised fund-holding practice, means an individual who is on the list of patients of any of the members of the practice (or, if any of those members together have a single

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list of patients in connection with arrangements made under section 28C of the principal Act, an individual who is on that single list.”]

[<sup>F2</sup>(8) In section 18(1) for “subsection (2)” substitute “ subsections (2) and (8) ”.]

[<sup>F2</sup>(9) In section 18(3)—

(a) in paragraph (a), after “who” insert “ is on the medical list of a Health Authority and ”; and

(b) for paragraph (b) substitute—

“(b) in the case of two or more medical practitioners who practise in partnership with each other, each medical practitioner who is on the medical list of a Health Authority;”.]

[<sup>F2</sup>(10) After section 18(7) insert—

“(8) This section does not apply in relation to the performance or provision of personal medical services in accordance with arrangements made under section 28C of the principal Act.”]

(11) In section 62(7), after paragraph (a)(i) in the definition of “services” insert—

“(ia) arrangements made under section 28C of that Act;”.

#### Textual Amendments

**F1** Sch. 2 para. 65(3)-(7) repealed (1.10.1999 for E., 1.4.2000 for W.) by 1999 c. 8, ss. 65(2), 67(1), **Sch. 5**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1041, art. 2(d), **Sch.**

**F2** Sch. 2 para. 65(8)-(10) repealed (*prosp.*) by 1999 c. 8, ss. 65(2), 67(1), **Sch. 5**

#### Commencement Information

**I1** Sch. 2 para. 65(1)(4)-(11) in force at 1.4.1998 by S.I. 1998/631, art. 2(b), **Sch. 2**

#### Marginal Citations

**M1** 1978 c. 29.

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