



# National Health Service (Primary Care) Act 1997

1997 CHAPTER 46

<sup>F2</sup>[<sup>F1</sup><sup>F2</sup>PART I U.K.]

PILOT SCHEMES FOR PRIMARY CARE

*General*

[<sup>F1</sup>[<sup>F2</sup>[<sup>F3</sup>NHS contracts. E+W+S]]

- (1) In the case of a pilot scheme entered into, or to be entered into, by a single individual or body corporate, that individual or body may make an application under this section to become a health service body.
- (2) In the case of any other pilot scheme, all of those providing, or proposing to provide, piloted services under the scheme may together make an application under this section to become a single health service body.
- (3) An application must—
  - (a) be made to the Secretary of State in accordance with such provisions as may be prescribed; and
  - (b) specify the pilot scheme in relation to which it is made.
- (4) Except in such cases as may be prescribed, the Secretary of State may grant an application.
- (5) If an application is granted, the Secretary of State must specify when it is to come into effect and, as from that time—
  - (a) in the case of an application under subsection (1), the applicant is, and
  - (b) in the case of an application under subsection (2), the applicants together are, a health service body for the purposes of section 4 of the <sup>M1</sup>National Health Service and Community Care Act 1990 and section 17A of the 1978 Act (NHS contracts).

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*Changes to legislation: There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Section 16. (See end of Document for details)*

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- (6) Those sections have effect in relation to such a health service body (“a pilot scheme health service body”), acting as acquirer, as if the functions referred to in subsection (1) of those sections were the provision of piloted services.
- (7) Except in such circumstances as may be prescribed, a pilot scheme health service body resulting from an application under subsection (2) is to be treated, at any time, as consisting of those providing piloted services under the scheme.
- (8) A direction as to payment made under section 4(7) of the Act of 1990 or section 17A(8) of the 1978 Act against, or in favour of, a pilot scheme health service body is enforceable—
- (a) in England and Wales, in a county court (if the court so orders) as if it were a judgment or order of that court; and
  - (b) in Scotland, in like manner as an extract registered decree arbitral bearing warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (9) Regulations may provide for a pilot scheme health service body to cease to be such a body in prescribed circumstances.
- (10) The Secretary of State must—
- (a) maintain and publish a list of pilot scheme health service bodies;
  - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.
- (11) The list is to be published in such manner as the Secretary of State considers appropriate.]]]

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#### 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.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** Ss. 11-13 repealed (S.) (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\), s. 9\(1\), sch. para. 2\(5\); S.S.I. 2004/58, art. 2\(3\)](#)

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#### Commencement Information

- I1** S. 16 wholly in force at 11.5.1998; s. 16 not in force at Royal Assent see s. 41; s. 16 in force for specified purposes at 30.10.1997 by [S.I. 1997/2620, art. 2\(1\)\(b\)](#); s. 16(2) in force at 11.5.1998 in so far as not already in force by [S.I. 1998/631, art. 2\(2\)](#)

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#### Marginal Citations

- M1** 1990 c. 19.

**Changes to legislation:**

There are currently no known outstanding effects for the National Health Service (Primary Care) Act 1997, Section 16.