



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### PART I

#### PILOT SCHEMES FOR PRIMARY CARE

##### *General*

#### **16 NHS contracts**

- (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 National Health Service and Community Care Act 1990 and section 17A of the 1978 Act (NHS contracts).

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*Status: This is the original version (as it was originally enacted).*

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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.