



National Health Service (Primary Care) Act 1997

1997 CHAPTER 46

PART II

PRIMARY CARE

Personal medical or dental services

21 Provision of personal medical or dental services.

(1) In the 1977 Act, after section 28B, insert—

“ Provision of personal medical or dental services

28C Personal medical or dental services.

- (1) A Health Authority may make one or more agreements with respect to their area, in accordance with the provisions of regulations under section 28E, under which—
- (a) personal medical services are provided (otherwise than by the Authority); or
 - (b) personal dental services are provided (otherwise than by the Authority).
- (2) An agreement made under this section—
- (a) may not combine arrangements for the provision of personal medical services with arrangements for the provision of personal dental services; but
 - (b) may include arrangements for the provision of services—
 - (i) which are not personal medical services or personal dental services; but

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- (ii) which may be provided under this Part.
- (3) Except to such extent as may be prescribed—
- (a) a patient for whom personal medical services are provided in accordance with an agreement made under this section is not to count as a person for whom arrangements must be made by the Health Authority concerned under section 29;
 - (b) a patient for whom personal dental services are provided under an agreement made under this section is not to count as a person for whom arrangements must be made by the Health Authority concerned under section 35.
- (4) This Act (and in particular section 17) has effect, in relation to personal medical services or personal dental services provided under an agreement made under this section, as if those services were provided as a result of the delegation by the Secretary of State (by directions given under section 13) of functions of his under this Part.
- (5) The functions of a Health Authority in relation to an agreement made under this section are primary functions of the Authority for the purposes of the ^{M1}National Health Service and Community Care Act 1990.
- (6) Regulations may provide—
- (a) for functions which are exercisable by a Health Authority in relation to an agreement made under this section to be exercisable on behalf of the Authority by a Health Board; and
 - (b) for functions which are exercisable by a Health Board in relation to an agreement made under section 17C of the ^{M2}National Health Service (Scotland) Act 1978 to be exercisable on behalf of the Board by a Health Authority.
- (7) For the purposes of this section—
- “personal medical services” means medical services of a kind that may be provided by a general medical practitioner in accordance with arrangements made under Part II; and
- “personal dental services” means dental services of a kind that may be provided by a general dental practitioner in accordance with arrangements made under Part II.

28D Persons with whom agreements may be made.

- (1) A Health Authority may make an agreement under section 28C only with one or more of the following—
- (a) an NHS trust;
 - (b) in the case of an agreement under which personal medical services are provided—
 - (i) a qualifying medical practitioner;
 - (ii) an individual who is providing personal medical services in accordance with section 28C arrangements or section 17C arrangements;
 - (c) in the case of an agreement under which personal dental services are provided—

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- (i) a qualifying dental practitioner;
- (ii) an individual who is providing personal dental services in accordance with section 28C arrangements or section 17C arrangements;
- (d) an NHS employee, a section 28C employee or a section 17C employee;
- (e) a qualifying body.

(2) In this section—

“the 1978 Act” means the ^{M3}National Health Service (Scotland) Act 1978;

“NHS employee” means an individual who, in connection with the provision of services in the health service in England and Wales or Scotland, is employed by—

- (a) an NHS trust;
- (b) in the case of an agreement under which personal medical services are provided—
 - (i) a medical practitioner whose name is included in a medical list kept under this Act or in a corresponding list kept under the 1978 Act; or
 - (ii) a medical practitioner who is providing personal medical services in accordance with section 28C arrangements or section 17C arrangements;
- (c) in the case of an agreement under which personal dental services are provided—
 - (i) a dental practitioner whose name is included in a list prepared in accordance with regulations made under section 36(1)(a) of this Act or section 25(2)(a) of the 1978 Act; or
 - (ii) a dental practitioner who is providing personal dental services in accordance with section 28C arrangements or section 17C arrangements;

“qualifying body” means—

- (a) a company which is limited by shares all of which are legally and beneficially owned by persons falling within paragraphs (a) to (d) of subsection (1); and also
- (b) in the case of an agreement under which personal dental services are provided, a body corporate which, in accordance with the provisions of Part IV of the ^{M4}Dentists Act 1984, is entitled to carry on the business of dentistry;

“qualifying dental practitioner” means a dental practitioner who satisfies the conditions imposed by regulations made under section 28E(2)(b) of this Act or section 17E(2)(b) of the 1978 Act;

“qualifying medical practitioner” means a medical practitioner who satisfies the conditions imposed by regulations made under section 28E(2)(b) of this Act or section 17E(2)(b) of the 1978 Act;

“section 17C arrangements” means arrangements for the provision of services made under section 17C of the 1978 Act;

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“section 17C employee” means an individual who, in connection with the provision of services in accordance with section 17C arrangements, is employed by an individual providing those services;

“section 28C arrangements” means arrangements for the provision of services made under section 28C; and

“section 28C employee” means an individual who, in connection with the provision of services in accordance with section 28C arrangements, is employed by an individual providing those services.”

(2) In the 1978 Act, after section 17B, insert—

“ Provision of personal medical or dental services

17C Personal medical or dental services.

- (1) A Health Board may make one or more agreements with respect to their area, in accordance with the provisions of regulations under section 17E, under which—
 - (a) personal medical services are provided (otherwise than by the Board); or
 - (b) personal dental services are provided (otherwise than by the Board).
- (2) An agreement made under this section—
 - (a) may not combine arrangements for the provision of personal medical services with arrangements for the provision of personal dental services; but
 - (b) may include arrangements for the provision of services—
 - (i) which are not personal medical services or personal dental services; but
 - (ii) which may be provided under this Part.
- (3) Except to such extent as may be prescribed—
 - (a) a patient for whom personal medical services are provided in accordance with an agreement made under this section is not to count as a person for whom arrangements must be made by the Health Board concerned under section 19;
 - (b) a patient for whom personal dental services are provided under an agreement made under this section is not to count as a person for whom arrangements must be made by the Health Board concerned under section 25.
- (4) This Act (and in particular section 2) has effect, in relation to personal medical services or personal dental services provided under an agreement made under this section, as if those services were provided as a result of the delegation by the Secretary of State (by directions given under section 2) of functions of his under this Part.
- (5) Regulations may provide—
 - (a) for functions which are exercisable by a Health Board in relation to an agreement made under this section to be exercisable on behalf of the Board by a Health Authority; and

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(b) for functions which are exercisable by a Health Authority in relation to an agreement made under section 28C of the ^{M5}National Health Service Act 1977 to be exercisable on behalf of the Authority by a Health Board.

(6) For the purposes of this section—

“Health Authority” has the same meaning as in the National Health Service Act 1977;

“personal medical services” means medical services of a kind that may be provided by a general medical practitioner in accordance with arrangements made under Part II; and

“personal dental services” means dental services of a kind that may be provided by a general dental practitioner in accordance with arrangements made under Part II.

17D Persons with whom agreements may be made.

(1) A Health Board may make an agreement under section 17C only with one or more of the following—

- (a) an NHS trust;
- (b) in the case of an agreement under which personal medical services are provided—
 - (i) a qualifying medical practitioner;
 - (ii) an individual who is providing personal medical services in accordance with section 17C arrangements or section 28C arrangements;
- (c) in the case of an agreement under which personal dental services are provided—
 - (i) a qualifying dental practitioner;
 - (ii) an individual who is providing personal dental services in accordance with section 17C arrangements or section 28C arrangements;
- (d) an NHS employee, a section 17C employee or a section 28C employee;
- (e) a qualifying body.

(2) In this section—

“the 1977 Act” means the ^{M6}National Health Service Act 1977;

“NHS employee” means an individual who, in connection with the provision of services in the health service in Scotland or England and Wales, is employed by—

- (a) an NHS trust;
- (b) in the case of an agreement under which personal medical services are provided—
 - (i) a medical practitioner whose name is included in a medical list kept under this Act or in a corresponding list kept under the 1977 Act; or
 - (ii) a medical practitioner who is providing personal medical services in accordance with section 17C arrangements or section 28C arrangements;

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(c) in the case of an agreement under which personal dental services are provided—

(i) a dental practitioner whose name is included in a list prepared in accordance with regulations made under section 25(2)(a) of this Act or section 36(1)(a) of the 1977 Act; or

(ii) a dental practitioner who is providing personal dental services in accordance with section 17C arrangements or section 28C arrangements;

“qualifying body” means—

(a) a company which is limited by shares all of which are legally and beneficially owned by persons falling within paragraphs (a) to (d) of subsection (1); and also

(b) in the case of an agreement under which personal dental services are provided, a body corporate which, in accordance with the provisions of Part IV of the ^{M7}Dentists Act 1984, is entitled to carry on the business of dentistry;

“qualifying dental practitioner” means a dental practitioner who satisfies the conditions imposed by regulations made under section 17E(2)(b) of this Act or section 28E(2)(b) of the 1977 Act;

“qualifying medical practitioner” means a medical practitioner who satisfies the conditions imposed by regulations made under section 17E(2)(b) of this Act or section 28E(2)(b) of the 1977 Act;

“section 17C employee” means an individual who, in connection with the provision of services in accordance with section 17C arrangements, is employed by an individual providing those services;

“section 28C arrangements” means arrangements for the provision of services made under section 28C of the 1977 Act; and

“section 28C employee” means an individual who, in connection with the provision of services in accordance with section 28C arrangements, is employed by an individual providing those services.”

(3) The Secretary of State may not make an order under section 41(3) bringing this section into force unless he is satisfied, having regard in particular to reviews of pilot schemes which have been conducted under section 7, that it would be in the interests of any part of the health service to bring this section into force.

Commencement Information

I1 S. 21 partly in force; s. 21 not in force at Royal Assent see s. 41; S. 21(2)(3) in force at 5.3.2001 (S.) by S.S.I. 2001/58, art. 2

Marginal Citations

M1 1990 c. 19.
M2 1978 c. 29.
M3 1978 c. 29.
M4 1984 c. 24.
M5 1977 c. 49.
M6 1977 c. 49.

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M7 1984 c. 24.

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